

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015LK152
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Name of Service:	Silver Apples Creche
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Address of Service:	University of Limerick, Castletroy, Co. Limerick
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Eircode:	V94X920
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Name of Registered Provider:	Oliver Moloney
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Service type:	Full Day, Part Time, Sessional
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Dates of Inspection:	11/11/2024
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No of pre-school children:	AM	40	PM	40
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Address of the Early Years Inspectorate:	Early Years Inspectorate Tusla Estuary House Henry St Limerick
Inspection undertaken by:	E Browne and J Ryan
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

This full day service is located on the grounds of the University of Limerick.

The opening hours are from 08:30 – 18:00 hours, Monday – Friday for 51 weeks of the year.

It caters for children from six months to six years of age. The premises is a single storey purpose built childcare facility. It has 4 playrooms in operation, a multipurpose room, two dedicated sleep rooms, a kitchen, nappy changing and sanitary facilities for children and adults, an office and outdoor play areas to the back of the premises.

Staffing

There were 15 adults present on the day of inspection and 13 were working directly with the children.

The registered provider works in the service each day and is available to cover for breaks.

Additional staff are available for kitchen, office and cleaning work duties.

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, 19, 25 and 26, however, on inspection additional non-compliance which posed a risk was identified under Regulation 23 and 29. 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

11.11.2024

An Immediate Action Notice was issued on site in relation to the non-availability of Garda vetting for two staff members working in the service.

12.11.2025

A response was received from the registered provider confirming that Garda vetting was now on file for one staff member and that the second staff member will not have access to or contact with children until such time as the garda vetting is on file.

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
- (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.

(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

(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 who was available on the day of the inspection and there was a named person who could deputise as required.

(b) The registered provider was present in the service for the duration of the inspection.

(c) There was a clear management structure in place that identified the lines of authority and accountability in the service and the specific roles and responsibilities of each member of the management team.

(2)(a) There were two written and verified references from past employers, available in respect of the staff members working at the service.

(b) References from other sources furnished by staff were on file as required.

(c) Vetting disclosures from the National Vetting Bureau of the Garda Síochána were available in respect of 17 staff working at the service. Garda vetting for 14 staff was dated within the last three years as per the regulatory notice, EYI-RN12.3 renewal of garda vetting, published by the inspectorate in September 2023

(d) Police vetting was on file for 10 staff that had lived outside the jurisdiction.

(4) All the staff working with the children held an award in Early Childhood Care and Education.

Non-Compliance Information

(2)

(c) Garda vetting was not available for 2 staff members working in the service on the day. An immediate action notice was issued on site to the registered provider.

A response was received on the 12.11.2024 and it stated that that Garda vetting was now on file for one staff member and that the second staff member will not have access or contact with children until such time garda vetting is on file. The Garda vetting was now on file for the second staff member and evidence was submitted to the Inspectorate on the 27th of November 2024.

(3) The procedures specified in paragraph (2) were not carried out prior to 2 staff being appointed and were allowed to work with the children attending the pre-school service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action: The registered provider has stated in the response that:

(2)(c)

Garda vetting has been acquired for two staff members, one was forwarded on the 12/11/24 and the second on the 27/11/24.

(3)

The service will ensure no new staff hires will be completed until Garda vetting is secured, this will also correspond with the Recruitment Policy (revised November 23).

Supporting documentation submitted:

Copies of the Garda vetting for the 2 staff members and the Recruitment policy was sent to Early Years Inspectorate.

Summary Comment

The evidence submitted was assessed and deemed to meet the regulatory requirements of Regulation 9, points (2)(c) and (3).

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 policies, procedures and statements were available in a folder in the service , accessible to all the staff to view and refer to as required.

Part III – Management and Staff

Regulation 11 - Staffing levels

(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.

Compliance Information

(2) On the day of the inspection there were 14 staff working across 4 care rooms with 40 preschool children present. During the period of inspection, the minimum ratio of staff to children was maintained and an adequate number of staff were working directly with the children in each care room.

1. Baby Room – There were 6 babies (0-1 yrs) and 4 staff.
2. Toddlers Room – There were 8 toddlers (1-2yrs) and 3 staff.
3. Preschool Room 1– There were 17 children(3-5yrs) and 3 staff
4. Junior Preschool room - There were 9 children(3-4yrs) and 2 staff.

The registered provider and 2 additional members of staff were available to relieve staff to take their meal breaks, for kitchen duties and office management.

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

(1)(a) BASIC NEEDS

Dinner was freshly prepared on site and snacks provided for the children who attended were in line with the healthy eating policy of the service. There was a three-week menu plan and dinner on the day consisted of pasta, mixed vegetable and bolognese. Drinks were available in the children's beakers and were accessible in a tray on a low table for the children to take at any time. Staff sat with the children while feeding and offered assistance if required.

Breakfast cereals were served for breakfast in the morning and a selection of fruit was available at snack time. Formula milk bottles were reconstituted when the babies were hungry and required feeding. Beakers were introduced at six months for babies with the view of moving on from bottles at twelve months. Formula bottles not finished following a feed were discarded after 90 minutes. At dinner time there were three staff present in the baby room to spoon feed six babies. Babies were seated on low seats with staff seated at the child's eye level. Spoon feeding was not rushed, and babies had drinks available whilst having dinner. The procedure for cleaning of a baby's soothers was displayed also.

Nappy changing for the babies was observed and staff wore clean aprons and gloves for each nappy change in line with the nappy changing policy.

Children who were toilet trained toileted independently with assistance given where it was required.

Children were observed to wash their hands at appropriate times during the day such as after toileting, outdoor play and before eating. Hand washing took place using hot water, liquid soap and paper towels.

Babies were placed to sleep in cots in the baby sleep room when they showed signs that they were tired, and all sleeping babies were physically checked at 10-minute intervals. Records were available to demonstrate which staff completed the checks and the safe sleep policy was displayed in the sleep room. The older children slept on a low-level bed and linen was changed daily after each sleep. Staff remained in the room while the children were sleeping.

The children could rest as desired throughout the morning and afternoon on the child sized couch in the library area in each room. The children enjoyed freedom of movement within the rooms. Children were supported and

encouraged to behave appropriately for their age and stage of development through having simple rules to follow and a wide level of choice of activities. The adult modelled positive behaviour for the children and they were praised for their good behaviour.

The key person system was observed in operation in each room of the service. Staff members engaged with their designated smaller group. This created a quiet, calm environment allowing children have more space and more one to one attention with their staff during the day. Staff were observed to lift and cuddle babies frequently and Lots of floor play was observed.

PHYSICAL AND MATERIAL ENVIRONMENT

The rooms were well resourced with a wide range of equipment, including real items, natural and sensory material and library areas. Materials were rotated according to the learning needs of children in the group. Circle time involved staff reading stories to the children and they listened and questioned the staff in relation to the story read. Dress up clothes were available which supported children's sense of imagination. Sensory play was facilitated outdoors where there was two sand boxes and water tables available for messy play activities.

There were three treasure baskets of real play materials available and observed to be in use in the baby room. A multipurpose room was available for free play such as dress up, painting, gross motor play and storytelling. A small group of children were observed at play in this room in the afternoon with their key worker.

Non-Compliance Information

1. Toys and children's play equipment were piled on top of each other and were wet and dirty in the outdoor play area off the baby room. This posed a risk to the safety of the children playing and also posed a risk of cross infection.
2. There was no appropriate seating in the outdoor area for the children and staff to sit and relax with their friends or with the staff.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action: The registered provider has stated in the response that :

1. Broken toys have been disposed of and remaining toys have been placed in storage boxes within the play area which are easily accessible.
2. A chair has been placed in the area for adults to sit on. Also a child size chair is available for children to use. When the area is in use we place blankets on the artificial grass for adults and children to sit and crawl on. These are stored in a cupboard internally and are specifically designated for this use only.

The service will carefully monitor the play areas through the actions of the Room Leader, Creche Supervisor and Manager of the service. To review current policies in relation to outdoor play, curriculum and cross infection.

Supporting documentation submitted:

Photographs submitted of the changes made in the service.

Summary Comment

The evidence submitted was assessed and deemed to meet the regulatory requirements of Regulation 19 , points 1 and 2.

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

General Safety:

1. The garda vetting disclosures for 4 staff members was not dated within the last three years as per the regulatory notice, EYI-RN12.3 renewal of garda vetting, published by the inspectorate in September 2023 and effective from Jan 01/01/2024. The renewed Garda vetting for 2 of the 4 staff members was submitted to the Early Years Inspectorate on the 27th of November.
2. The glass on the exit door from the baby room was cracked and posed a safety hazard if it shattered to both the adults working in the room and the children present in the room.
3. A cot mattress with some exposed sponge surface which was not protected by a mattress cover posed a safety risk to the sleeping child.
4. The entrance gate at the side of the building was unlocked and posed a safety risk to the children as unauthorised persons could access the outdoor play area.

Infection Control:

5. Waterproof protectors were not provided on two cots in the baby sleep room to allow easy cleaning and reduce the risk of cross infection.

Safe Sleep:

6. The room temperature in the baby sleep room exceeded the recommended level of between 16 – 20 degrees Celsius as it was recorded at 23.5°C on the day of the inspection.

Babies were sleeping in the room at the time this temperature was recorded. The electric fan in the room had been switched on however windows were not opened at the time.

Records maintained for the previous dates of 07/11/2024 and 08/11/2024 demonstrated that the room temperatures in the baby sleep room were recorded by staff at 24°C and 25°C. Raised temperatures in the sleep room posed a risk to the safety of the children sleeping.

- A cot was located close to a storage press where blankets and sheets were accessible. This posed a potential safety risk of suffocation if a child pulled blankets or sheets on top of themselves.

Action submitted by the Registered Provider

Corrective & Preventive Action: The registered provider has stated in the response that :

General Safety:

- The Garda vetting for the 4 staff members has been renewed.
- Exit door glass cracked – this will be rectified within the next 6 weeks (January 31st.)
- Mattress protectors have been fitted as per attached photos.
- Fit lock to side gate 16 weeks (3 months April 1st.)

Infection Control:

- Mattress protectors have been fitted to all cots.

Safe Sleep:

- Baby sleep room temperature has been resolved, with defective thermostats replaced and radiators regulated to appropriate temperature.
- The cot which was located close to storage unit has been relocated and moved away from storage unit.

Preventive Action:

Management will renew Garda Vetting before current vetting expires.

Management will carry out regular checks to ascertain works which need immediate attention on a weekly basis.

The side gate requires a key pad and self-closer, this has been placed on order and await installation.

Supporting documentation submitted:

Copies of the Garda vetting was submitted for the 4 staff members.

Photographs of the actions taken was submitted to the Early Years Inspectorate.

Summary Comment

The evidence submitted was assessed and deemed to meet the regulatory requirements for Regulation 23 - points 1, 3,5, 6 and 7.

General Safety - points 2 and 4 remains outstanding and 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 had ensured that staff held current certification in First Aid Response (FAR) for children with 2 staff having completed FAR training recently.

(2)(a) There were suitably equipped first aid boxes safely stored and easily accessible in the service.

(b) The first aid boxes were available at all times if required for a child.

Part VI - Safety

Regulation 26 - Fire safety measures

(1) A registered provider shall ensure that a record in writing is kept of-

(a) any fire drill that takes place in the premises, and

(b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.

(4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

Compliance Information

(1)(a) The fire drills were practiced on a monthly basis. The last recorded fire drill took place on the 15th of October 2024.

(b) The firefighting equipment was serviced on an annual basis, most recently in June 2024 and a record was maintained of the number, type, and maintenance of the firefighting equipment. The fire and smoke alarm system were tested and serviced in September 2024.

Non-Compliance Information

(4) A notice of the procedures to be followed in the event of a fire was not displayed in the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action: The registered provider has stated in the response that :

(4)
A notice of procedures to be followed in the event of a fire has been posted in various locations throughout the service.

Supporting documentation submitted:

No

Summary Comment

The regulatory requirements for Regulation 26 Fire Safety, point (4) has been met.
This will be assessed at the next inspection.

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.

Non-Compliance Information

(d) The paintwork on all fencing and the wooden structures was chipped and in a poor state of repair.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(d) Chipping paintwork on fencing and wooden structures will be complete within the next three months weather permitting. Management will endeavour to maintain outside areas in good repair.

Supporting documentation submitted

Not applicable

Summary Comment

Regulation 29 Premises - point (d) remains outstanding and will be assessed at the next inspection.