Tuarascáil Rialála Chigireacht na Luathbhlianta Réamhscoil

Uimhir Aitheantais TUSLA:	TU2015KY091
Ainm na Seirbhíse:	Naíonra an Daingin
Seoladh na Seirbhíse:	Áiseanna na hÓige, Ard na Gréine, An Daingean, Trá Lí, Co Chiarraí.
Éirchód:	V92 DT44
Ainm an tSoláthraí Chláraithe:	Ray Mac Pháidin
Cineál na Seirbhíse	Páirtaimseartha, Seisiúnach
Dáta(í) na Cigireachta:	03/10/2023

Líon na leanaí réamhscoile:	AM	9	PM	4

Seoladh Chigireacht na Luathbhlianta	Áras an Phobail, Lána an Déin, Trá Lí, Co. Chiarraí.
Cigireacht arna déanamh ag:	N. Reidy
Teideal:	Cigire na Luathbhlianta

Údarás chun cigireacht a dhéanamh
Déanann Cigireacht na Luathbhlianta, Tusla cigireacht ar Sheirbhísí Luathbhlianta faoi Alt 58(J) den Acht um Chúram Leanaí, 1991 (arna chur isteach le hAlt 92 den Acht fán nGníomhaireacht um Leanaí agus an Teaghlach, 2013).

Coinníollacha, má bhaineann le hábhar	N/Bh

Cur síos ar an tseirbhís

Is seirbhís luathbhlianta pobalbhunaithe é Naíonra an Daingin atá lonnaithe san fhoirgneamh aon stóir, Áiseanna na hÓige. Tá an tseirbhís cláraithe chun cúram réamhscoile a sholáthar do leanaí idir 2 agus 6 bliana d'aois ar bhonn páirtaimseartha agus seisiúnach. Feidhmíonn an tseirbhís Luan go hAoine idir 9am agus 1pm, bíonn an seisiún pleanáilte ar siúl idir 9am agus 12 meán lae. Bíonn rochtain ag leanaí na seirbhíse ar áit spraoi ainmnithe lasmuigh ar an suíomh ag amanna malartacha agus na leanaí a fhreastalaíonn ar an tseirbhís luathbhlianta eile atá lonnaithe san fhoirgneamh.

Soláthar foirne

Tá cúigear daoine fásta fostaithe sa tseirbhís agus oibríonn triúr díobh go díreach leis na leanaí. Ní oibríonn an soláthraí cláraithe ná an t-oifigeach forbartha atá comhcheanailte le Comhar Naíonraí na Gaeltachta sa tseirbhís leis na leanaí. Bhí duine fásta amháin fostaithe faoin Múnla um Rochtain agus Cuimsitheacht.

Modheolaíocht

Is í Cigireacht na Luathbhlianta, Tusla, rialtóir reachtúil neamhspleách ar sheirbhísí luathbhlianta in Éirinn. Sainmhínítear i Rialacháin an Achta um Chúram Leanaí 1991 (Seirbhísí Luathbhlianta) 2016 dualgas an tsoláthraí chláraithe sábháilteacht agus folláine leanaí a chinntiú agus cloí leis na riachtanais seo. Tugann an tAcht seo údarás do Tusla measúnú a dhéanamh ar chomhlíonadh leis na rialacháin. Is é is aidhm le rialáil maidir le seirbhísí óige ná a chinntiú go seastar le cúram, sábháilteacht, agus folláine na leanaí a fhreastalaíonn ar na seirbhísí seo. Pleanáiltear cigireachtaí ar sheirbhísí luathbhlianta bunaithe ar na pointí seo a leanas:

- Stair chigireachta na seirbhíse
- Eolas ar bith a fhaightear maidir leis an tseirbhís

Tá torthaí na cigireachta bunaithe ar:

- Eolas a fhaightear trí dhoiciméid a imscrúdú
- Breathnú díreach
- Plé le baill foirne ábhartha

Ba chigireacht neamhfhógartha é seo, agus díríodh ar rialachas/sláinte, folláine agus forbairt an linbh/sábháilteacht/áitreabh agus saoráidí lena linn.

Leagtar amach torthaí na cigireachta sa tuarascáil maidir leis an gcigireacht a eisítear mar dhréacht-tuarascáil ar dtús chuig an tseirbhís, agus bíonn deis ag an tseirbhís freagra a thabhairt ar thorthaí ar bith a luaitear inti.

I gcás go sainaithnítear nach bhfuil ceanglais reachtúla á gcomhlíonadh, ní mór don soláthraí cláraithe léiriú a thabhairt ar an mbealach a réitíodh an neamhchomhlíonadh agus mar a chuirfear cosc ar an neamhchomhlíonadh amach anseo. Úsáidfear an plean um Ghníomh Ceartaitheach agus Gníomh Coisctheach (CAPA) chun bonn eolais a chur le cinntí maidir le comhlíonadh le ceanglais rialála. I gcás nach n-éiríonn leis an soláthraí cláraithe na ceanglais reachtúla a chomhlíonadh, féadfar próiseas géaraithe a thosú.

Forchoimeádann an Chigireacht an ceart chun eagarthóireacht a dhéanamh ar fhreagraí a fhaightear ar chúiseanna éagsúla lena n-áirítear soiléireacht; iomláine; agus chun próisis riaracháin agus dlíthiúla a chomhlíonadh.

Is í an Chigireacht a chuireann an tuarascáil le chéile.

Buíochas

Is mian leis an gCigireacht buíochas a ghabháil leis an duine i bhfeighil, leis an bhfoireann agus leis na leanaí a bhí i láthair lá an iniúchta, as a gcomhoibriú.

Cuid III – Bainistíocht agus Foireann

Rialachán 9 – Bainistíocht agus earcaíocht

(2) Cinnteoidh soláthraí cláraithe gur duine oiriúnach inniúil gach fostaí, gach oibrí nach n-íoctar agus gach conraitheoir, agus cineál na riachtanas a bhíonn ar leanaí á chur san áireamh, lena n-áirítear trí na nithe seo a leanas a dhéanamh–

(a) breithniú ar theistiméireacht ó fhostóirí an duine san am a caitheadh, más ann, agus go háirithe ar theistiméireacht ón bhfostóir is déanaí, más ann,

(b) breithniú ar theistiméireachtaí ó fhoinsí iontaofa i gcás duine nach raibh aon fhostóirí air nó uirthi san am a caitheadh,

(c) breithniú ar an nochtadh grinnfhiosrúcháin a fuarthas ó Bhiúró Náisiúnta Grinnfhiosrúcháin an Gharda Síochána de réir Acht 2012 i leith an duine, agus

d) a chinntiú, a mhéid is indéanta, go soláthróidh duine, i gcás go raibh cónaí ar an duine i stát seachas an Stát ar feadh tréimhse ab fhaide ná 6 mhí as a chéile, grinnfhiosrúchán ag póilíní ó na húdaráis phóilíneachta sa stát sin.

(4) Cinnteoidh soláthraí cláraithe, gan dochar do ghinearáltacht mhír (2) agus faoi réir mhíreanna (5) agus (6), go sealbhaíonn gach fostaí a bhíonn ag obair go díreach le leanaí a fhreastalaíonn ar an tseirbhís, mórdhámhachtain i gCúram agus Oideachas Luath-Óige ar Leibhéal 5 ar an gCreat Náisiúnta Cáilíochtaí nó cáilíocht a mheasfaidh an tAire a bheith coibhéiseach léi sin, ar a laghad.

Faisnéis maidir le Comhlíonadh:

(2) Dheimhnigh an duine i bhfeighil go raibh cúigear daoine fásta fostaithe sa tseirbhís. Rinneadh athbhreithniú ar na taifid earcaíochta a bhain leis na cúigear daoine fásta sin.

(a) Bhí 5 theistiméireacht agus bhailíochtú i scríbhinn ar comhad ó iarfhostóirí.
(b) Bhí 5 theistiméireacht agus bhailíochtú i scríbhinn ar comhad ó fhoinse eile seachas iarfhostóir.
(c) Bhí doiciméid um Nochtadh Grinnfhiosrúcháin an Gharda Síochána ar fáil i ndáil le gach duine de na cúigear daoine fásta.
(d) Bhí grinnfhiosrúchán póilíní ar fáil le haghaidh duine fásta amháin a bhí tar éis cónaí lasmuigh den dlínse ar feadh tréimhse ní b'fhaide ná 6 mhí as a chéile.

(4) Bhí cáilíochtaí um chúram leanaí ag leibhéal 6 agus os a chionn ar an gCreat Náisiúnta Cáilíochtaí ag na baill foirne a bhí ag obair go díreach leis na leanaí.

Faisnéis maidir le Neamhchomhlíonadh

(2) Bhí duine fásta amháin fostaithe sa tseirbhís gan 2 theistiméireacht bhailíochtaithe i scríbhinn a bheith ar comhad dóibh.

(4) Ní raibh teastas cáilíochtaí ar fáil do dhuine fásta amháin a bhí ag obair leis na leanaí.

Gníomh Ceartaitheach & Gníomh Coisctheach arna seoladh isteach ag an Soláthraí Cláraithe

Luaigh an t-oifigeach forbartha an méid seo a leanas: -

Gníomh Ceartaitheach agus Gníomh Coisctheach

(2) Cuireadh teistiméireachtaí bailíochtaithe an fhostaí sin isteach ina gcomhad sa tseirbhís.

(4) Cuireadh cóip de cháilíochtaí an bhaill foirne sin isteach ina gcomhad foirne sa tseirbhís.

Cinnteoidh an duine i bhfeighil go gcomhlánóidh sé/sí an seicliosta faisnéise do gach ball foirne lena chinntiú go gcoimeádtar an fhaisnéis go léir i gcomhad sa tseirbhís.

Doiciméid tacaíochta a cuireadh isteach

(2) 2 theistiméireacht i scríbhinn agus taifid a mbailíochtaithe

(4) Teastas na cáilíochta deireanaí

Nóta Tráchta Achomair
Tá an ceanglas maidir leis an rialachán seo comhlíonta anois.

Cuid III – Bainistíocht agus Foireann
Rialachán 11 - Leibhéil Foirne
(1) Faoi réir an Rialacháin seo, cinnteoidh soláthraí cláraithe go mbeidh gach tráth líon leordhóthanach de dhaoine fásta ag obair go díreach leis na leanaí a fhreastalaíonn ar an tseirbhís réamhscoile. *(3) Faoi réir mhír (5), cinnteoidh soláthraí cláraithe seirbhíse réamhscoile seisiúnaí go gcomhlíonfar gach tráth an cóimheas íosta idir daoine fásta agus leanaí a shonraítear i gcolún (3) de Chuid 1 de Sceideal 6 os coinne uimhir thagartha áirithe a shonraítear i gcolún (1) den Chuid sin i leith raon aoise na leanaí a shonraítear i gcolún (2) den Chuid sin ag an uimhir thagartha sin.* *(8) Gan dochar do mhíreanna (2) go (7)-* *(a) cinnteoidh soláthraí cláraithe seirbhísí réamhscoile seachas seirbhís feighlíochta leanaí nó seirbhís réamhscoile seisiúnach go bhfuil 2 dhuine fásta ar a laghad san áitreabh i gcónaí,*
Faisnéis maidir le Comhlíonadh:
(1) Chinntigh an soláthraí cláraithe go raibh líon leordhóthanach daoine fásta ag obair go díreach leis na leanaí i gcónaí. (2) Bhí 3 bhall foirne ag tabhairt aire do 9 leanbh idir 3 bliana agus 4 bliana d'aois, 5 leanbh ag freastal ar bhonn seisiúnach agus 4 leanbh ag freastal ar bhonn páirtaimseartha Bhí an cóimheas ceart idir na daoine fásta agus na leanaí.
Faisnéis maidir le Neamhchomhlíonadh
(8)(a) Ar lá na cigireachta, bhí ball foirne amháin ag tabhairt aire do 4 leanbh tar éis 12.30 pm, mar sin ní raibh an bheirt daoine fásta riachtanach san áitreabh i gcónaí le linn na n-uaireanta oibriúcháin. Léirigh athbhreithniú ar an uainchlár foirne nach raibh beirt bhall foirne i láthair ag an tseirbhís le linn na n-uaireanta oibríochta, rud a dheimhnigh an duine i bhfeighil.
Gníomh Ceartaitheach & Gníomh Coisctheach arna seoladh isteach ag an Soláthraí Cláraithe
Luaigh an t-oifigeach forbartha an méid seo a leanas: - **<u>Gníomh Ceartaitheach agus Gníomh Coisctheach</u>**

Rinneadh uasdátú ar an uainchlár lena chinntiú go bhfanfaidh beirt bhall foirne sa seomra go dtí 1pm.

Doiciméid tacaíochta a cuireadh isteach

Cóipeanna den uainchlár foirne ag léiriú go raibh beirt dhaoine fásta sa tseirbhís.

Nóta Tráchta Achomair

Tá an ceanglas maidir leis an rialachán comhlíonta anois.

Cuid IV – Faisnéis agus Taifid

Rialachán 15 – Taifead ar leanbh réamhscoile

(1) Cinnteoidh soláthraí cláraithe seirbhíse réamhscoile seachas seirbhíse réamhscoile i lárionad buail isteach nó seirbhís réamhscoile shealadach go gcoimeádfar taifead i scríbhinn i leith gach linbh réamhscoile a fhreastalaíonn ar an tseirbhís ina mbeidh na sonraí seo a leanas:

(a) ainm agus dáta breithe an linbh;

(b) an dáta a d'fhreastail an leanbh ar an tseirbhís den chéad uair;

(c) an dáta a scoir an leanbh de bheith ag freastal ar an tseirbhís;

(d) ainm agus seoladh tuismitheora nó caomhnóra leis an leanbh agus uimhir theileafóin lenar féidir dul i dteagmháil leis an tuismitheoir nó leis an gcaomhnóir sin nó le gaol nó le cara leis an leanbh le linn uaireanta oibríochta na seirbhíse;

(e) údarú chun an leanbh a bhailiú;

(f) mionsonraí aon bhreoiteachta, aon mhíchumais, aon ailléirge nó aon riachtanais speisialta ar an leanbh, mar aon leis an bhfaisnéis go léir is iomchuí maidir le cúram nó aire speisialta a sholáthar;

(g) ainm agus uimhir theileafóin lia-chleachtóir cláraithe an linbh;

(h) taifead ar imdhíontaí, más ann, a fuair an leanbh;

(i) toiliú i scríbhinn ó thuismitheoir chun cóireáil chuí liachta a chur ar an leanbh i gcás éigeandála.

Faisnéis maidir le Comhlíonadh:

(1) Rinneadh scrúdú ar 11 thaifead, bhí na sonraí riachtanacha de réir (a), (b), (c), (d), agus (i) ann i gcás 10 díobh.

Faisnéis maidir le Neamhchomhlíonadh
(1) 1: Ní raibh aon taifead i scríbhinn ar fáil maidir leis na sonraí (a) go (i) agus an dá phointe sin san áireamh, maidir le leanbh amháin sa tseirbhís. 2: Ní raibh na sonraí seo a leanas ar fáil i scríbhinn i 10 dtaifead a ndearnadh scrúdú orthu. - (e) Údarás chun an leanbh a bhailiú. (f) mionsonraí aon bhreoiteachta, aon mhíchumais, aon ailléirge nó aon riachtanais speisialta ar an leanbh, mar aon leis an bhfaisnéis go léir is iomchuí maidir le cúram nó aire speisialta a sholáthar; (g) ainm agus uimhir theileafóin lia-chleachtóir cláraithe an linbh; (h) taifead ar imdhíontaí, más ann, a fuair an leanbh
Gníomh Ceartaitheach & Gníomh Coisctheach arna seoladh isteach ag an Soláthraí Cláraithe
Luaigh an t-oifigeach forbartha an méid seo a leanas: - **Gníomh Ceartaitheach agus Gníomh Coisctheach** (1) 1: & 2. Tá foirm chlárúcháin na bpáistí faighte agus rinneadh na foirmeacha a nuashonrú. Cinnteoidh an duine atá i gceannas go gcomhlánófar na foirmeacha clárúcháin ar fad amach anseo. **Doiciméid tacaíochta a cuireadh isteach** (1) Glactar leis an ráiteas mar fhianaise.
Nóta Tráchta Achomair
Táthar tar éis an ceanglas a chomhlíonadh.

Cuid V - Cúram Linbh i Seirbhís Réamhscoile
Rialachán 19 - Sláinte, leas agus forbairt linbh
(1) Cinnteoidh soláthraí cláraithe, le linn dó nó di a bheith ag soláthar seirbhís réamhscoile—
(a) go ndéanfar foghlaim, forbairt agus leas gach linbh a urasú laistigh de shaol laethúil na seirbhíse réamhscoile trí na gníomhaíochtaí cuí, an idirghníomhaíocht chuí, na hábhair chuí agus an trealamh cuí a sholáthar, ag féachaint d'aois agus do chéim forbartha an linbh, agus
Faisnéis maidir le Comhlíonadh:
• Rinneadh freastal ar riachtanas na leanaí sos a ghlacadh agus scíth a ligean mar go raibh áit shainithe sa seomra súgartha ina raibh toilg bhoga, mataí agus cúisíní. • Freastalaíodh go tráthúil agus go híogair ar riachtanas na leanaí ó thaobh an leithris a úsáid. • Thug an cigire faoi deara go ndeachaigh duine fásta in éineacht leis na leanaí chuig na leithris a bhí suite lasmuigh den seomra spraoi. • Bhí na leanaí ag súgradh go neamhshrianta sa seomra súgartha mór, ag baint taitneamh as an ngluaiseacht éasca idir na spásanna spraoi éagsúla amhail spraoi samhailteach, spraoi le gaineamh agus gníomhaíochtaí éagsúla boird. • Tugadh deiseanna do na leanaí dul i mbun spraoi lasmuigh le linn an tseisiúin agus tugadh tacaíocht agus maoirsiú iomchuí dóibh. • Chuir an duine i bhfeighil an cigire ar an eolas faoi riachtanais na leanaí aonair, na pleananna cúraim a bhí á bhforbairt agus na naisc bhunaithe a bhí déanta aici le gníomhaireachtaí tacaíochta maidir le cúram a sholáthar do na leanaí, i gcomhpháirtíocht leis na tuismitheoirí. • Chuir tuismitheoirí na leanaí sneaiceanna ar fáil don chéad bhéile agus chonaic an cigire go raibh rogha torthaí curtha ar fáil ag an tseirbhís do na leanaí a bhí ag freastal ar an tseirbhís ar bhonn páirtaimseartha.

Cuid VI - Sábháilteacht
Rialachán 23 - Sláinte, sábháilteacht agus leas linbh a chosaint
Cinnteoidh soláthraí cláraithe go ndéanfar gach beart réasúnach chun sláinte, sábháilteacht agus leas linbh réamhscoile a fhreastalaíonn ar an tseirbhís a chosaint agus cinnteoidh sé nó sí go mbeidh timpeallacht na seirbhíse sábháilte.
Faisnéis maidir le Comhlíonadh:

Sábháilteacht Ghinearálta

- Taifeadadh teocht an uisce the ag an doirteal íseal sa seomra spraoi ag 36.6 céim Celsius.
- Bhí bosca garchabhrach stóráilte ar sheilf ard sa seomra spraoi, áit nach raibh teacht ag na leanaí air.

Rialú Ionfhabhtuithe:

- Chonacthas na hoibreáin ghlantacháin ar sheilfeanna ardleibhéil as raon láimhe na leanaí.
- Tugadh tacaíocht do na leanaí maidir le níochán lámh roimh ithe agus tar éis dóibh dul go dtí an leithreas.
- Bhí bia somheata á stóráil sa chuisneoir sa seomra spraoi chun milleadh bia a chosc.

Faisnéis maidir le Neamhchomhlíonadh

Sábháilteacht Ghinearálta

1. Taifeadadh teocht an uisce the ag na báisíní níocháin i gcóiríocht sláintíochta na leanaí ag 44.7 céim Celsius ag an mbáisín níocháin ard, agus ag 44.5 céim Celsius ag an mbáisín níocháin íseal, rud a chuir na leanaí i mbaol a scallta. Fuarthas an neamhchomhlíonadh seo le linn na cigireachta a rinneadh ar 7/07/'23. Chuir an tseirbhís gníomh ceartaitheach agus coisctheach ar ais a dúirt go raibh pluiméir fostaithe ag úinéir an fhoirgnimh chun an t-uisce te a dheisiú. Ní mar sin a bhí cúrsaí, áfach, agus thángthas arís ar an bhfadhb maidir le teocht an uisce the a bheith thar an teocht riachtanach 43 céim Celsius.
2. Ní raibh an t-aláram ar an doras dóiteáin laistigh den seomra spraoi ag obair i gceart. Léirigh an duine i gceannas nuair a cuireadh an t-aláram sa mhodh "ar siúl" go raibh sé ag glaoch i gcónaí. Bhí gléas oscailte íseal ar an doras i gceist agus ba shlí amach é chuig áit spraoi lasmuigh. Bhí geata neamhdhaingean ón áit spraoi seo amach ar an mbóthar, rud a chuir na leanaí i mbaoi gortaithe. Suiteáladh an t-aláram seo chun an neamhchomhlíonadh a fuarthas le linn na cigireachta ar 17/01/'23 a cheartú.
3. Ní raibh an glas fraincín a úsáideadh chun an geata san áit spraoi lasmuigh a dhaingniú ag obair i gceart, níor stop sé daoine neamhúdaraithe teacht isteach nuair a bhí na leanaí ag spraoi ann.
4. Laistigh den áit spraoi lasmuigh, bhí píobán fada uisce nach raibh daingnithe don fhoinse uisce, rud a chuir na leanaí i mbaol tuisle agus i mbaol tachta.

Gníomh arna sheoladh isteach ag an Soláthraí Cláraithe
Luaigh an t-oifigeach forbartha an méid seo a leanas: - **<u>Gníomh Ceartaitheach agus Gníomh Coisctheach</u>** **Sábháilteacht Ghinearálta** 1. Tá fadhb leanúnach leis an uisce san fhoirgneamh, tá pluiméir fostaithe chun an fhadhb a réiteach, tá sé socraithe anois go ceann i bhfad. Seiceálfaidh an duine i bhfeighil an t-uisce ar bhonn rialta chun a chinntiú go bhfuil teocht an uisce mar is ceart. Má tharlaíonn aon fhadhb leis an uisce, cuirfear in iúl d'úinéir an fhoirgnimh arís é chomh luath agus is féidir. 2: Cuireadh cadhnraí nua san aláram agus tá an t-aláram ag obair. Cuirfear aláram nua isteach ina ionad i gceann 2 mhí. Seiceálfar an t-aláram ar an doras ar bhonn míosúil. 3: Cuireadh glas fraincín nua ar an ngeata. Cinnteoidh an duine i bhfeighil go bhfuil an glas fraincín in ord oibre agus má bhristear é, go gcuirfear ceann nua ina áit chomh luath agus is féidir. Cuireadh seicliosta le chéile chuige seo. 4: Tógadh an píobán uisce as an áit spraoi lasmuigh. Tógfaidh an duine i bhfeighil an píobán uisce amach as an áit spraoi má fheictear ann arís é. Eiseofar meabhrúchán chuig na hoibrithe cothabhála agus chuig na seirbhísí san fhoirgneamh maidir leis an bpíobán uisce a thógaint as an áit spraoi nuair a bheidh siad críochnaithe leis.
<u>Doiciméid tacaíochta a cuireadh isteach</u> **Sábháilteacht Ghinearálta** 1: Doiciméid ó bhainisteoir an fhoirgnimh agus ón bpluiméir atá fostaithe ag rá go bhfuil teocht an uisce the deisithe anois go teocht atá faoi bhun 43 céim Celsius. 2: Glactar leis an ráiteas mar fhianaise. 3: Grianghraf den ghlas nua agus é suiteáilte, agus an seicliosta a úsáidtear. 4: Grianghraf den áit i gceist gan an píobán uisce ann.
Nóta Tráchta Achomair
Táthar tar éis an ceanglas a chomhlíonadh.

Cuid VI - Sábháilteacht
Rialachán 25 - Garchabhair
(1) Cinnteoidh soláthraí cláraithe go mbeidh duine atá oilte ar gharchabhair do leanaí ar fáil láithreach i gcónaí do na leanaí a fhreastalaíonn ar an tseirbhís réamhscoil.
Faisnéis maidir le Comhlíonadh:
(1) Bhí oiliúint reatha um Fhreagróirí Garchabhrach déanta ag triúr daoine fásta a bhí ag tabhairt aire do na leanaí. Tugadh teastais na hoiliúna seo don chigire.

Cuid VI - Sábháilteacht
Rialachán 26 - Bearta maidir le sábháilteacht ó dhóiteán
(1) Cinnteoidh soláthraí cláraithe go gcoimeádfar taifead i scríbhinn— *(a) ar aon druil dóiteáin a dhéantar san áitreabh, agus* *(b) ar líon, cineál agus taifead cothabhála an trealaimh chun dóiteán a chomhrac agus na n-aláram deataigh san áitreabh.* *(4) Déanfar fógra i dtaobh na nósanna imeachta a bheidh le leanúint i gcás dóiteáin a chur ar taispeáint in áit fheiceálach san áitreabh.*
Faisnéis maidir le Comhlíonadh:
(1) Bhí taifead i scríbhinn ag an tseirbhís maidir leis na rudaí seo a leanas: - (a) Reáchtáladh gach druil dóiteáin sa tseirbhís. Tharla an druil dóiteáin dheireanach ar 15/09/2023. (b) Bhí taifead á choinneáil maidir le huimhir, cineál agus taifead cothabhála an trealaimh chun dóiteán a chomhrac agus an t-aláram dóiteáin. Léirigh na taifid ar comhad go ndearnadh an tseiceáil dheireanach ar an aláram deataigh ar an 28/03/2023 agus ar an trealamh chun dóiteáin a chomhrac ar an 12/01/2023. (4) Bhí fógra i dtaobh na nósanna imeachta atá le leanúint i gcás dóiteáin ar taispeáint sa seomra spraoi.

Cuid VI - Sábháilteacht
Rialachán 24 - Seiceáil isteach agus amach agus taifead ar fhreastal
Cinnteoidh soláthraí cláraithe go ndéanfaidh fostaí nó oibrí nach n-íoctar gach leanbh réamhscoile a fhreastalaíonn ar an tseirbhís a sheiceáil isteach sa tseirbhís agus amach aisti.
Faisnéis maidir le Comhlíonadh:
(1) Bhí leabhar taifid ainmnithe á úsáid chun am teachta agus am imeachta gach linbh a thaifeadadh.

Cuid VI - Sábháilteacht
Rialachán 28 - Árachas
Cinnteoidh soláthraí cláraithe go mbeidh an tseirbhís réamhscoile faoi árachas leordhóthanach.
Faisnéis maidir le Comhlíonadh:
Bhí an deimhniú árachais don tseirbhís ar taispeáint sa seomra spraoi. I measc na faisnéise a tugadh ar an deimhniú árachais, bhí: • sonraí teagmhála an tsoláthraí árachais. • ainm agus seoladh na seirbhíse faoi árachas • catagóir chumhdaigh árachais na seirbhíse • líon na leanaí a bhí cumhdaithe ag an árachas - 22 Dáta éaga an chumhdaigh árachais reatha - 27/11/’23.

Cuid VII - Ceanglais maidir le hÁitribh agus Spás
Rialachán 29 - Áitribh
Cinnteoidh soláthraí cláraithe maidir le háitreabh na seirbhíse— *(a) go mbeidh struchtúr an áitribh fónta daingean,* *d) go ndéantar é a ghlanadh, a chothabháil agus a dheisiú, de réir mar is cuí*
Faisnéis maidir le Comhlíonadh:
(a) Bhí cuma shlán sheasmhach ar an áitreabh.
Faisnéis maidir le Neamhchomhlíonadh
d) 1: Bhí sé deacair an doras isteach chuig an bhfoirgneamh a oscailt agus a dhúnadh, bhí an chuid íochtair den doras ag dul i ngreim ar an urlár. Fuarthas an neamhchomhlíonadh seo le linn na cigireachta ar 17/01/23. Chuir an tseirbhís freagra isteach ag rá gur dheisigh an tiarna talún an doras, cuireadh isteach físeán den doras deisithe a bhí ag oscailt agus ag dúnadh i gceart. Mar sin féin, fuarthas amach nach mar sin a bhí cúrsaí in aon chor agus thángthas ar an bhfadhb arís tráth na cigireachta. 2: Bhí inse dorais amháin ar an gcófra neamhdhaingean faoin doirteal íseal sa seomra spraoi briste, agus nuair a osclaíodh é thit sé díreach ar an urlár.
Gníomh Ceartaitheach & Gníomh Coisctheach arna seoladh isteach ag an Soláthraí Cláraithe
Luaigh an t-oifigeach forbartha an méid seo a leanas: - **<u>Gníomh Ceartaitheach agus Gníomh Coisctheach</u>** d) 1. Táthar tar éis an doras iontrála a dheisiú. Cuirfidh an duine i bhfeighil an fhoireann cothabhála ar an eolas faoi fhadhbanna leis an doras a luaithe is a thugtar faoi deara é. 2. Táthar tar éis an doras a dheisiú. **<u>Doiciméid tacaíochta a cuireadh isteach</u>** d) 1. Cuireadh isteach físeán den doras deisithe. 2. Cuireadh isteach grianghraf de dhoras deisithe an chófra.
Nóta Tráchta Achomair
Táthar tar éis an ceanglas a chomhlíonadh.

Early Years Inspectorate Regulatory Report
Pre School

TUSLA Identifier:	TU2015KY091

Name of Service:	Naíonra an Daingin

Address of Service:	Áiseanna Na hÓige, Ard na Greine, An Daingean, Trá Lí, Co. Kerry

Eircode:	V92 DT44

Name of Registered Provider:	Ray Mac Phaidin

Service type:	Part Time, Sessional

Date(s) of Inspection:	03/10/2023

No of pre-school children:	AM	9	PM	4

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

Description of service
Naíonra an Daingin is a community based early years service located within the single storey building of Aiseanna na hÓige. The service is registered to provide part-time and sessional care to children aged between 2 and 6 years. The service operates Monday to Friday inclusive between the hours of 9 am and 1 pm, the planned session is between the hours of 9 am and 12 mid-day. The children attending have access to a designated outdoor play area on site at alternate times to the children attending the other early years service operating in the building.
Staffing
There are 5 adults employed in the service of whom 3 work directly with the children. The registered provider and the development officer affiliated to Comhar Naíonraí na Gaeltachta do not work in the service with the children. There was 1 adult employed under the Access and Inclusion Model (AIM) Support Scheme.
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. 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.

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 III – Management and Staff

Regulation 9 – Management and recruitment

(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
(2) The person in charge confirmed that 5 adults were employed in the service. The recruitment records in relation to these 5 adults were reviewed. (a) 5 written references and validations were on file from a past employer. (b) 5 written references and validations were on file from a source other than a past employer. (c) A Garda Vetting Disclosure was on file for each of the 5 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 6 and above.

Non-Compliance Information
(2) There was 1 adult employed in the service without 2 written validated references on file. (4) A certificate of qualification for 1 adult working with the children was not available.

Corrective & Preventive Action submitted by the Registered Provider
The development officer stated that: - **Corrective and Preventive Action** (2) Validated references for the said employee were put into their file on site. (4) A copy of the said staff members qualification was placed in their staff file on site. The person in charge will ensure that they complete the checklist of information for all staff members to ensure all the information is kept on file in the service. **Supporting documentation submitted** (2) 2 written references with records of validation. (4) The final qualification certification.

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 3 staff members caring for 9 children aged between 3 years and 4, 5 children attending on a sessional basis and 4 children attending on a part-time basis.

The adult child ratio was correct.

Non-Compliance Information

(8)(a) On the day of the inspection 1 staff member cared for 4 children after 12.30 pm, therefore the required 2 adults were not on the premises at all times during the hours of operation. Review of the staff roster indicated that 2 members of staff were not present at the service throughout the hours of operation, and this was verified by the designated person in charge.

Corrective & Preventive Action submitted by the Registered Provider

The development officer stated that: -

<u>**Corrective and Preventive Action**</u>

The roster has been updated to ensure that 2 staff members will remain in the room until 1pm.

<u>**Supporting documentation submitted**</u>

Copies of the staff rosters demonstrating 2 adults are on the premise.

Summary Comment

The requirement for the regulation has been met.

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) There was a sample of 11 records inspected, 10 records had the required detail as per (a), (b), (c), (d), and (i).

Non-Compliance Information

(1)

1. There was no record in writing with the details as per (a) to (i) inclusive in respect of 1 child attending the service.
2. The following details were not maintained in writing for 10 records inspected: -

(e) Authorization for 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

Corrective & Preventive Action submitted by the Registered Provider

The development officer stated that: -

Corrective and Preventive Action

(1)

1. & 2. The children's enrolment form has been obtained and the forms updated. The person in charge will ensure that all enrolment forms are completed.

Supporting documentation submitted

(1) The statement is accepted as evidence.

Summary Comment

The requirement has been met.

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 children's need for rest and relation was met as the playroom had a designated area furnished with soft couches, matting and cushions.
- The children's need to use the toilet was attended to in a timely manner and sensitively.
- The inspector observed that an adult accompanied the children to the toilets that were located outside of the playroom.
- The children played freely in the spacious playroom, enjoying freedom of movement between the various play sections such as imaginary play, sand play and various tabletop activities.
- The children were provided with opportunities to play outside during the session and were supported and supervised appropriately.

- The person in charge informed the inspector regarding individual children's requirements, care plans that were in the process of being developed and of the established links she had made with support agencies in the provision of care for the children, in partnership with the parents.
- The parents of the children attending provided the snack for the first mealtime and the inspector observed a selection of fruit was provided by the service for the children that attended the service on a part-time basis.

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 temperature of the warm water at the low-level sink in the playroom was recorded at 36.6 degrees Celsius.
- The first aid box was stored on a high-level shelf in the playroom that was inaccessible to children.

Infection Control:

- The cleaning agents observed were stored on high level shelving out of the reach of the children.
- Hand washing by the children was supported prior to eating and after toileting.
- The perishable food items were stored in the fridge located in the playroom to prevent food spoilage.

Non-Compliance Information

General Safety:

1. The temperature of the warm water at the wash hand basins in the children's sanitary accommodation was recorded at 44.7 degrees Celsius at the high-level wash hand basin and 44.5 degrees Celsius at the low-level wash hand basin posing a risk of scalding to children. This non-compliance was found on the inspection conducted on 7/07/'23, the service returned and provided a corrective and preventive action that stated the owner of the building had employed a plumber to fix the warm water. However, this was not the case and the issue of the temperature of the warm water founded to exceed the required temperature of 43 degrees Celsius was found again.

2. The alarm in place on fire exit door within the playroom was not in a satisfactory working order. The person in charge demonstrated when the alarm was placed in the "on" mode it was ringing at all times. The said door with the low-level open device opened out to an outdoor play area that exited out to a roadway via a non-secured gate posing a risk of injury to children. This alarm was put in place to rectify the non-compliance founded at the inspection on 17/01/'23.
3. The padlock used to secure the gate in the outdoor play area was not in working order, it did not prevent unauthorised persons accessing the area when the children were playing there.
4. Within the outdoor play area there was a long water hose not secured to the water source posing a risk to children of tripping over it and a risk of strangulation.

Action submitted by the Registered Provider

The development officer stated that: -

Corrective & Preventive Action

General Safety:

1.There is an ongoing issue with the water in the building, a plumber has been employed to fix the issue, it has been sorted for the foreseeable future. The person n charge will check the water on a regular basis to ensure the water temperature is correct. If any issue occurs with the water, it will again be reported to the owner of the building as soon as possible.

2. The batteries in the alarm were replaced and the alarm is working. The alarm will be replaced with a new one in 2 months rime. The alarm on the door will be checked monthly.

3. The padlock on the gate has been replaced. The person in charge will ensure the padlock is in working order and if broken it will be replaced as soon as is possible. A checklist for this has been devised.

4. The water hose was removed. The person in charge will remove the water hose if it is found in the area. A reminder will be issued to the maintenance workers and to the services in the building to remove the water hose after use as required.

Supporting documentation submitted

General Safety:

1. Documentation from the manager of the building and the plumber employed in respect of the temperature of the warm water rectified to below 43 degrees Celsius

2. The statement is accepted as evidence.

3. A photograph of the new lock in place and the safety checklist used.

4. A photograph of the area in question without the water hose in place.

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 3 adults caring for the children had current First Aid Responder (FAR) training, the inspector was furnished with the certifications in respect of the training.

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) The service had maintained in writing a record of the following: - (a) Each fire drill had taken place in the service. The last recorded fire drill took place on 15/09/2023. (b) A record of the number, type and maintenance checks of the firefighting equipment and the smoke alarm. The records on file demonstrated the last check for the smoke alarm was 28/03/2023 and the firefighting equipment was 12/01/2023. (4) A notice of the procedures to be followed in the event of fire was displayed in the playroom.

Part VI - Safety
Regulation 24 - Checking in and out and record of attendance
(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.
Compliance Information
(1) A designated record book was in use, it recorded the arrival and departure time for each child.

Part VI - Safety
Regulation 28 - Insurance
A registered provider shall ensure that the pre-school service is adequately insured.
Compliance Information
The insurance certification for the service was displayed in the playroom. The information provided on the insurance certificate included: • the contact details for the insurance provider. • the name and address of the service insured. • the category of insurance cover for the service. • the number of children covered by the insurance was for 22 children. The expiry date of the current insurance cover was 27/11/’23.

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,

(d) cleaned, maintained and repaired, as required

Compliance Information

(a) The premise appeared sound and stable.

Non-Compliance Information

(d)

1. The entrance door to the building was difficult to open and close, the lower part of the door was catching on the floor. This non-compliance was found on the inspection of 17/01/'23, the service responded to say that the landlord had fixed the door, a video of the repaired door that was opening and closing adequately was submitted. However, this was founded to be not the case and the issue was again founded at the time of inspection.
2. There was 1 door hinge on the unsecured cupboard under the low-level sink in the playroom broken, when open it opened directly onto the floor.

Corrective & Preventive Action submitted by the Registered Provider

The development officer stated that: -

Corrective and Preventive Action

(d)

1. The entrance door has been fixed. The person in charge will report any issue with the door to maintenance as soon as it is noticed.
2. The door has been fixed.

Supporting documentation submitted

(d)

1. A video of the repaired door was submitted.
2. A photograph of the repaired cupboard door was submitted

Summary Comment

The requirement has been met.