

Early Years Inspectorate Regulatory Report

Pre School

20TUSLA Identifier:	TU2015LH042
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Name of Service:	Kidz Akademy Ltd
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Address of Service:	20 Greenacres, Avenue Road, Dundalk, Co. Louth
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Eircode:	A91 X432
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Name of Registered Provider:	Fiona McKenna
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Service type:	Full Day, Part Time, Sessional
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Date(s) of Inspection:	15/07/2024
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No of pre-school children:	AM	13	PM	9
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Address of the Early Years Inspectorate:	Child Wellbeing Centre, Castleblayney, Co. Monaghan
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Inspection undertaken by:	M. Flood
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Title:	Early Years Inspector
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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	Not Applicable
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Description of service

Kidz Academy Ltd is a privately owned service that has been in operation since August 2005. The service provides full day care, part-time and sessional care and education to early years children aged from 1 to 6 years. The service caters for a maximum of 29 children from 07.30am to 6.00pm each weekday.

The service operates from a 2 storey purposively renovated premises in a residential area of Dundalk, Co. Louth. The premises consist of 3 care rooms namely; The Senior Preschool Room located on the first floor and The Toddler room and Preschool Room on the ground floor. Ancillary accommodation includes sanitary areas, a kitchen area, a separate sleep room and storage. There is an enclosed outdoor play area to the rear and side of the premises.

Staffing

There were 9 staff employed in the service including the registered provider.

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 inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 11, 16, 20, 22, 25 and 26, however, on inspection additional non-compliance which posed a risk was identified under Regulations 21 and 23. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under regulation 16.

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 would like 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

(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
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

(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) & (b) The service had a person in charge and a named deputy person to deputise as required. The deputy person in charge was on the premises when the inspector arrived unannounced to the service. The designated person in charge arrived on the premises after lunch time and was present for the remainder of the inspection.

(2) The staff files in relation to the each of the 9 staff members including the registered provider, were viewed on the day of inspection:

(a)&(b) Two written and validated references from a past employer or another source were available for each of the 9 staff employed in the service.

(c) Documentary evidence of a processed Garda vetting disclosure was available for each of the 9 staff members including the registered provider. The service was also in adherence to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years.

(4) Documentary evidence was available to confirm that 8 staff members who work directly with the preschool children held at least the minimum required level 5 childcare qualification on the National Framework of Childcare Qualifications or a qualification deemed equivalent.

Non-Compliance Information

(d) Documentary evidence of a processed international police vetting was not available for one staff member who had resided outside the Irish jurisdiction for a period of greater than six months as an adult.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(d) Staff member supplied her International Police Vetting Certificate.

Any future staff hired will be asked to supply their international police vetting before commencing work

Supporting documentation submitted

Documentary evidence translated international police vetting

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliance. Based on this information the non-compliance under Regulation 9 has been 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.

(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.

(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) During the period of inspection there were an adequate number of adults working directly with the children attending the pre-school service.

(2) On the day of the inspection when the inspector arrived unannounced to the service at 10.40am all children were together in the outdoor play area with 3 staff members.

When the children returned inside from outdoor play, the following care rooms were in operation:

- **The Toddler Room:** There was 1 staff member working directly with the 6 pre-school children present aged 1 year 9 months – 3 years.
- **The Preschool Room:** There were 2 staff members working directly with the 7 pre-school children (aged 3-5 years) and 2 children attending the school aged service.

The deputy person in charge was engaged in catering duties and also provided assistance in the care rooms as required.

It was reported by staff that The Senior Preschool Room located on the 1st floor, was not in operation during the summer months.

(8)(a) Following a review of the available documentation e.g., a staff rota and children's attendance records, this information demonstrated that the registered provider ensured that there were at least 2 adults on the premises at all times. This was also confirmed by the designated person in charge.

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;
- (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

(1) The following records were reviewed and included:

(h) Documentary evidence was available of the daily attendance of each child in the service and included the arrival and departure times of each child in the service.

(j) When questioned the staff confirmed that no medication has been administered in the service. There was documentary evidence of signed parental consent in relation to temperature reducing medication should it be required in the event of an emergency as evidenced in 6 sampled children's enrolment forms. Appropriate documentation was also available for medication administration in the service should it be required.

(k) The service had a record in writing of accidents, injuries and incidents involving children during their attendance in the service. Five of these records for the school year to date were sampled and each included parental signatures to document that they had been informed and were aware of the relevant incidents.

Non-Compliance Information

- (i) The staff roster on display in the service was inadequate for the following reasons;
 - It did not detail the actual start, finish and break times of each person in attendance every day. It was not dated and did not include information about staff who were on leave and what staff were providing relief cover in the service. When questioned, the staff confirmed that the page on display was the only one available.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Staff Roster Changed to provide correct information. All staff have been informed about the new roster and how to implement it

Supporting documentation submitted

Updated staff roster

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliance. Based on this information the non-compliance under Regulation 16 has been addressed.

Part V - Care of Child in Pre-school Service

Regulation 20 – Facilities for rest and play

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

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

(3) A registered provider of a full day care service, a part-time day care service or a childminding service, other than such a service to which paragraph (2) applies, shall ensure that-

(a) a suitable, safe and secure outdoor space to which the pre-school children attending the service have access on a daily basis is provided on the premises.

Compliance Information

(1)(b)

- A suitable comfortable rest area was available in each of the care rooms, with soft mats and cushions.
- A separate sleep room was located on the 1st floor and contained 3 standard cots.

(3)(a) A spacious outdoor area was available on the premises and is subdivided into two separate areas:

Area 1 is an enclosed area located to the rear of the building. This has been redeveloped since the last inspection and has a safety surfaced section and a concrete surface area. A large age-appropriate swing set extends across the area and consists of a number of low-level basket swings, baby swing, climbing ropes and swing seats. A loose

stone digging section is also available with supporting play equipment. The concrete area had a variety of play equipment including, a mud kitchen, plastic play kitchen, planted boxes, slides, ride on cars and wooden benches and seating.

Area 2 is located to the side of the premises and directly off the Preschool Room. This area is partially covered for use in all weathers and also has a safety surface. A variety of play materials and equipment is available including; age-appropriate table and chairs, counting frames, toy kitchen and a large toy box with skittles, kitchen equipment and trucks.

Non-Compliance Information

(1)(b) There were instances where sleep facilities were found to be inadequate as demonstrated by the following:

- Two of the cot mattresses were unsuitable; one was ill-fitting and had a foothold present in the cot, which is a potential safety hazard and the 2nd mattress had a number of brown stains on the cover which is a cross-infection risk. There was no documentary evidence available to confirm that a risk assessment had been carried out on the cots and mattresses prior to a child being put down to sleep.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

New Cot and mattress purchased to replace the mattress with the foot hold and the cot to fit the new mattress correctly. Mattress covers replaced on all cots

Checklists for cleanliness and upkeep done for each cot to be carried out daily/weekly. All staff informed about checklists and how to implement them.

Supporting documentation submitted

Photo of receipt

Photo of cots

Photo of checklist

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliance. Based on this information the non-compliance under Regulation 20 has been addressed. Implementation and sustainment of the corrective and preventive actions will be assessed at the next inspection.

Part V - Care of Child in Pre-school Service

Regulation 21 – Equipment and materials

A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.

Non-Compliance Information

- The large white toy storage box in the covered outdoor area off the Preschool Room was not maintained in a clean and hygienic condition. Accumulations of black dirt were evident at the base of the box. This is an infection control risk. While it is acknowledged that there was documentary evidence available that an outdoor checklist had been completed, this document was not signed by a staff member. Subsequently it did not contain a date and did not detail the condition of the toy box.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- Storage box was cleaned using the correct protocol. Regular checks implemented, forms to be signed and dated.

Supporting documentation submitted

Photo of storage box

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliance. Based on this information the non-compliance under Regulation 21 has been addressed. Implementation and sustainment of the corrective and preventive actions will be assessed at the next inspection.

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

Healthy eating is generally promoted in the service and there is a menu on display. All hot meals are provided by an external catering company and reheated by the service. On the day of the inspection the lunch time dinner was served at 12.30pm and was observed to consist of cottage pie. The consistency of the food was age appropriate,

and the children were encouraged to be independent with self-feeding. Support was also provided if required. All children bring in their own snacks for morning and some for dinner and afternoon snack times with the perishable items being stored appropriately in the fridge. Alternative food for the afternoon snack is also available and varies to include beans on toast, sausage rolls and a variety of fresh sandwiches.

All children attending the service had their own cups/ drinks bottles, which were stored on low level shelving/tables throughout the day and were available for the children to access as required in all rooms.

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.

Non-Compliance Information

The Inspectorate is not assured that adequate steps have been taken to ensure the health, safety and welfare of the pre-school children attending the service for the following reasons:

Infection Control

1. Ineffective hand washing practices were observed;
 - Handwashing did not take place for the children in the Toddler Room when they returned from outdoor play and prior to snack time.
 - No handwashing took place after two observed nappy changing procedures. While the staff member was observed to wear gloves these were removed after the procedure, but no handwashing took place for the child or the staff member who returned the child to the care room and took a 2nd child for nappy changing. This process was also repeated following the 2nd nappy change.

General Safety

2. The ambient temperature in the sleep room upstairs where children were sleeping were above the optimum sleep room temperature of 18-22°C for sleeping children aged over 1 year. At 2.05pm when 2 children were asleep, the sleep room temperature was recorded at 25°C. This went unnoticed by the staff until it was brought to their attention by the inspector. In addition, the electric thermometer present in the room was plugged out and there was no means of recording the room temperature. It is

acknowledged that the staff implemented control measures seeking to reduce the room temperature, through opening windows and doors to enhance ventilation in the rooms. However, this was only partially effective as the temperatures recorded during the afternoon remained elevated and were recorded at 24.3°C. These measures did not prevent the room temperatures from remaining in excess of the maximum safe sleep room temperature of 22°C which is at variance with best practice guidelines and the services own safe sleep policy.

- The maintenance records for the firefighting equipment and smoke alarms detailed that the equipment was last serviced on 06/2021 and 24/01/2023 respectively. This is not in line with best practice guidelines of the requirement for such equipment to be serviced at a minimum annually or more frequent if deemed necessary.

Safe Sleep:

- The documented sleep log did not include the details of all the required observations made during each 10-minute physical check. For example, only the position of the child and the time and signature of the staff member were documented. When questioned one staff member was unable to state the requirement to observe the 'colour' and 'breathing pattern' of children when they are sleeping. This is also at variance with the safe sleep observations detailed in the services own Safe Sleep Policy.

Action submitted by the Registered Provider

Corrective & Preventive Action

Infection Control –

1. Staff meeting held to remind staff of the importance of correct hand washing. Infection control and good hand washing practises to be included regularly in staff meetings.

General Safety –

2. New Air Cooler Fanning system purchased

Thermometer plugged in and in placed in the centre of the room for a more accurate reading and better view. The room temperature is also recorded every ten minutes. Staff have been trained in how to use the air cooling system and regular checks of the fan and thermometer will be a continual practice.

3. Fire Safety – Annual Fire safety maintenance carried out.

New fire extinguishers purchased and fitted. Fire safety system have been set up for annual checks with a reminder system in place.

Safe Sleep –

4. New sleep record sheet was created to include more detail about a child's appearance and recording the temperature of the room every ten minutes. Staff have been informed on how to use the sleep sheet correctly and given the sleep guidelines to read and take note of.

Supporting documentation submitted

Photo of fan and thermometer

Fire maintenance Certificates

Photo of sleep sheet

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliances. Based on this information the non-compliances under Regulation 23 have been addressed. Implementation and sustainment of the corrective and preventive actions will be assessed at the next inspection.

Part VI - Safety

Regulation 25 - First aid

(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.

(2) A registered provider shall ensure that a suitably equipped first aid box for children-

(a) is safely stored in an easily accessible and conspicuous position on the premises, and

(b) is available to the children attending the pre-school service at all times.

Compliance Information

(1) The registered provider ensured that there was a person trained as a First Aid Responder (FAR) at all times in the service as evidenced by up to date FAR certificates for 6 staff in the service.

(2)(a) and (b) There was a suitably equipped first aid box for the children in the service available at all times.

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 firefighting 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) A record was maintained of all fire drills which had been completed in the service. Fire drills were carried out monthly. The last recorded fire drill took place on 25/06/2024.
- (b) A record was kept of the number, type and maintenance of the firefighting equipment and smoke alarms in the premises. Firefighting equipment was last serviced on 06/2021 and the fire alarm on 24/01/2023.
- (4) Notices of the procedures to be followed in the event of a fire were conspicuously displayed in the premises.