

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2015KY042

Name of Service: Listowel Childcare

Address of Service: Curraghtoosane, Ballybunion Road, Listowel, Co. Kerry

Eircode: V31 AD79

Name of Registered Provider: Sean O'Mahony

Service type: Full Day, Part Time, Sessional

Date(s) of Inspection: 13/08/2024

Date 2 of Inspection: 14/08/2024

No of pre-school children:	AM	63	PM	52
Day 2	AM	52	PM	45

Address of the Early Years Inspectorate: Áras an Pobail, Deans Lane, Tralee, Co. Kerry.

Inspection undertaken by: N. Reidy

Title: Early Years Inspector

Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

Conditions if applicable N/A

Description of service

Listowel Childcare is a privately owned early years service that provides full day care, part-time and sessional care, catering for children between the age of 0 to 6 years. The service operates between the hours of 7:30 am and 6 pm Monday to Friday. The building is a purpose-built facility with a total of 6 playrooms allocated to early years children, 5 in the main building and the 6th in the cabin. The service does not provide school aged care. There are designated enclosed outdoor play areas situated to the rear and to the front of the building that are available and accessible to the children attending the service.

Staffing

Currently, there are 32 adults employed by the service, 29 of whom currently work directly with the children. Each of the 29 adults have attained a relevant award in Early Childhood Care and Education. The registered provider does not work in the service with the children.

Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child/ safety, premise. The inspections may also focus on other areas as required.

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings.

Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re-occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

Additional Information

An Immediate Action Notice was issued to the Registered Provider in respect of the temperature of the warm water recorded between 55 and 57 degrees Celsius at the sinks in the children's sanitary accommodation located upstairs. The registered provider submitted a written response outlining the measures taken to eliminate the concern identified.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the designated person in charge, the deputy in charge, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,

(c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and

(d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Compliance Information

(a) The registered provider had ensured that both a designated person in charge and a deputy person in charge was assigned to the setting.

(b) When the unannounced inspection commenced, the deputy in charge remained available to assist with the inspection process on day 1 of the inspection and both the designated person in charge and the deputy assisted on day 2.

(2) The recruitment records in relation to each of the 32 adults attached to the service were inspected.

(a) 37 references were from previous employers with records of validation were on file.

(b) 27 references were from sources other than previous employers with records of validation on file.

(c) Garda vetting was on file for each of the 32 adults. The service had demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years in respect of each of the applicable adults.

(d) Police vetting was on file in respect of 9 adults who had lived outside the jurisdiction for a period of longer than 6 consecutive months.

(4) The staff members working directly with the children had achieved major awards in Early Childhood Care and Education, as listed on the National Framework of Qualifications (NFQ) or a qualification deemed by the Minister to be equivalent, with copies of the relevant qualifications and associated paperwork maintained on file.

Non-Compliance Information

(2)

(d) Police vetting was not on file for 1 adult who required it.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The county childcare committee were contacted for assistance in the application for the Police vetting. The files will be checked annually to ensure all vetting including Police vetting where applicable in held on file.

Supporting documentation submitted

Police vetting in respect of the 1 adult who required it.

Summary Comment

The requirement has been met.

Part III – Management and Staff

Regulation 11 - Staffing levels

(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.

(2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.

(8) Without prejudice to paragraphs (2) to (7)-

(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,

Compliance Information

(1)

The registered provider did ensure that an adequate number of adults were working directly with the children at all times.

(2)

The 6 care rooms as listed hereunder were in operation on the 2 days of the inspection: -

Acorn room

On 13/8/'24 there were 2 adults caring for 4 children aged between 0 and 1 years, attending on a part-time full day care basis.

On 14/8/'24 there were 2 adults caring for 6 children aged between 0 and 2 years, (4 children were aged under 1 year and 2 children were aged between 1 and 2 years), 1 child attending on a sessional basis and 5 children attending on a full day care basis.

Cherry Room

On 13/8/'24 there were 2 adults caring for 10 children aged between 1 and 2 years, 1 child attending on a sessional basis and 9 children attending on a full day care basis.

On 14/8/'24 there were 2 adults caring for 5 children aged between 0 and 3 years, 1 child was aged under 1 year, 1 child was aged between 1 and 2 years and 3 children were aged between 2 years and 3 years. 4 children were attending on a full day care basis and 1 child was attending on a sessional basis.

Blossom Room

On 13/8/'24 there were 3 adults caring for 9 children aged between 1 and 5 years, 1 child was aged between 1 and 2 years, 6 children were aged between 2 and 3 years and 2 children were aged between 3 and 6 years. There were 7 children attending on a full day care basis and 2 children on a sessional basis.

On 14/08/'24 there were 2 adults caring for 3 children aged between 2 and 3 years, 1 child attending on a sessional basis and 2 children attending on a full day care basis.

Willow Room

On 13/8/'24 there were 3 adults caring for 13 children aged between 2 years and 6 years, 12 children attending on a part-time and full day care basis and 1 child attending on a sessional basis.

On 14/8/'24 there were 3 adults caring for 16 children aged between 2 and 6 years, 2 children attending on a sessional basis and 14 children attending on a full day care basis.

Maple Room

On 13/8/'24 there were 3 adults caring for 18 children of whom 3 children were school aged and 15 children aged between 2 years and 6 years. There were 16 children attending on a full day care basis and 2 children attending on a sessional basis.

On 14/8/'24 there were 3 adults caring for 10 children aged between 3 years and 4 years, 8 children attending on a part-time full day care basis and 2 children attending on a sessional basis.

Oak Room (cabin)

On 13/8/'24 there were 3 adults caring for 9 children of whom 2 children were school aged and 7 children were aged between 3 and 5 years, all attending on a full day care basis.

On 14/8/'24 there were 2 adults caring for 12 children of whom 6 children were school aged and 6 children were aged between 4 and 6 years, all attending on a part-time and full day care basis.

The adult child ratio was correct.

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, welfare and development of child

(1) A registered provider shall, in providing a pre-school service, ensure that-

(a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and

Compliance Information

- The staff caring for the children on inspection were observed to be kind, caring and attentive to children's individual needs.
- The inspector observed the staff facilitating some children settling into the various care rooms for periods of time, this was carried out in an unhurried, re-assuring manner for the children.
- The mealtimes observed were unhurried, the children had ample time to eat their food at their own pace.
- The tables were covered with vinyl tablecloths. The children sat at the low-level tables on the low-level chairs.
- Feeding chairs for the younger children were provided.
- The staff assisted the children with feeding and encouraged self-feeding for the children who were able to.
- The inspector observed children were given the option to eat the main meal when they wanted to, for example when the larger group of children in the room had finished.
- The children were praised for their efforts for example taking their plates and cups to the sink when finished and for using the toilet and handwashing independently under adult supervision.
- The children's individually labelled drinks were accessible to them during the day and water was re-filled as was required.
- The staff were observed to issue gentle reminders to the children, "no walking about whilst eating food".

- The children had unrestricted access to the toilets during the day.
- The staff facilitated the children's needs to use the toilet in a prompt manner, for example children from the Willow room were exiting the building to the outdoor play area and the staff member accompanied the child back to the room to use the toilet.

Part VI - Safety

Regulation 23 - Safeguarding health, safety and welfare of child

A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.

Compliance Information

General Safety:

- The external doors were appropriately secured to prevent children from exiting unsupervised and to restrict unauthorised access in.
- Cleaning products used were stored out of the reach of the children.

Infection Control:

- The linen used for the cots and beds was observed to be clean and dry and was individual to each child.

Safe Sleep:

- The children who required to rest and sleep on the day of inspection were accommodated in the standard cots in the sleep rooms and on stackable beds appropriate to the children's age and stage of development.

Non-Compliance Information

General Safety:

1. The temperature of the warm water at each of the sinks in the upstairs children's sanitary accommodation was recorded between 55 and 57 degrees Celsius posing a risk of scalding.
2. The temperature of the warm water at the low-level wash hand basin used by the children in the Oak room was recorded at 44 degrees Celsius posing a risk of scalding.
3. The space between the top of the mattress and the top of the cot was not at least 50 cm for 1 cot that was in use in the sleep room serving the Blossom room posing a risk of injury to children.
4. There were some of the children's books in the Blossom room that were torn posing a risk to children of choking on the small pieces.
5. An unsecured low-level cupboard in the Blossom room stored rolls of plastic bags and plastic aprons accessible to children posing a risk of injury.
6. There were 2 low level stools located in the "making station" in the Blossom room. The legs of the stools were loose and not adhered to the seats securely posing a risk of injury to children.

7. In the Oak room the unsecured door to the storeroom that was located near the children's sanitary accommodation there was an open box of bottles of medications and bottles of sunscreens and staff handbags posing a risk of injury to children.
8. In the Acorn sleep room, the spindles on the side of 1 cot were broken posing a risk of injury to children.
9. A slat at the base of 1 cot in the Cherry room sleep room was broken posing a risk of injury to children.
10. Within the grassed outdoor areas there was broken seating, a plastic container that was cracked, a cracked plastic sink in the mud kitchen and briars with thorns protruding through the boundary hedging posing a risk of injury.
11. Some low-level glazed panels in the childcare rooms did not have visibility strips posing a risk to children of a collision injury.
12. Within the "art corner" in the Willow room the legs of 1 stool were loose and not secured to the seat posing a risk of injury to children.
13. There were gaps in some areas of the soft matting in the designated outdoor play areas posing a trip hazard to the children.

Infection Control:

14. An unsealed box of children's clothing was stored in the sanitary accommodation serving the Blossom room posing a risk of cross infection.
15. The cloth upholstery on chairs within the rest areas in the Maple and Willow rooms was not clean posing a risk of cross infection.
16. The ceiling vents in the sanitary accommodation serving the Willow room were unclean posing a risk of cross infection.
17. There were play materials stored in bags and crisps stored in the lobby of the sanitary accommodation serving the Willow room posing a risk of cross infection.
18. Some of the toys in the outdoor play area were unclean, for example the activity unit and the interior of the ride on cars.
19. The cots and stackable used by children to sleep and rest on the day of inspection were not spaced 50cm apart in the sleep room serving the Cherry room and the sleep room serving the Blossom room posing a risk to children of cross infection.

Safe Sleep:

20. On review of the electronic files maintained, 10-minute sleep checks were not documented for a child sleeping from 12:19 pm to 12:44 pm in the Acorn room posing a risk to the sleeping child.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. A plumber was contacted immediately, a controlled mixing valve was installed to regulate the temperature. The temperature was set not to go over 43 degrees Celsius. A staff meeting was held the staff were instructed to report any issues about the risk of hot water. The manager will do morning checks on the hot water taps.
2. A plumber was contacted immediately, a controlled mixing valve was installed to regulate the temperature. The temperature was set not to go over 43 degrees Celsius. A staff meeting was held the staff were instructed to report any issues about the risk of hot water. The manager will do morning checks on the hot water taps.
3. The cot was fixed to ensure there is 50 cm from the top of the cot. The manager will complete weekly checks ensuring that all cots are up to the safety standard for children.
4. The books have been removed. The staff have been instructed to carry out daily checks on items in the room and remove any items that pose a risk to children.
5. The black bags and aprons have been removed from the low-level cupboard. The staff have been instructed to carry out daily checks on items in the room and remove any items that pose a risk to children.
6. The stools were removed and replaced with 2 chairs. The staff have been instructed to carry out daily checks on items in the room and remove any items that pose a risk to children.
7. The door to the sanitary accommodation is locked and the key is placed out of the children's reach. The bottles of medications, bottles of sunscreens and the staff handbags are stored in the locked cupboards.
8. The cot with the broken spindles has been fixed. The staff have been instructed to label a cot that is not in use until maintenance has fixed it, to carry out daily checks on items in the room and remove any items that pose a risk to children.
9. The slat on the cot has been fixed. The staff have been instructed to label a cot that is not in use until maintenance has fixed it, to carry out daily checks on items in the room and remove any items that pose a risk to children.
10. The broken chair and the cracked boxes have been removed, the hedge with the briars and thorns has been cut back. A staff member has been assigned to carry out weekly checks on the green area.
11. The visibility strips are installed. The staff have been instructed to ensure that the glass panels always have visibility strips.
12. The stool has been secured. The staff have been instructed to carry out daily checks on the items in the room.
13. All the areas of the soft matting with gaps on the premise have been filled with a mix of sand and gravel.

Infection Control:

14. The box of sun hats box has been removed from the sanitary area.
15. The chair covers in both rooms have been washed.
16. The vent has been cleaned.
17. The items in the sanitary accommodation have been removed, the staff were informed not to store toys and food in there. The infection control policy and requirements are to be reviewed.
18. The outdoor play area and toys have been washed and cleaned. The staff were informed to review and follow the outdoor cleaning schedule.
19. The cots and stackable beds in both sleep rooms have been measured to have 50 cm between them.

Safe Sleep:

20. The staff have been instructed to ensure that children sleeping are checked every 10 minutes and document the checks. After a staff meeting the staff reviewed the Safe Sleep Policy.

Supporting documentation submitted

General Safety:

- 1.& 2. The statements, a written report of the work carried out by the plumber and photographs of the temperature of the warm water readings under 43 degrees Celsius at each of the wash hand basins in question.
3. The statement is accepted as evidence.
4. The statement is accepted as evidence.
5. The statement is accepted as evidence.
6. A photograph demonstrating the 2 chairs that were replaced for the stools removed.
7. Photographs of the items re-located to cupboards and the door to the said room locked with the key stored on a high-level hook on the wall near the door.
8. A photograph of a cot with all spindles intact.
9. A photograph of a cot with the slats intact.
10. The statements and a photograph are accepted as evidence.
11. Photographs demonstrating the visibility strips in place on the low-level glazed panels in the childcare rooms.
12. The statement is accepted as evidence.
13. Photographs of the soft matting squares with the sand and gravel in place in areas where the gaps were. A checklist for the weekly checks on the outdoor matting.

Infection Control:

14. The statement is accepted as evidence.
15. The statement is accepted as evidence.
16. The statement and a photograph of 1 clean ceiling vent is accepted as evidence.
17. The statement and a photograph demonstrating the area no longer has the said items stored there.
18. The statement, a copy of the cleaning template used for the outdoor area and a photograph of a selection of clean toys is accepted as evidence.
19. The statement is accepted as evidence.

Safe Sleep:

20. The statement is accepted as evidence.

Summary Comment

The requirement has been met.

Part VI - Safety

Regulation 25 - First aid

(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.

(2) A registered provider shall ensure that a suitably equipped first aid box for children-

(a) is safely stored in an easily accessible and conspicuous position on the premises, and

(b) is available to the children attending the pre-school service at all times.

Compliance Information

- (1) The registered provider ensured that there were staff available at all times with appropriate first aid responder (FAR) training. The FAR certifications indicated that 22 staff members held current up to date training.
- (2) (a) There was a suitable equipped first aid box available to the children attending. The boxes were stored at a high level out of the reach of the reach of the children.
- (b) The first aid equipment was available to the children at all times.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are-

- (b) safe and secure,*
- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required,*

Compliance Information

(b) the premise was safe and secure.

Non-Compliance Information

(c) There was one enclosed light in the upstairs sanitary accommodation/nappy changing room, the lighting was not adequate in the nappy changing section to carry out nappy changing.

(d)

1. The water was very slow to drain out from the low-level wash hand basin in the Cabin care room.
2. Some of the play materials that were mounted on the music wall in the outdoor play area serving the Acorn room had rusted.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(c) The light was installed in the changing room upstairs between the willow and maple rooms.

(d)

1. The wash hand basin has been cleaned and fixed. At a staff meeting the staff were instructed to report any wash hand basin that is not operating correctly.
2. The toys on the music wall have been removed. The manager and the staff will conduct weekly checks on all outdoor items.

Supporting documentation submitted

(c) A photograph of the light installed.

(d)

1. The statement is accepted as evidence.
2. A photograph of the items removed from the music wall and the statement is accepted as evidence.

Summary Comment

The requirement has been met.