

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015KY086				
<b>Name of Service:</b>	Na Leanai Childcare Service				
<b>Address of Service:</b>	Dromkeen West, Causeway, Co. Kerry				
<b>Eircode:</b>	V92 YW73				
<b>Name of Registered Provider:</b>	Brendan O'Sullivan				
<b>Service type:</b>	Full Day				
<b>Date(s) of Inspection:</b>	02/07/2024				
<b>No of pre-school children:</b>	<table border="1"> <tr> <td>AM</td> <td>53</td> <td>PM</td> <td>18</td> </tr> </table>	AM	53	PM	18
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<b>Address of the Early Years Inspectorate:</b>	Áras an Phobail, Deans Lane, Tralee, Co. Kerry.				
<b>Inspection undertaken by:</b>	N. Reidy				
<b>Title:</b>	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).

<b>Conditions if applicable</b>	N/A
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### Description of service

Na Leanaí Childcare is a community based early years service that is registered to provide sessional, part-time and full day care to children aged between 0 and 6 years. The service is open Monday to Friday between the hours of 7:45 am and 6:30 pm. The premise is purpose built and consists of 3 care rooms, 2 on the ground floor and 1 on the first floor. The children attending have access each day to a designated fully enclosed outdoor play area.

### Staffing

There are currently 24 adults attached to the early years service, 22 of whom are involved in the direct care of the children. The registered provider is not service based and does not work directly with the children who attend the setting. There is a designated adult working in the kitchen to prepare the food.

### 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

Since the last inspection the service has extended the creche and installed sanitary accommodation for the children's use in the outdoor play area.

### 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

The service was found to be operating the unregistered extension to the creche. The registered provider had commenced the proposed change in circumstances process to inform the inspectorate of the additional space and an increase in the numbers of children to be accommodated in the service. However, the service was not sanctioned to operate the unregistered addition.

### Corrective & Preventive Action submitted by the Registered Provider

#### **Corrective and Preventive Action**

The proposed change in circumstances was applied for on June 5<sup>th</sup> 2024, awaiting on a visit to follow up on the request. There will be no further extensions to the building in the future.

#### **Supporting documentation submitted**

The proposed change in circumstance application.

### Summary Comment

The proposed change has been approved. The requirement has been met.

### 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

- (1)
- (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 person in charge and the deputy were on duty at the service. Both adults remained available to assist with the inspection process.
- (2) The recruitment records in relation to each of the twenty-four adults attached to the service were inspected.
- (a) Thirty-one references were from previous employers with records of validation were on file.

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

(c) Garda vetting disclosures had been obtained for each of the twenty-four adults. However, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under regulation 23 of this report.

(d) Police vetting was available in respect of one adult who had lived outside the jurisdiction.

(4) Twenty-two of the staff members had achieved major awards in Early Childhood Care and Education, as listed on the National Framework of Qualifications (NFQ), with copies of the relevant qualifications maintained on file. Qualifications were not required in respect of the registered provider who was not working with the children in the service.

## Non-Compliance Information

(2)(d)

1. Police vetting was not on file for two adults who had lived outside of the jurisdiction for a period of longer than 6 consecutive months.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

Police Vetting was applied for both staff members from the relevant countries. All new staff that have lived or previously worked in another country have Police vetting before the start date in the service.

### Supporting documentation submitted

Police Vetting in respect of the two adults.

## 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) There were 3 care rooms in operation on the day of the inspection namely the creche, pre-school 1 upstairs and pre-school 2 downstairs.

#### Creche

There were 7 staff caring for 21 children aged between 10 months and 3 years. There were 4 children aged under 1 year cared for by 2 staff in the newly extended section in the creche. The remaining 17 children aged between 1 and 3 years were cared for by 5 adults.

#### Pre-school 2

There were 3 staff caring for 18 children aged between 3 years and 5 years, 8 children attending on a sessional basis, 10 children attending on a full day care basis.

#### Pre-school 1

There were 2 staff caring for 14 children aged between 2 years 6 months and 5 years, the children present were attending on a part-time and full day care basis.

The adult child ratio was correct.

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

## Part IV – Information and Records

### Regulation 15 – Record of pre-school child

*(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:*

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

### Compliance Information

- (1) A record was available in respect of the children attending the service. The sample of eighteen records inspected had the detail of (a) to (i) inclusive

### 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 were observed to respond to individual children's cues for nappy changing and to use the toilet.
- Nappies were changed as necessary and in a timely manner.
- The children were observed to have unrestricted use of the toilet. Since the last inspection the service had installed 2 toilets and 2 wash hand basins with warm water in the outdoor play area.
- There were picture reminders displayed to support children with their personal care, for example hand washing signs displayed near the wash hand basins.
- The inspector was informed that staff work with the parents in relation to children's individual sleep needs and sleep patterns.
- On the day of the inspection children's individual needs for rest and sleep facilities during the session were observed to be met.
- The children attending the service had opportunities to move about freely in the care rooms and in the outdoor play area.
- There was soft matting provided for the younger children to crawl and explore the environment, these children were accommodated in the newly constructed extension to the creche, a child safety gate separated the area from the rest of the room.
- Children's individual mobility equipment was available, accessible and used during the session. The staff were observed encouraging and praising the child when mobilizing and the inspector was informed of the progress the child was making demonstrating this with photographs taken in the indoor and outdoor areas.
- The outdoor area was in use all throughout the day. The children from each care room had a designated area allocated to them. There was a variety of surfaces that included soft matting surfaces, grass and concrete and spacious sheltered sections. Children were on the tractors and tricycles, on the swings, tabletop activities for example working with playdough and painting, playing ball and with the parachute.

There were playhouses, resourced toy kitchens and slides. A planting area was provided to grow a variety of fruit and vegetables.

### Part V - Care of Child in Pre-school Service

#### Regulation 22 – Food and drink

*A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.*

#### Compliance Information

- The parents of the children attending provide the food served for some of the meals served and they have the option of availing of the main hot meal provided by the service each day.
- The main meals are supplied by an outside catering company and re-heated, portioned and served to the care rooms by a designated person employed in the kitchen.
- Some children attending on inspection had a hot meal offered to them. The food observed on inspection included porridge, bread rolls, toast, and a selection of fruit, chicken curry, sandwiches, chicken stew, fish served with vegetables and beans on toast.
- The meals and snacks provided were of appropriate texture for the younger children.
- The perishable food items were stored in the allocated fridges.
- The children had access to water and milk during the day. The inspector observed the younger children were fed their bottles of milk sitting on the staff laps and the older children has access to water both in the care rooms and in the outdoor play area.
- The younger children were placed in feeding chairs for mealtimes and the older children sat on the low-level chairs at the low-level tables. A specialized individual chair observed was used for a child at mealtimes.

### 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 door was appropriately secured to prevent children from exiting the building unsupervised and to restrict unauthorised persons from gaining access into the building. A buzzer entry system was in place at the main entrance for parents, guardians and visitors to the centre.
- The emergency exit doors were observed to be unobstructed.
- The outdoor play area was secured with fencing, walls and gates.
- The staff recorded children's sleep checks every 5 minutes. A record of the children's colour, breathing and position was recorded.

##### Infection Control:

- The nappy changing unit in use on the day of inspection, the surrounds and the changing mat was observed to be clean and dry. The areas and mat were sanitised down after each nappy change.
- For nappy changing the staff wore single-use disposable gloves and single use disposable aprons which were removed after each use. The staff washed their hands and assisted the children to wash their hands afterwards.
- The children's toiletries were individually labelled.

#### Non-Compliance Information

##### General Safety:

1. Garda vetting disclosures were available for twenty-four adults. However, two Garda vetting disclosures were not dated within the previous three years in adherence with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.
2. The white open shelving unit in the Creche extension area was not secure posing an injury risk to children.

##### Infection Control:

3. Labelled milk bottles with teats attached stored in the creche fridge were uncovered posing a risk of cross contamination.
4. The waterproof mattress protectors on the cots were shared by the children, they were not individual to each child posing a risk of cross contamination and the spread of infection.
5. The minimum 50 cm space between the cots in the sleep room was not maintained increasing the risk of cross contamination and the spread of infection.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

1. Garda vetting was applied for and received for both staff members.
2. The shelf has been attached to the wall making it secure.

##### Infection Control:

3. All milk bottles will have covers on them from the day of the inspection onwards.
4. Waterproof mattress protectors were purchased for each child. They will be washed between each sleep.
5. The cots have been moved so as there is 50cm space between each cot.

#### Supporting documentation submitted

##### General Safety:

1. All staff files will be checked once a month to prevent this from happening again.
2. Ensure that all shelving units are attached to the wall when installed.

##### Infection Control:

3. The statement is accepted as evidence.
4. The statement is accepted as evidence.
5. 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.*

#### Compliance Information

- (1) The registered provider ensured that there were staff available at all times with appropriate first aid responder training (FAR). The records indicated that 17 staff held current up to date training and 1 staff member had Paediatric First Aid.

### Part VII - Premises and Space Requirements

#### Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-*  
*(e) equipped with adequate and suitable sanitary facilities.*

#### Compliance Information

(e) The warm water provided at the wash hand basins inspected did not exceed a maximum temperature of 43 degrees Celsius. The hand washing and drying facilities were adequate and suitable, liquid hand soap and disposable paper hand towels and pedal operated lidded bins for the disposal of the paper hand towels provided.

#### Non-Compliance Information

(e)  
(1) There was 1 nappy changing station provided in the Toddler room sanitary accommodation for 20 children requiring nappy changing on the day of the inspection. The requirement is 1 nappy changing station for every 11 children requiring nappy changing.

#### Corrective & Preventive Action submitted by the Registered Provider

##### **Corrective and Preventive Action**

A nappy changing mat has been installed in the nappy changing room with the wash hand basin in the toilet area attached to the nappy changing area.

##### **Supporting documentation submitted**

A photograph and the statement are accepted as evidence.

#### Summary Comment

The requirement has been met.