

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015LK084
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<b>Name of Service:</b>	Herberstown Community Childcare
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<b>Address of Service:</b>	Herberstown National School, Herberstown, Kilmallock, Co. Limerick
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<b>Eircode:</b>	V35 WY80
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<b>Name of Registered Provider:</b>	Kate Clifford
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<b>Service type:</b>	Sessional
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<b>Date of Inspection:</b>	29/02/2024
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<b>No of pre-school children:</b>	AM	21	PM	0
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<b>Address of the Early Years Inspectorate:</b>	Tusla, Early Years Inspectorate, Estuary House, Henry St Limerick
<b>Inspection undertaken by:</b>	E Browne J Ryan
<b>Title:</b>	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).

<b>Conditions if applicable</b>	Not applicable
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### Description of service

This community based preschool service opened in 2008 and it operates from a modular unit located on the grounds of Herberstown National school. It provides a sessional service for children aged between 2 and 6 years of age from 09.00 to 12.00hrs for 38 weeks of the year. The modular unit consists of 2 playrooms, bathroom facilities for the children and adults, main entrance hall, an office and outdoor facilities for the children.

It caters for 22 preschool children at any one time.

The service offers a breakfast club and a school aged service to the school aged children from Herberstown National school.

### Staffing

There are 5 staff members including the person in charge employed to work in the service each day. On the day of the inspection there were 3 staff members working directly with the children and these staff had an appropriate qualification in Early Childhood Care and Education.

The registered provider does not work in the service.

There was 1 additional staff on an employment scheme present 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, safety, premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 10, 11, 16, 19, 27, 31, and 32.

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

29/02/2024

This inspection was triggered by information received by the Early Years Inspectorate.

## Acknowledgments

The inspectors wish 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.*

*(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.*
- (7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:*
- (a) the policies, procedures and statements of the service specified in Schedule 5;*
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and*
- (c) these Regulations.*

### Compliance Information

- (1)(a) The designated person in charge was present on the day of the inspection. There was a second person available to deputise if needed.
- (b) The staff roster indicated that the manager or their deputy was always available on the premises.
- (2)(a) Two written references were available for each staff member working at the service. All references were validated.
- (b) References were from the person's previous employers or from their school or college placement.
- (c) Garda vetting disclosures received from the National Vetting Bureau of An Garda Síochána were available for the 5 staff members and 1 adult working at the service.
- (d) Police vetting was available for one staff who had lived outside the jurisdiction for longer than 6 months.
- (4) The 5 staff working directly with the children at the service had an appropriate qualification in Early Childhood Care and Education.

## Non-Compliance Information

- (7)
- 1.No documented evidence was on file that all staff were appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:
    - (a) The policies, procedures and statements of the service specified in Schedule 5.
    - (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and
    - (c) These Regulations.
  2. There was no documented evidence that the staff received training on the services policies and procedures including the behaviour management policy since September 2020.  
It is acknowledged that the manager stated that unscheduled meetings took place each week with staff however records of these meetings were not available.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

The manager has stated in the reply:

1. Staff meetings and one to one meetings will be documented. The meetings will have a set time each month and staff will be encouraged to discuss ideas, reflect on past events and plan for future events.
2. The service will ensure that staff will participate in training and in particular behaviour management.

### Supporting documentation submitted

No evidence submitted.

## Summary Comment

The actions as stated by the manager in response to the non-compliances identified under Regulation 9 Management and Staffing point (7) 1 and 2 will address the issues. This will be assessed at the next inspection.

## Part III – Management and Staff

### Regulation 10 - Policies, procedures etc. of pre-school service

*A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.*

#### Compliance Information

The following policies were documented and available for inspection.

- Behaviour management Policy
- Accident and Incident Policy
- Notification of Incident Policy
- Complaints Policy
- Supervision Policy for Staff

#### Non-Compliance Information

1. The policies and procedures for the service have not been reviewed and updated since September 2020.

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

##### **Corrective and Preventive Action**

The manager has stated in the response that:

1. The service will ensure that the staff will be given the opportunity to review policies on a regular basis.  
The manager and staff plan to review the policies and procedures for the service this July before commencement on the preschool year in September 2024.

##### **Supporting documentation submitted**

No evidence submitted.

#### Summary Comment

The actions as stated by the manager in response to the non-compliances identified under Regulation 10 Policies point 1 will address the issues. This will be assessed at the next inspection.

### Part III – Management and Staff

#### Regulation 11 - Staffing levels

*(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

(3) The manager ensured that at all times the number of staff present in the service met the requirements of the regulations.

On the day of the inspection there were 3 staff members present with 21 preschool children for the morning session. The adult/child ratios were correct.

### 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:*

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult:child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (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 registered provider had ensured that a record in writing was kept of the following information in relation to the service:

- (a) The name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor in the service.
- (b) Details of the type of service and the age profile of children for which the service was registered.
- (c) Details of the adult: child ratios in the service.
- (d) The type of care programme provided in the service.
- (e) The facilities available.
- (f) The opening hours and fees.
- (g) The policies, procedures and statements the service was maintained in accordance with Regulation 10.
- (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) The accident and incident book was available which detailed a number of accidents and incidents for 2024 and from September 2023.

## Non-Compliance Information

(k) The details of an incident which occurred in November 2023 involving a pre-school child attending the service was not recorded and not notified to Tusla, Early Years Inspectorate. This was at variance with the services Notification of Incidents Policy which stated that Tusla, Early Years Inspectorate would be notified within 3 working days of the incident and an accident and incident form would be completed and kept on file.

## Corrective & Preventive Action submitted by the Registered Provider

### **Corrective and Preventive Action:**

The manager has stated in the response that:

- (k)  
The manager is now aware that any such incidents must be reported to Tusla within a period of 3 working days. Staff will renew their training on the relevant policies and procedures for the service.

### **Supporting documentation submitted:**

No evidence submitted.

## Summary Comment

The action as stated by the manager in response to the non-compliance identified under Regulation 16 Records in relation to the preschool service, point (k) will address the issue. This will be assessed at the next inspection.

## 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-

(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

(3) A registered provider shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful are carried out in respect of a pre-school child whilst attending the service.

## Compliance Information

(1)

### **SUPPORTING RELATIONSHIPS AROUND CHILDREN:**

The service supported children in forming and sustaining positive relationships with adults. The key worker person was in operation and a group of children were observed in the outdoor area with their key person. Staff were observed to be actively involved in the children's play. The staff were observed to listen to children as they communicated their needs both verbally and non-verbally by reading their cues and body language. The staff were observed to comfort children using soft tones of voice, the child's individual name and getting down to their level and making eye contact.

There was evidence that the service was working with parents by sharing information including significant events or activities involving their child, including the sharing of knowledge and observations of the child interest, strengths, developmental and care needs. Staff met with parents when collecting their children and communicated information in relation to their child.

(3)

While present in the service no practices that were disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful were observed in respect of any pre-school child whilst attending the service.

A detailed policy on managing behaviour was in place and staff stated that they had a clear understanding of their roles and responsibilities in relation to the policy

## Part VI - Safety

### Regulation 27 – Supervision

*A registered provider shall ensure that pre-school children attending the service are supervised at all times.*

#### Compliance Information

A supervision policy was in place at the service which outlined the responsibility of all staff to ensure children are supervised at all times. On the day a staff member was observed in the outdoor area with a group of 10 preschool children. There were 2 staff members indoors with the remaining children.

Children were supervised primarily by sight and supervision for short intervals by sound allowed when children were independently using the toilet. However, the staff were always close by where they could talk to the children who were out of sight.

Following an incident in the service additional safety measures were put in place to ensure the children's safety where risks were higher. For example an additional lock was placed on the gate that's used when the school aged children enter and leave the preschool premises through the outdoor area to the school yard premises.

The gate was observed to be secured with a lock and bolt on the day of the inspection. All other gates were observed to be closed and secured with the bolt in place.

## Part VIII - Notifications and Complaints

### Regulation 31 - Notification of incidents

*A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:*

*(e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.*

### Non-Compliance Information

(e) An incident in respect of a preschool child who was found alone and unsupervised occurred in November 2023 while a child was in the service. A notification of this incident was not completed and forwarded to Tusla, Early Years Inspectorate within the 3 working days.

It is acknowledged that the parents of the child were informed and sent a notification of the measures the service had taken in relation to the incident to ensure a similar incident would not occur again.

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

#### Corrective and Preventive Action

The manager has stated in the response that:

(e) The service is now aware that any such incidents must be reported to Tusla with 3 working days. Staff will update their training on the relevant policies and procedures for the service.

#### Supporting documentation submitted

No evidence submitted.

### Summary Comment

The actions as stated by the manager in response to the non-compliance identified under Regulation 31 Notification of Incidents point (e) will address the issues. This will be assessed at the next inspection.

## Part VIII - Notifications and Complaints

### Regulation 32 – Complaints

- (1) A registered provider shall ensure that the complaints policy of the service specifies-
- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,
  - (b) the manner in which such a complaint shall be dealt with, and
  - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.
- (2) A registered provider shall ensure that-
- (a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and
  - (b) the complaint is duly dealt with in accordance with the provider's complaints policy.

### Compliance Information

- (1) The registered provider had ensured that the complaints policy of the service specified-
- (a) The procedure to be followed by a person for the purposes of making a complaint in relation to the service.
  - (b) The manner in which such a complaint shall be dealt with.
  - (c) The procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.
- (2) A complaint had been made to the service and the manger demonstrated that the service was following their complaints procedure