

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KY101
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Name of Service:	Naíonra na Dromada
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Address of Service:	Cillin Liath, Maistir Gaoithe, Cill Airne, Co. Kerry
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Eircode:	V23 FT62
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Name of Registered Provider:	Ray Mac Phaidin
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Service type:	Sessional
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Date of Regulatory Enforcement meeting:	02/02/2023
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Date of Inspection:	19/04/2023
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Date of 2nd Regulatory Enforcement Meeting:	19/06/2023
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No of pre-school children:	AM	18	PM	15
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Address of the Early Years Inspectorate:	Early Years Inspectorate Administration Building St Mary's Health Campus Gurrabraher Cork T23X440
Inspection undertaken by:	V. McCarthy
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 na Dromoda is an early years sessional service that is registered to operate between the hours of 09.30 and 12.30 hours Monday to Friday inclusive. The service is registered to cater for children aged between 2 and 6 years. The approved care room for use by the Naíonra service is located at one end of a single-story building and a separate registered early years full day care service operates from care rooms situated at the other end of the same building. The Naíonra consists of one care room and a designated enclosed outdoor play area is located to the rear of the building.

Staffing

On the day of the inspection there were 2 adults working directly with 18 early years children. The registered provider is not service based.

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

This service was escalated to the National Registration Enforcement Panel for previously operating outside of its registration status. A Regulatory Enforcement meeting was held with this service on February 2023 in regard to this matter and the details of this service's registration were clearly outlined.

A second Regulatory Enforcement meeting was held with this service on 19th June 2023 to resolve escalation matters.

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.

(3) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) or (2), as the case may be, of a 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), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.

Compliance Information

(1)(3) The service catered for 18 early years children on the day of inspection and is registered to cater for up to 22 children at any one time.

Non-Compliance Information

(1)(3)

1. The early years children were catered for in an unregistered pre school care room, between the hours of 8.30 to 9.30 hours and 12.30 to 17.00 hours, that was located in a separate building and had not been assessed with a fit for purpose inspection or approved by the National Early Years Registration Office for use as a childcare facility.
2. The Naíonra service was registered as a sessional service that must operate between the hours of 9.30 to 12.30 hours. However, on the day of the inspection the early years children were dropped off between 8.30 and 9.25 hours and 15 of the 18 early children remained after 12.30 with some children remaining until 17.00 hours. The same staff were assigned to the care of these children throughout the day in both the registered Naíonra room and the unregistered room.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1)(3)

1. The person authorised by the registered provider stated in the Corrective and Preventive Action (CAPA) forms dated 02 June 2023 and 15 May 2023 that the Naíonra service will continue to operate as a sessional service

between the hours of 09.30-12.30 and that the Naíonra na Dromada service and does not use the unregistered room.

2. The CAPA forms dated 02 June 2023 and 15 May 2023 both stated that the Naíonra na Dromada service only operates between the hours of 9.30 to 12.30 and that the children referred to in the report being dropped off prior to 9.30 and collected post 12.30 were children being dropped to and collected from a different service.

Supporting documentation submitted

The roll book for the Naíonra na Dromada service detailing that the children were signed into this room at 9.30 hours and signed out at 12.30 hours was submitted to the inspectorate for review.

Summary Comment

Following the Regulatory Enforcement Meeting on 19th June 2023 has discussed and resolved this matter.

This regulation is 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 service had a named person in charge and a deputy that could deputise as required.
- (b) The person in charge was on duty when the inspector arrived at the premises and remained on duty for the duration of the inspection.
- (2)
- The recruitment records in relation to the three adults attached to the service were reviewed by the inspector during the inspection.
- (a)(b) There were six references and required validations available on file from past employers in respect of the three adults.
- (c) A Garda vetting disclosure was available on file in respect of each of the three adults.
- (d) Not applicable as no adult had lived outside the jurisdiction for a period of more than six consecutive months.
- (4)
- A copy of a childcare qualification as listed on the National Qualifications Framework was available on file in respect of each of the three adults.

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.*
- (3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 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) therefore at that reference number is satisfied.*

Compliance Information

- (1)
The person in charge ensured that there were an adequate number of adults working directly with the children.
- (3)
On the day of the inspection there were two adults assigned to the Naionra room working directly with 18 early years children.

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.

(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-

(c) an authorised person.

Compliance Information

(1)(3) During the inspection, it was noted that there was a record of a preschool child available on file in respect of each of the 18 early years children that were attending the Naionra room. A sample of six children's records were fully assessed by the inspector and it was noted that all details listed under(a),(b),(d),(e),(f),(g),(h),(i) were recorded on each child's record.

Part IV – Information and Records

Regulation 16 – Record in relation to pre-school service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

(h) details of attendance by each pre-school child on a daily basis;

(i) details of staff rosters on a daily basis;

(k) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance Information

(1)
(h) The service maintained a roll book for the Naíonra room and a second roll book for the Tar Éis Naíonra room which was an unregistered room. The service also had daily sign in and out records for the recording of each child's arrival and departure times. The staff signed the children in and out of each room on the daily sign in and out record. Therefore, on the arrival of children to the Tar Éis Naíonra room from 8.30 hours the staff signed the children in and at 9.25 hours when they left this room, they were all signed out by a staff member. When the children were transferred to the registered Naíonra room at 9.30 hours they were all signed in and at 12.30 when they left this room, they were all signed out. On return to the Tar Éis room at 12.30 hours they were again signed into this room and signed out at different times during the afternoon as they were collected by their respective parents or guardians.

(k) There was a designated book attached to the Naíonra service for the recording of any accidents, injuries and incidents at the premises which was available for review. During the inspection, the inspector assessed that there were 12 records regarding incidents and injuries available on file for the year 2022 and one record for the year 2023 so far. The records were complete and detailed the dates when the recorded incidents occurred and were dated when the adults maintained the records. The records showed an account of the events, the management of the incidents/injuries, were signed by the adult maintaining the record and each of the records was co-signed by the respective child's parent/guardian.

Non-Compliance Information

(i) There were no records of daily staff rosters available for the inspector to review. The person in charge furnished the inspector with the roll books and sign in records in respect of both the Naíonra and the Tar Éis Naíonra rooms which demonstrated that two adults were on duty in these rooms on the day of inspection. However, there was no staff roster available for the week commencing 17 April 2023 or any other week detailing when or if staff took their breaks and what cover was in place to ensure that the adult child ratio was maintained during these times. On the day of the inspection, the person in charge worked continuously and kindly with the children without taking a break. The second adult remained in the Tar Éis Naíonra room until approximately 2.30pm and then left the Tar Éis Naíonra room. A third adult who works at the Naíonra service had arrived to the Tar Éis Naíonra room at approximately 1pm and remained in this room until approximately 4pm.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (i) The CAPA response dated 02 June 2023 and 15 May 2023 stated that as the service operates as a preschool it is not necessary to have a staff roster and that the adults will continue to sign in and out daily on the roll book as is current practice.

Supporting documentation submitted

- (i) A staff roster in respect of Naíonra na Dromoda was submitted to the inspectorate on 02 June 2023.

Summary Comment

The staff roster submitted by the person in charge relating to the non-compliance was reviewed and deemed to meet the regulatory requirements. As stated under Regulation 16(1)(i) details of staff rosters is a requirement under the Child Care Regulations.

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

- All the food eaten by the children for their daily snacks and meals was supplied and prepared by the children’s respective parents or guardians.
- On the day of inspection, the children’s mid-morning snacks consisted of either sliced fruit, ham or cheese sandwiches, yogurt and water to drink. The children’s food for their hot meal was either meat, vegetables and potatoes or chicken pasta with vegetables. Sliced fruit, rice cakes or crackers or a sandwich were provided to the children for the mid-afternoon break.
- The children’s individual water bottles were stored on a low table in both the Naíonra room and the unregistered room and were always available to the children as they wanted them.
- One of the adults reheated the children’s dinner meals on plates by using a microwave that was provided in the kitchen adjacent to the unregistered room. The heated food was then served to the respective child in the care room.

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:

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Infection Control:

- Detailed daily and weekly cleaning templates were available and it was noted that the equipment and play materials in both the Naíonra room and in the unregistered room were all kept clean and in good condition.
- Regular handwashing by the children was carried out before snack and mealtimes and after toileting, messy play and outdoor play.
- All toilet areas were provided with thermostatically controlled warm water at the wash hand basins, liquid soap and paper dispensers. During the inspection, the water temperature was recorded at 22.5°C at the wash hand basin in the toilet area off the Naíonra room and 27.6°C in the toilet area off the care room.
- Children's bags and belongings were all stored off the floor on wall hooks or in individual labelled shelving units.
- Paper tissues were available on a low table in each of the two care rooms to facilitate the children in attending to their own respiratory hygiene.
- Crockery was provided to the children during their snacks and meal breaks.

Non-Compliance Information

General Safety:

1. During the inspection, the inspector was easily able to leave the Naíonra room via the fire door by pressing against the door lever that was at child height. The fire door was not alarmed at this time to alert the adults that the door was opened which posed as a potential injury risk to any child that may exit unsupervised. The area outside the door was surrounded by a high fence and opened gate that led into a car park. It was noted that later during the inspection at 11.45 hours the alarm was on and that the door did alarm when it was opened by the adults as they opened it to access the outdoor play area.

Infection Control:

2. The children's perishable food for their mid-morning and mid-afternoon snacks were kept stored in their personal bags and not stored in the available fridges. It was noted that a fridge was available in both the

Naíonra room and in the kitchen. The unsafe management of the children's perishable food posed as a potential risk of food spoilage or child illness.

3. A pedal operated bin was not available in the Naionra room for the safe disposal of used tissues and paper towels. Instead, a bin with a swing lid that was not pedal operated was available beside the wash hand basin in this care room which posed a risk of cross infection.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. 2. & 4. The CAPA responses dated 02 June 2023 and 15 May 2023 both stated that these non-compliances did not apply to the Naíonra na Dromada service and that they will be addressed by the service that they do refer to.
3. The CAPA response dated 15 May 2023 states that the main teacher will ensure that the alarm fitted to the fire door is switched on each morning. The CAPA response dated 02 June 2023 also states that the alarm will be activated once all children have arrived at the room. A swing lock that is out of the children's reach, has been applied to the gate which is now kept closed at all times.

Infection Control:

5. The CAPA response dated 15 May 2023 states that the adults place the children's food in the fridge each morning.
6. The CAPA response dated 15 May 2023 states that the bin with the swing lid has been removed and has been replaced by a pedal operated bin fitted with a lid.

Supporting documentation submitted

General Safety:

3. A photograph of the secured gate was submitted to the inspector on 15 May 2023.

Infection Control:

5. A photograph of the children's perishable food being stored in the fridge was submitted to the inspectorate on 02 June 2023.
6. A photograph of a pedal operated bin that was fitted with a liner was submitted to the inspectorate on 02 June 2023.

Summary Comment

This regulation 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 service provided evidence that two adults had training in first aid response (FAR) and one of these adults was always on the premises.
- (2)
(a) There were two fully equipped first aid boxes available of which one was kept in the Naíonra room. It was stored on high shelves out of children's reach.
(b) The first aid boxes were always available on the premises.

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 were records of monthly fire drills carried out at the service available on file. A fire drill was last carried out by the service on 10 March 2023.

(b) A record of the number, type and maintenance record of firefighting equipment and smoke alarms was maintained. It was recorded that the fire equipment was serviced during March 2023 and that the wired smoke alarm was serviced on 14 January 2023.

(4)
The fire evacuation procedure for the service which contained details in relation to the procedure to be followed in the event of a fire was displayed on the notice board in the Naíonra room.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The insurance certificate for the Naíonra was available on the premises and demonstrated that the service was adequately insured once it adhered to the Child Care Regulations. The information provided on the insurance certificate included details of the number of children covered which was 22, the start date, which was 28 November 2022, the end date, which was 27 November 2023, the category of service covered which was Naíonra service and the name and address of the premises. The insurance cover also referred to details regarding, contents, public liability and fire and theft cover.

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) There were two toilets and one functioning wash hand basin available off the Naíonra room for use by the 18 early years children.

Non-Compliance Information

(e) The inspector was informed that the newly installed second wash hand basin in the toilet area beside the Naíonra room did not have water at the taps as there was a delay in the plumber completing the works. The Registered Provider had previously sent photographic evidence that the 2nd hand wash basin was installed, and the service had been allowed to increase to the proposed change in numbers to 22 children. The Registered Provider did not disclose that it was not in working order. There was only one functioning wash hand basin in the children's toilet area beside the Naíonra room for the 18 children that were in attendance. It is recommended that there is one functioning wash hand basin for every 11 children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(e) The CAPA response dated 15 May 2023 stated that the water was turned off to one of the wash hand basins due to a water leak. It is now repaired and in working condition.

Supporting documentation submitted

(e) A video clip demonstrating that the tap is in working condition was submitted to the inspector on 15 May 2023.

Summary Comment

The documentation and video clip submitted relating to the non-compliance was reviewed and deemed to meet the regulatory requirements.