

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015LH038		
<b>Name of Service:</b>	Jellytots Daycare Ltd		
<b>Address of Service:</b>	Unit 5 Drogheda Leisure Park, Rathmullen Road, Drogheda, Co. Louth		
<b>Eircode:</b>	A92 NR4C		
<b>Name of Registered Provider:</b>	Lynsey Tighe		
<b>Service type:</b>	Full Day, Part Time, Sessional		
<b>Date(s) of Inspection:</b>	24/07/2023		
<b>No of pre-school children:</b>	AM	22	PM 12
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, 181-189 Lakeshore Drive, Airside Business Park, Swords, Co. Dublin K67 Y5C6.		
<b>Inspection undertaken by:</b>	S. Cully & AM. Coyle		
<b>Title:</b>	Early Years Inspectors		
<b>Authority to Inspect</b>			
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>	Not Applicable		

### Description of service

Jelly Tots Daycare is a full day care service providing early years services to children aged between 2-6 years. The service operates from a ground floor unit of a commercial centre on the outskirts of Drogheda town. There are 3 care rooms in the service, the Junior Playschool room, Playschool room and Montessori room. The service also has a kitchen, an office, sanitary facilities, and a well-resourced outdoor play area. The service provides care for school aged children, some of whom were in attendance on the day of inspection. The service operates Monday to Fridays, 8.00am to 6.30pm, for 50 weeks of the year.

### Staffing

On the day of inspection there were 11 adults present on the premises, one of whom was the registered provider who is also the manager of the service. There were 8 adults working directly with the children, 2 of which are assigned to work with school aged children. One adult was engaged in kitchen duties and 1 adult was present to participate in work experience in a supernumerary capacity.

### 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 and safety. The inspections may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 11, 15, 19, 23 and 25 however, on inspection additional non-compliance which posed risk was identified under Regulation 16 and 29. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under regulation 15 Record of a Preschool Child.

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

On the day of inspection an immediate action notice under Regulation 23 Safeguarding health, safety and welfare of child, was issued to the registered provider in relation to room temperatures in the Montessori room that were elevated above optimum care room temperatures of 18-22°C.

An immediate action notice under Regulation 9 Management and recruitment was issued by email on 25/07/23 in relation to the presence of an adult with access to children without Garda Vetting. The registered provider responded with written assurances of appropriate immediate action taken to address the identified risks detailed in each immediate action notice within 24 hours of issue.

### Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, staff and children who were present on the day of the inspection.

### Part III – Management and Staff

#### Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

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

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

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

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

#### Compliance Information

(1)(a) The registered provider was the designated person in charge of the service and there was a named person available to deputise as required.

(b) The registered provider was present in the service when the inspectors arrived unannounced on the day of the inspection and was present in the service for the duration of the inspection.

On the day of inspection, 11 staff files and the registered provider's file was reviewed. In addition, the file for the adult on work experience who was present in the service was also reviewed.

(2)(a) &(b) Twenty-six written and validated references were available for 13 adults.

(c) Garda vetting disclosures were available for the registered provider and 11 staff members.

(d) International police vetting was available for 3 staff members who had resided outside of the Irish jurisdiction for more than 6 consecutive months as an adult.

(4) Documentary evidence was available for 11 staff members, including the registered provider, who work directly with the children in the early years service, demonstrating that they held a major award in Early Childhood Care and Education at QQI Level 5 or higher on the National Framework of Qualifications.

## Non-Compliance Information

(2)(c) There was no garda vetting disclosure on file for 1 adult who was present in the service participating in work experience. An immediate action notice was issued on the day of inspection which was appropriately responded to.

(d) There was no international police vetting on file for 1 staff member whose curriculum vitae indicated that the person had resided outside of Irish jurisdiction for a period of 6 months or more as an adult.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

(2)(c) The staff member was assigned administrative duties while a Garda vetting application was being processed. Garda vetting was received for the staff member and submitted to the inspectorate on 03/08/2023.

(d) The staff member has applied for international police vetting to the relevant embassy. A copy of the police vetting disclosure was submitted to the inspectorate on 28/08/23.

### Preventative actions:

The registered provider stated that they will ensure that Garda vetting and international police vetting will be acquired before staff start work in the service.

### Supporting documentation submitted

Copy of Garda vetting disclosure

Copy of email confirming international police vetting submission

Copy of international police vetting received

## Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 9 has been adequately addressed.

## 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) For the duration of the inspection there were an adequate number of adults working directly with the children in the early years service.

(2) On the day of the inspection the following adult/child ratios were observed when the service was operating at capacity:

- In the Junior Preschool room there were 2 children aged between 2 years 5 months and 2 years 6 months being cared for by 1 adult.
- In the Playschool room there were 15 children aged between 2 years 9 months and 4 years being cared for by 3 adults.
- In the Montessori room there were 5 preschool children aged between 4 years 9 months and 5 years 1 month being cared for by 2 adults. In addition, there were 4 school aged children present.

(8)(a) The registered provider ensured that 2 adults were present in the service at all times

### 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) A sampling process was used in relation to the children's records. All 17 sampled registration forms were appropriately completed with the required information as specified in sub-sections (a) to (i) in this regulation.

(3)(c) The children's records were open to inspection as requested by the inspectors as authorised persons

### 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:

- (i) details of staff rosters on a daily basis
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;
- (k) details of any accident, injury or incident involving a pre-school child attending the service.

#### Compliance Information

(i) There was a staff roster available detailing staff scheduling on a daily basis.

#### Non-Compliance Information

(1)(j) Not all medication administration forms maintained in the service were complete as evidenced in the following examples:

- Some of the administration of medication forms did not include signed parental consent to authorise staff members administer medication to their child in the service. Examples of this practice included forms maintained in relation to medication administered to children in the service on 01/06/2023 & 25/06/2023. Furthermore, the parents had not signed the administration of medication forms when collecting the child from the service as a means of ensuring that they were aware that their child had medication administered whilst in attendance in the service.

(1)(k) The following are examples of accident reports that were incomplete:

- 19/04/23: no parent signature, no manager signature
- 09/05/23: no manager signature
- 02/06/23: no parent signature, no manager signature
- 03/07/23: no parent signature, no manager signature

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

(1)(j) & (k)

All incomplete records were completed. These forms have been made available on the mobile app that the service uses to communicate children's daily routines with parents. Staff have received training and parents received notice about the use of these forms.

### **Preventive actions:**

The forms have been made available on the mobile app so that parents can complete them/authorise them throughout the day. Management will check forms are completed on a regular basis.

### Supporting documentation submitted

Copy of online versions of medication and accident report forms.

## Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 16 has been adequately addressed.

## 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 following examples demonstrate how each child's learning, development and well-being was observed being facilitated during the inspection:

#### **Basic needs:**

- The service provides all meals and snacks to children attending the service. Mealtimes were observed to be a social and pleasant experience for the children. Staff sat with the children while they ate chatting and encouraging conversation with the children. Children's independence was encouraged with support provided as required.

- Nappy changing was observed to be a positive experience for the children with staff observed chatting and singing to the children throughout the process. The older children accessed the toilet independently with assistance provided as needed. The personal needs of the children were dealt with promptly by staff, children whose clothes got wet during a water play activity in the outdoor play area were changed immediately when they returned indoors for their morning snack.
- None of the children present on the day of inspection required sleep however stackable beds were available in the service should a child need to sleep. Comfortable rest areas were provided in the library areas in the care rooms should the child choose to opt out of activities at any time.
- The staff members were observed supporting the children's choice when they chose to change or opt out of activities. For example, when the children in the Playschool room engaged in an art activity 4 children chose and were promptly facilitated to engage in another play option.
- The staff members in both the Playschool room and the Montessori room were sensitive and responsive in promoting positive behaviours. When minor disputes arose in both rooms the staff members supported the children to find positive solutions.

### Supporting relationships around children:

- Throughout the care rooms in the service the staff members engaged warmly and positively with the children throughout the inspection and displayed that they knew the children well, recognising their individual interests and preferences.
- There was a consistency of staff provision in the service, the staff and children were very familiar with each other, and the children were observed to seek out staff for comfort and support as they required it. Staff members were observed supporting children to interact positively with each other, helping children to develop social relationships with their peers and to diffuse any minor disputes that arose between the children.
- The service communicates with parents on a daily basis, both informally during drop off and collection, and through update in real time on mobile tablet devices regarding each individual child's food, nappy changes, and activities. Parents could remotely access this information online throughout the day, in relation to their own child.

- Staff members throughout the care rooms displayed a positive attitude to teamwork and were observed to be supportive of each other modelling positive ways of interacting with the children and one another. Staff were observed to regularly update each other on the preferences of the children in their care which ensured a smooth consistent response for the children.

### Physical and material environment:

- Throughout the care rooms the play materials and equipment were displayed and readily accessible on low level shelving to promote the children's choice and independence when selecting their play opportunities. The children in the care rooms demonstrated familiarity with their environment to access the toys and play resources they chose to play with.
- A range of interest areas were available in the care rooms to support the children's play experiences. These included home areas with a broad range of supportive equipment including crockery, cutlery, saucepans, and recycled materials in addition to dress up materials which supported the children's imaginary and interactive play. Additionally, construction areas, transport toys, a selection of tabletop materials and arts and crafts supplies were provided. The children were observed to choose the materials and resources they wanted to play with and were well supported by the staff members.
- A large tank in the Playschool room accommodated 3 turtles which the children were involved in caring for and enabled the children to engage with and develop an understanding of the natural world.
- A well-resourced enclosed outdoor area is located to the rear of the service. The area is divided into 2 sections with part of one of the areas covered by rigid plastic to allow it to be used regardless of the weather. In both areas well-resourced mud kitchens were available to support the children's imaginary play, a construction area with gravel underfoot, large tyres, cones and hard hats were available to facilitate the children's play. A climbing frame with a slide and a small dome shaped climbing frame provided the children with an opportunity for gross motor play. A large sand pit and water butt provided the children with sensory play opportunities, the children attending the Playschool room expressed an interest in water play and this was facilitated by the staff members who assisted the children in filling water guns and watering cans. Tables and chairs facilitated the children in eating outdoors and the children attending the Montessori room enjoyed their morning snack outside. A selection of ride on toys were available and used by the children to enhance their gross motor and coordination skills. All of the children attending the service enjoyed time outside on the day of inspection.

### Non-Compliance Information

### Physical and material environment:

A table or chairs were not provided for the children in the Junior room to sit at in to eat their meals or snacks or to engage in tabletop activities. The children sat on the floor to have their morning snack.

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

#### Corrective and Preventive Action

A new table and chairs have been purchased and are in place in the Junior room.

#### Supporting documentation submitted

Photograph of new table and chairs in Junior room.

### Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 19 has been adequately addressed.

## 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:

- Entry to the service is secured by a locked door that is opened from inside the service by a member of staff. Visitors ring the doorbell to gain staff attention. The inspectors were met by the manager and signed into a visitor record book.
- Cleaning agents were stored safely out of reach of children.
- The kitchen was inaccessible to the children during inspection.

#### Infection Control:

- There was a supply of liquid soap and paper towel at each hand-wash basin.
- Adequate handwashing practices were observed during the inspection.
- There was a supply of single use disposable gloves and aprons for use during nappy changing.
- Weekly cleaning schedules were in place in the care rooms for the cleaning of toys, equipment, and surfaces.

- Staff were familiar with the procedure for cleaning and sterilising of mouthed toys in the Junior Playschool room. There was paperwork detailing how to prepare disinfectant solutions that staff sign each time a solution is made.

### Administration of Medication:

- Medications were stored out of the reach of children. No children were observed having medication administered on the day of inspection.

### Fire Safety:

- A detailed fire exit plan was on display in each care room showing the exit route for each specific room and the fire assembly point.
- The services designated emergency exits were unobstructed.

### Non-Compliance Information

#### General Safety:

1. The room temperature of the Montessori room was above optimum temperature of 18-22°C. The manager was alerted at 11.30am that the room temperature was high with a reading of 23.4°C on the inspectors thermometer. The manager turned on the portable air cooler in an effort to reduce room temperature before the children returned from the garden. At 12.00pm, the temperature in the same area of the room was 23.6°C. The temperature at the opposite end of the room, where the home corner is located, was 24°C. This posed a risk in relation to the safety and comfort of the children in attendance. An immediate action notice was issued to the registered provider which was appropriately addressed.
2. Two floor mats in the Montessori room and 1 floor mat in the Playschool room were identified as a trip hazard. They were lightweight mats with frayed edgings that moved on the laminate floor with considerable ease.
3. A section of the door of the shed in the outdoor play area was worn exposing flaking splintered pieces of wood which posed a risk that a thin fragment of wood could puncture and become embedded in a child's skin. Furthermore, a gate which divided the 2 sections of the outdoor play area was unsealed with small fragments of wood exposed which could also cause an injury to a child.

#### Infection Control:

4. The grey nappy changing mat was torn at 2 edges leaving foam exposed. This poses a risk of cross-contamination as it cannot be thoroughly cleaned.
5. The running water from the hand wash basins in the sanitary facilities was cold. This poses a risk of ineffective handwashing.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### **General Safety:**

1. Two windows unopened on the day of inspection were opened in the afternoon and the temperature reduced. A second cooling fan was placed in the room.
2. These mats were removed from the room.
3. A tradesman is due to come and either repair or replace the shed and sand down the gate. A photograph of completed work will be sent to the inspectorate.

##### **Infection Control:**

4. This changing mat has been replaced.
5. All taps were checked by a plumber and the thermostat was changed and set to 38°C to allow for tepid water.

##### **Preventative actions:**

1. A second cooler has been purchased for this room.
- 1 to 5: Indoor and outdoor daily risk assessments on the mobile app will be used to check the safety of indoor and outdoor environments and issues will be reported to management.

#### Supporting documentation submitted

##### **General Safety:**

Proof of purchase of cooling fan  
Copies of relevant risk assessments in use

### Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 23 has been adequately addressed.

### 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

(2)(a)(b) There were suitably equipped first aid boxes for children available, that were easily accessible and stored safely.

### Non-Compliance Information

(1) The staff roster showed that there was not a trained first aid responder on the premises on the following days and times on the week of the inspection:

- Monday: 2.00pm – 6.00pm
- Tuesday 8.00am – 9.00am
- Wednesday 8.00am – 9.00am
- Wednesday 8.00am – 9.00am
- Friday: 2.00pm – 6.00pm

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

#### Corrective and Preventive Action

The staff roster has been revised to ensure there is a FAR trained staff member onsite at all times.

#### **Preventative action**

Manager is organising FAR training for staff.

#### Supporting documentation submitted

Copy of updated staff roster

### Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 25 has been adequately addressed.

## Part VII - Premises and Space Requirements

### Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-*  
*(d) cleaned, maintained and repaired, as required, and*

#### Non-Compliance Information

1. In the children's toilet stalls, the paint on the tiles of the walls around the toilet and hand wash basins were flaked and peeling. This poses a risk of cross contamination as it cannot be thoroughly cleaned.
2. The edging on a section of countertop in the Playschool room was missing exposing the wooden pulp underneath which prevented the countertop from being cleaned effectively.

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

##### Corrective and Preventive Action

1. Manager has applied for a grant to have this issue addressed and hopes that if grant is approved the work will be completed in 6 months.
2. This storage press was turned the wrong way and the exposed edge should have been against the wall. This edge has been resealed.

##### Supporting documentation submitted

Photograph of the repaired countertop.

#### Summary Comment

The registered provider has given assurances that the non-compliances will be addressed. This has been accepted by the inspector and will be reviewed at the next inspection.