

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015LH086
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Name of Service:	Shapes and Sizes
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Address of Service:	57 Mill St., Dundalk, Co. Louth
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Eircode:	A91 E803
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Name of Registered Provider:	Barbara Kelly
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Service type:	Full Day
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Date(s) of Inspection:	24/10/2024
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No of pre-school children:	AM	33	PM	10
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Address of the Early Years Inspectorate:	Early Years Inspectorate Child Wellbeing Centre Castleblayney Co. Monaghan
Inspection undertaken by:	M .Flood & L. Jameson
Title:	Early Years Inspectors

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

Shapes and Sizes has been registered as an Early Years' service since July 2002. The service provides sessional, part-time and full day care and education to pre-school children aged 3-6 years. The service operates from 8am - 6pm Monday –Friday and caters for a maximum of 44 preschool children.

The service operates from a 2 storey purposely renovated building in a residential area of Dundalk, Co. Louth. The premises consist of 4 care rooms namely; The Toddler Room and Playgroup Room on the ground floor and The Preschool and Montessori Rooms on the 1st floor. Ancillary accommodation includes sanitary areas, a kitchen and dining area, staff room and storage. There is an enclosed outdoor play area on the premises.

Staffing

There are 11 members of staff including the registered provider employed in the service.

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, 19, 20, 25 and 26 however, on inspection additional non-compliance which posed a risk was identified under Regulations 8 and 23. These findings are outlined within the relevant regulations within this report.

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

An immediate action notice was issued on the day of inspection in relation to excessive hot water temperatures in the service. The service manager provided written assurances of appropriate immediate actions undertaken in the service to control the risk to children within 24 hours of the inspection.

Acknowledgments

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

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

Non-Compliance Information

The registered provider did not notify the agency in writing of a change in age profile of children attending the service. The service is currently registered to cater for preschool children aged 3-6 years. On the day of the inspection children aged 1-2 years were present in the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

A Change of the circumstances form was sent to Tusla on 24th October after Tusla Inspection. The registered Provider will make sure that all changes will be updated with Tusla before implementation.

Supporting documentation submitted

Documentary evidence of Change in circumstance application

Summary Comment

Following a referral to the national registration office, the registered provider submitted the required change in circumstances application and commenced the process to amend their registration status in accordance with their current operation.

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) & (b) The service had a designated person in charge who is the service manager and a named deputy person to deputise as required. Both were on the premises when the inspectors arrived unannounced to the service at 10:30am and were present for the duration of the inspection.

(2) Eleven staff files were reviewed including files for the registered provider, 9 childcare staff and 1 staff member who works with children attending the school aged service.

The following were observed:

(a)(b) Two written and validated references from a past employer or another source were available for each of the 11 members of staff including the registered provider.

(c) Documentary evidence of a processed Garda vetting disclosure was available for each of the 11 staff members.

The service adhered to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years.

(d) Documentary evidence of international police vetting, including any required English translations were available for 3 staff who had lived outside the Irish jurisdiction for a period of 6 months or more as an adult.

(4) Documentary evidence was available to confirm that 9 out of 10 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

(9)(4) Documentary evidence of the minimum required level 5 childcare qualification on the National Framework of Childcare Qualifications or a qualification deemed equivalent was not available for one staff member who was observed working directly with the preschool children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Staff contacted QQI award to issue the certificate and get the proof that she had completed level5.

Manager will make sure that all staff have copy of certificate in file

Supporting documentation submitted

Photographic evidence of required childcare qualification

Summary Comment

The service manager 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 (4) 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.

(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 inspection there were an adequate number of adults working directly with the preschool children attending the service.

(2) On the day of inspection there were 3 preschool rooms in operation namely The Toddler Room, The Playgroup Room and The Preschool Room.

The following adult to child ratios were observed when the Inspectors arrived unannounced to the service;

- **The Toddler Room**

There were 4 preschool children aged 1-2 years present with 1 member of staff.

- **The Playgroup Room**

There were 13 preschool children aged 2-3 years present with 2 members of staff.

- **The Preschool Room**

There were 16 preschool children aged 3-4 years present with 3 members of staff

The service manager was also present in the service and provided assistance and relief in the care rooms as required. They were also observed to carry out catering duties.

The adult child ratios were correct.

(8)(a) Following a review of the available documentation e.g., staff rotas and children's attendance records the information demonstrated that the registered provider ensured that there were always at least 2 adults on the premises.

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,

Compliance Information

There were 3 preschool rooms in operation namely The Toddler Room, The Playgroup Room and The Preschool Room. The Montessori room was closed in the morning and was used by the school aged service in the afternoon.

(1)(a) The following examples demonstrate how the registered provider ensured that children's learning, development and well-being was facilitated within the service:

Basic needs:

- Healthy food and snacks were observed to be available to children throughout the service. Parents provided all snacks and meals for the children which were stored in fridges. Dinners were reheated in the service and the children who attended on a full day or part-time basis were observed to eat in the dining room. Drinking water was readily available for the children.
- Children's personal care needs were met by the adults caring for them e.g., cleaning of noses and faces, hand washing.
- Younger children who required a nappy change had nappy changes as necessary. The adults were observed to handle this care need with sensitivity and good interactions during nappy changing was common practice on the day.
- Children with independent toileting skills had easy access to bathrooms and adults provided discreet supervision or assistance where required.
- Children's interests were responded to through the provision of materials and equipment, and they were encouraged to play and explore their environments. Children who required additional supports in the service had care plans available with identified strategies and goals in place.
- All children attending the Playgroup and preschool rooms had a change of environment to the outdoor area throughout the day. Some of the children attending the Toddler Room had access to the outdoor area in the afternoon.

Physical and material environment:

- The children and staff were observed celebrating Halloween during the inspection with both staff and children dressed up in costumes and singing Halloween themed songs.
- The Playschool and Preschool rooms were well resourced with a variety of age-appropriate toys and equipment that promoted and supported many areas of development. The toys and equipment were accessible to the children on low level and open shelving. A number of interest areas encouraged imaginary and role play including a kitchen area and role play area. Fine motor and co-ordination development was supported with a variety of jigsaws, blocks, small world toys and tabletop toys such as connecting shapes, pegboards, cubes, spools and threads. Sensory play was supported, and the children were observed to actively engage with playdough and large trays that had a variety of toys together with coloured pasta and rice. A large variety of montessori equipment was available that supported the development of fine motor skills, manipulation skills, gross motor, balance and co-ordination e.g. counting frames, button frames, cubes, cylinders, blocks and sand cards. A soft area with mats and soft cushions was also available for the children to access to rest and take a break from activities.
- The Toddler room was adequately resourced for the number of children attending the room on the day of the inspection. For example, the staff member present was observed to actively engage and support the children with use of the interactive toys, soft toys, books, dolls house and equipment and popping sensory toys. A wall mounted mirror was also available, and the children were observed to look at themselves in their dress up costumes. Although not accessed on the day, a variety of additional toys were available in the storeroom adjoining the Toddler Room.
- A variety of the children's artwork was on display in the service and corresponded to the theme of Halloween, including witches and broomsticks, pumpkins and fruit painting.

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 rest area was available in the Preschool and Playschool rooms. The area contained soft mats, and cushions so that a child could relax and take a break from activities if required.

(3)(a) The preschool children were observed to access the outdoor area on a number of occasions throughout the inspection. The outdoor area is an enclosed area located to the rear and side of the premises. The area has a variety of surfaces including a grass area and concrete surface. A partially covered area is also available and can be used in all weathers. The children were observed to engage in a variety of play activities including imaginary play in the playhouse and mud kitchen, sensory play using sand trays, running games and play with ride-on equipment including scooters and rockers. A seesaw and slide were available that promotes communication and strength and co-ordination development. A number of seated areas were observed in use where the children sat with their peers or staff and engaged in conversation.

Non-Compliance Information

- (1)
1. There were inadequate sleep facilities available for the children attending the service aged under 2 years. A number of thin 'fold' out floor mats were available, and when questioned, staff confirmed they are used for sleep. These are not suitable for preschool children under 2 years of age in accordance with best practice guidelines.
 2. The soft area in Toddler Room was considered inadequate for the age and stage of development of the children attending. The area consisted of a thin mat on the floor of the care room. This does not provide an area that is comfortable and inviting and conducive to rest/relaxation.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. A new bed was ordered for age group 6 months to 3 years old from company. Manager will make sure that there are adequate sleep facilities for children attending the service.
2. New soft mats and cushions were bought for Toddler room. Staff will make sure that there is a soft area for the children to relax. Manager will check this every day.

Supporting documentation submitted

Photographic evidence.

Receipt for new bed

Summary Comment

The service manager 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 20 have been addressed. This regulation will be reviewed at the next inspection.

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 based on the following observations made during the inspection:

General Safety:

1. The hot water temperatures in the downstairs sanitary area and Toddler care room, exceeded the recommended maximum safe hot water temperature of 43 °C.

The hot water temperatures were recorded as follows:

At 11:14 the hot water temperature in the Toddler room was recorded at 54.6°C.

At 11:30 the hot water temperature in the downstairs sanitary area was recorded at 57.4 °C.

This is a scalding risk.

An immediate action notice was issued in respect of this safety concern to which an accepted response was received.

Infection Control:

2. Inadequate handwashing was observed. The children attending the Preschool room did not wash their hands prior to lunch time. The children were observed to complete tabletop and art activities and to go downstairs to the dining room for lunch, without hand washing taking place.

- One staff member in the Toddler Room was observed to wear the same pair of disposable gloves throughout the morning when carrying out care practices for the children. For example, the staff member was observed to wipe children's noses and did not wash their hands or change their gloves and continued to wear the same pair of gloves when engaging or caring for the children.

Safe Sleep:

- The safe sleep observations reviewed did not provide evidence of the observations being carried out at each 10-minute physical sleep check or details of the staff member carrying out the checks in accordance with best practice guidelines.

Corrective & Preventive Action submitted by the Registered Provider

Corrective & Preventive Actions

- Plumber was contacted, advised as to reduce the temperature on boiler. Action note was issued to Tusla. A hot water temperature check list has been commenced. Every day the deputy manager or manager check the water temperature.
- 2 and 3 Staff had hand wash training and told that the best practice is to keep changing the gloves after every use. The manger will be checking that the best practice in hand washing is followed. Every day the manager will be attending rooms to observe and supervise.
4. Sleeping log was updated following the inspection. The manager and staff will be checking best practice guidelines to make sure that sleeping log is up to date with all regulations.

Supporting documentation submitted

Photographic evidence of recorded daily hot water temperatures
Safe sleep observations log.

Summary Comment

The service manager 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 preventative actions will require assessment 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

(2)(a) (b) The first aid boxes available were adequately equipped and were stored in a conspicuous location where they are easily accessible in the event of an emergency.

Non-Compliance Information

(1) The registered provider did not ensure that a person trained in first aid for children was at all times available to the children attending the service. Documentary evidence indicated that one staff member had a First Aid Responder (FAR) qualification which expired on 22/09/2024.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Staff attended FAR training refresher on 07/11/24 and 08/11/24.

Second staff member will attend FAR training to make sure that we always have staff member with FAR qualification in the building. Training should be available in January /February.

Supporting documentation submitted

Photographic evidence of updated FAR training for 1 staff member.

Summary Comment

The service manager 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 25 has been addressed. It is accepted that a 2nd staff member will attend training in January/ February. This will be reviewed at the next inspection.

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, the last recorded October 2024.
- (b) A record was kept of the number, type and maintenance of the fire-fighting equipment and smoke alarms in the premises dated the 13/08/2024.
- (4) Notices of the procedures to be followed in the event of a fire were conspicuously displayed in the premises