

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KY076
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Name of Service:	Happy Valley Childcare
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Address of Service:	St Josephs National School, Castlemaine, Co. Kerry
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Eircode:	V93 R273
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Name of Registered Provider:	Tommy Griffin
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Service type:	Full Day
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Date(s) of Inspection:	29/08/2023
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No of pre-school children:	AM	22	PM	07
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Address of the Early Years Inspectorate:	Áras an Phobail, 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
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Description of service

Happy Valley Childcare is a community based early years service that is registered to provide sessional, part-time and full day care to children aged between 2 years and 6 years. The service operates between the hours of 7:45 am and 6 pm Monday to Friday inclusive. The session runs from 9 am to 12 mid-day. The service consists of 1 playroom in a prefabricated structure located on the grounds of the National school. There is a designated enclosed outdoor play area located to the rear of the building that is available each day to the children at alternate times to the school aged children.

Staffing

There are 7 adults employed in the service. This includes 2 adults employed under the Access and Inclusion Model (AIM) Support Scheme and the registered provider, who 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/ premises and facilities. 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

The service was found to be operating outside its registration status, it was operating from a prefabricated building which has not been registered. The inspector was informed by the person in charge that the service commenced operating in the prefabricated premise on 28/08/'23.

An Immediate Action Notice was issued to the service in respect of no firefighting equipment and no smoke alarms in the premises. A response was received on the 30/08/'23 from the registered provider stating that the firefighting equipment was installed and accompanying certification and further correspondence on 31/08/'23 stating that the fire alarm system was commissioned in the service with accompanying certification.

A referral was sent to the Fire Officer in relation to the service operating in the prefabricated building and no firefighting equipment and smoke alarms in place in the service.

A referral was sent to the Environmental Health department in relation to the relocation of the service who are preparing and serving food on the premise.

Acknowledgments

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

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

Non-Compliance Information

- (1) The service was founded to be operating outside the terms of its registration status in a prefabricated building consisting of 1 playroom, sanitary accommodation, an office and a kitchenette.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (1) Not stated.

Summary Comment

A change in circumstance had been submitted by the registered provider to Tusla on August 24th, 2023. The service subsequently failed to provide the following documentation: Planning Permission for service, Fire Safety Certificate for service, confirmation the additional children are attending the current room, confirmation on sanitary accommodation to cover 26 children, Insurance to cover 26 children. The application to change circumstances was closed on October 6th, 2023, as incomplete. Following this, the service was escalated to the service operating outside registrations status process within Tusla. This will be reviewed at the next 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.

(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

(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

(2) The person in charge confirmed that 8 adults were employed in the service, therefore recruitment records in relation to these 8 adults were reviewed.

- (a) 7 written validated references were on file from a past employer.
- (b) 5 written validated references were on file from a source other than a past employer.
- (c) A Garda Vetting Disclosure was on file for each of the 8 adults.
- (d) Police Vetting was on file for 1 adult who had resided outside the jurisdiction for a period of longer than 6 consecutive months.

(4) The adults working directly with the children had attained Quality Qualifications Ireland (QQI) in childcare training at Level 5 and above.

Non-Compliance Information

(2)(a)

1. Records of validation were not on file for 10 of the 12 references.
2. 4 written validated references were not on file for 3 adults (2 references for 1 adult and 1 reference each for 2 adults).

(d) Police Vetting was not on file for 1 adult who had resided outside the jurisdiction for a period of longer than 6 consecutive months.

(3) The procedures specified in paragraph (2) were not carried out in respect of references, validation of references and Police Vetting prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

Corrective & Preventive Action submitted by the Registered Provider

The designated person in charge stated that: -

Corrective and Preventive Action

(2)(a)

1. The 10 references were validated.
2. The 4 validated references were obtained.

(d) International Police Vetting has been secured for the 1 adult.

(3) All staff files have been checked to ensure that validated references, Garda Vetting and Police Vetting where applicable are held on file in respect of all adults working in the service.

The staff files will be reviewed on an annual basis to ensure that the necessary documents as required are held on file.

Supporting documentation submitted

(2)(a)

1. The 10 validation records were received.
2. The 4 validated references were received.

(d) Police Vetting in respect of 1 adult was received.

Summary Comment

The requirement for this regulation 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) There were 4 staff caring for 22 children on the day of the inspection. There were 19 pre-school children aged between 2 years 6 months and 5 years and 3 school aged children, 20 children were attending on a sessional basis and 2 children attending on a part-time basis.

The adult child ratio was correct.

(8)(a) The registered provider did ensure that 2 adults are on the premises during the hours of operation.

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

BASIC NEEDS

- There was a range of play materials and equipment available to the children on the low-level open shelving units and on the floor. The person in charge informed the inspector that additional toys stored in the office would be rotated for the children.
- The children had free movement in the playroom during the session.
- The service offer breakfast and a main hot meal for children attending on a part-time full day care basis.
- A Healthy Eating Policy is in place in the service and a copy is furnished to all parents/guardians of the children attending.
- The children had unrestricted access to the toilets that were located outside of the playroom.
- The children attending had access to an outdoor play area at allocated times to the national school children. The area consisted of soft matting throughout and a variety of fixed play equipment. The person in charge informed the inspector that the service plan on constructing an enclosed outdoor area alongside the prefabricated building and a shed will be provided for outdoor toys and equipment.

Part V - Care of Child in Pre-school Service

Regulation 20 – Facilities for rest and play

(1) Subject to this regulation, a registered provider shall ensure that-

(b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

Compliance Information

- (1) A designated rest area consisting of 2 small vinyl couches was in place in the playroom. There were 2 stackable beds with appropriate linen stored in a sealed box on the premises.

Non-Compliance Information

1. The designated rest area furnished with 2 small vinyl couches was inadequate for the number of children attending the service.

Corrective & Preventive Action submitted by the Registered Provider

The designated person in charge stated that: -

Corrective and Preventive Action

1. There has been 2 bean bags and 2 double pillows ordered for the rest area. Children will be encouraged to avail of the soft seating on a regular basis and as deemed.

Supporting documentation submitted

1. A photograph of the rest area with the additional rest facilities was submitted.

Summary Comment

The requirement for this regulation has been met.

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 fire exit door located in the playroom was unobstructed.

Infection Control:

- A fridge was available in the kitchen to store perishable food items.
- A washing machine was available on site for use by the service.

Non-Compliance Information

General Safety:

1. On arrival to the premise the main entrance door was not secured to prevent unauthorized persons entering the premise and to prevent children gaining unsupervised access out to the school yard, the carpark and the roadway.
2. The unalarmed fire exit door located in the playroom had a low-level push bar device to open it. The door opened out to the rear of the building, to the carpark and to the roadway.
3. The door of the kitchenette that was located within the playroom was not secured posing a risk to the children of injury from electrical items such as the microwave, the cooker and a risk to children of poisoning from cleaning agents that were accessible.
4. There were open plastic bags of nappies, plastic aprons and open containers of antibacterial wipes accessible on the low-level shelving of the nappy changing unit in the girl's sanitary accommodation posing a risk of suffocation and poisoning to children.
5. The temperature of the hot water was not thermostatically controlled to a temperature no greater than 43 degrees Celsius at the wash hand basins posing a risk to children of scalding. The water temperature was found as follows: -
 - Boys' sanitary accommodation recorded at 47.2 degrees Celsius.
 - Girls' sanitary accommodation recorded at 44 degrees Celsius.
6. There was 1 large child sized table used by the children on the day of the inspection, its legs were unsteady, not secure on the floor posing a risk to children of falling over causing injury.

7. There were unsecured cables under the low-level touchscreen monitor within easy reach of the children posing a risk to children of strangulation.
8. There were a number of dressings in the first aid box that had expired in March 2023, they were not suitable for children's use in the event of the need.
9. The outer gate surrounding the allocated play area for children's use was not secured to prevent unauthorised persons from entering the area when in use. It was acknowledged the person in charge informed the inspector that she had a lockable device for it, but she could not find it.

Infection Control:

10. There was no liquid hand soap at the wash hand basins in the children's sanitary accommodation which would impede effective hand washing and increase the risk of the spread of infection.

Fire Safety:

11. There was no firefighting equipment and smoke alarms supplied on the premise.

Action submitted by the Registered Provider

The designated person in charge stated that: -

Corrective & Preventive Action

General Safety:

1. The main entrance door was secured on 10/09/'23.
2. The fire exit door was alarmed on 22/9/'23.
3. The door of the kitchenette was secured on 18/09/'23.
4. The items were placed on a high-level shelf.
5. The plumber set the thermostat on the boiler for the warm water in the bathroom that is 36 degrees Celsius.
6. The table was discarded.
7. The cables were secured on 14/9/'23 and cannot be reached by the children.
8. The first aid box is re-stocked, all out of date items have been replaced. The first aid box will be checked on a monthly basis by a designated person.
9. The outdoor gate was secured on 01/9/'23.

Infection Control:

10. The liquid soap is located next to the wash hand basins in both toilets on 30/08/'23.

Fire Safety:

11. The firefighting equipment was put in place in the service on 30/08/'23 and the fire alarm was installed on 31/08/'23.

Supporting documentation submitted

General Safety:

1. A photograph of the secured door. Further correspondence received from the person in charge informed that an electronically controlled system is due to be installed on the main entrance door on 28/10/'23.
2. A photograph of the alarmed fire door.
3. A photograph of a high-level device in place to secure the door was submitted.
4. The statement is accepted as evidence.
5. The statement is accepted as evidence.
6. The statement is accepted as evidence.
7. A photograph of the secured cables was submitted.
8. The statement is accepted as evidence.
9. A photograph of the secure gate was submitted.

Infection Control:

10. A photograph of the soap located near the wash hand basins was submitted.

Fire Safety:

11. Documentation in respect of the firefighting equipment and the fire alarm system installed on the premises together with photographs in respect of same were submitted.

Summary Comment

The requirement for this regulation has been met. The above will be the subject of review on the next inspection

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) There were 4 adults who had completed First Aid Responder training working in the service. The service had on file the certifications in respect of 3 adults and there was evidence on file for the 4th adult's completed training dates who was awaiting the final certification to be issued.

(2)(a) The first aid box was stored in the office.

(b)The first aid box was accessible to the adults and was out of the reach of the children.

Non-Compliance Information

(2) (a) The first aid box was not adequately stocked with the items listed hereunder: -

- 2 individually wrapped sterile unmedicated wound dressings (medium).
- 3 individually wrapped sterile unmedicated wound dressings (extra-large)
- 6 individually wrapped sterile unmedicated wound dressings (large)-
- 20 individually wrapped disinfectant wipes.
- 1 Pocket face mask
- Water burns dressings (1 small and 1 large)
- Crepe bandages (2)

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(a) The first box out of date items have been replaced. It will be checked on a monthly basis by a designated person.

Supporting documentation submitted

(2)(a) The statement is accepted as evidence.

Summary Comment

The requirement for this regulation has been met.

Part VI - Safety

Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-
- (a) any fire drill that takes place in the premises, and
 - (b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

Compliance Information

- (1)(a) There was a template to record the monthly fire drills. The last recorded fire drill was 23/06/'23.
- .
- (4) A notice of procedures to be followed in the event of a fire was available in the office.

Non-Compliance Information

- (1)(b) There was no record on file in respect of firefighting equipment and smoke alarms maintenance as the said equipment was not installed in the premise. It was acknowledged that documentation in respect of the firefighting equipment put in place in the service was received on 30/08/'23 and for the commissioning of the fire alarm system was received on 31/08/'23.
- (4) The notice of procedures to be followed in the event of a fire was not displayed in a conspicuous position in the premise.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- 1(b) The firefighting equipment was put in place in the service and the certifications for these were submitted.
4. The notice has been placed in the hallway.

Supporting documentation submitted

- 1(b) The records of the fire fighting and fire alarm system installed was submitted.
4. A photograph of the notice of the procedures to be followed in place in the hallway was submitted.

Summary Comment

The requirement for the regulation has been met.

Part VI - Safety

Regulation 28 - Insurance

A registered provider shall ensure that the pre-school service is adequately insured.

Compliance Information

An insurance certificate was on file which detailed that up to 22 children were insured to attend as the service type, Full Day Care.

Non-Compliance Information

The expiry date was not stated on the insurance certificate and the insurance company were not notified regarding the change of premise to the prefabricated building, the inspector was informed by the person in charge.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The insurance company was requested to send amended insurance certification for the building.

Supporting documentation submitted

The updated insurance certificate with the date of commencement as 14/09/'23 and expiry 27/03/'24 was submitted.

Summary Comment

The service informed the insurance company that the change in circumstances has not to date been approved by the early years inspectorate.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

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

- (a) of sound and stable structure,*
- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

Compliance Information

(a) From a visual inspection the premise was of sound and stable structure.

(c)

- There was natural lighting in each of the rooms supplemented by artificial lighting. There were 5 strip lights in the playroom and 1 strip light in the entrance /cloakroom area.
- There were thermostatically controlled high level wall mounted heaters, 1 serving the playroom and 1 in the office. The person in charge informed the inspector that the service plan to install high level electric heaters in each sanitary unit.
- The air temperatures were recorded as follows: -
 - Playroom was 21 degrees Celsius
 - Boys sanitary accommodation and girls sanitary/nappy changing facilities was 20 degrees Celsius.

(d) From observation on the day of the inspection the premise, play equipment and furniture appeared to be clean and in a good condition.

(e) There were 2 toilets and 2 wash hand basins located separately to the playroom. A nappy changing unit was in place in the sanitary accommodation allocated to the girls.

There was 1 toilet and 1 wash hand basin located within the National school available for the adult's use.

Non-Compliance Information

(d)

1. The door for the boy's toilet was not closing properly, it was catching on the floor.
2. The small gate in the allocated outdoor play area was not closing in full.

(e) There was no wash hand basin provided to serve the nappy changing unit.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(d)

1. The door was fixed.
2. The outdoor gate was secured.

(e) The wash hand basin was installed.

Supporting documentation submitted

(d)

1. A photograph of the door with a high-level closure device was submitted.
2. A photograph of the secured gate was submitted.

(e) A photograph of the wash hand basin installed was submitted.

Summary Comment

The requirement for the regulation has been met.