

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015MO014
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<b>Name of Service:</b>	Ballyheane Buttercups
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<b>Address of Service:</b>	Ballyheane, Castlebar, Co. Mayo
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<b>Eircode:</b>	F23 WP92
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<b>Name of Registered Provider:</b>	John McGovern
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	09/04/2024
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<b>No of pre-school children:</b>	AM	29	PM	29
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<b>Address of the Early Years Inspectorate:</b>	Early Year's Inspectorate, TUSLA, Child and Family Agency, 2nd Floor, St. Mary's HQ., Castlebar, Co. Mayo.
<b>Inspection undertaken by:</b>	M Farrell and L Costello
<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

Ballyheane Buttercups is a service registered to provide full day, part time and sessional services to children aged from 0 to 6 years of age. The service is registered to open daily from 8am to 6pm. Sessional services are provided from 9:15am until 12:15 midday. The premises is in a two-storey building part of which is used as a community centre. There are three playrooms in use for the preschool children located on the ground floor and one playroom is on the first floor of the building. There are dedicated sleep areas in the Baby and Wobbler playrooms. Sanitary areas, a kitchen, staff room/kitchenette, office and a reception area are provided in the building. The children have access to an enclosed pre-school playground beside the building and a separate sensory garden accessed via a carpark at the front of the building. The service is registered to provide school aged services.

### Staffing

There were fifteen staff members including a manager, childcare staff and a cook working in the service at the time of the inspection. The registered provider does not work directly 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/safety. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under sections of regulations 9, 10, 11, 16, 23, 27 and 28; however, on inspection additional non-compliance which posed a risk was identified under Regulation 25. 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:

The inspection was triggered by notification to the Tusla inspectorate. The inspection process included a review of the regulations relevant to the information submitted.

### Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, 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

### Compliance Information

(1)

(a) There was a named person in charge and a named person to deputise as required.

(b) A sample of staff attendance records reviewed found that the person in charge or deputy person in charge were available at all times.

(2)

(a) Through discussion with the designated person in charge and review of documentation it was confirmed that there were three staff new to the service since the most recent focused inspection of the 19 January 2024. The vetting files for the other 12 staff in the service had been previously inspected and been found to have been compliant. The vetting files for the three new staff were reviewed and the following information was available for the staff:

(b) Two written, validated references from past employers particularly their most recent employer for one staff. There was one written, validated reference from a past employer for two staff members.

- (c) Garda vetting disclosures had been obtained for all 15 staff members. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
  - (d) The vetting information available showed that international police vetting was not required for the three staff members new to the service since the most recent inspection of the 19 January 2024.
- (4)
- Evidence of the required qualification in Early Childhood Care and Education or equivalent was available on file for the two staff new to the service since the last inspection who worked directly with the preschool children.
- (7)
- (a) Staff meetings were held in the service to update staff with the most recent staff meeting held on the 10 January 2024. Memos were sent to the staff periodically with service updates.

## Non-Compliance Information

- (2)
- (a) A second written, validated reference from a past employer was required for one staff member for whom a reference from a source other than a past employer had been obtained. Neither of the references from past employers for a second adult had been obtained from the staff member's most recent employer as required under the regulation.
- (7)
- (a) The service's training policy detailed that during induction staff would be familiarised with essential policies and that each staff being inducted, and existing staff would complete a record template in relation to receipt of policies. Discussion with staff found that some staff had not been forwarded the service's policies and procedures. Review of records found that there was no record to demonstrate that some staff had received the service's policies and received training in relation to the policies. The staff induction records did not demonstrate that the service's induction training as described in the service policy had been fully completed. The service's staff supervision policy stated that all staff members must have regular and consistent supervision and detailed that supervision meetings will be scheduled every six weeks. However, the staff supervision records available showed that the last recorded staff supervision meeting was held on the 10 November 2022 in the service. There was no detailed formal mechanism in place for the supervision of some staff member.

## Corrective & Preventive Action submitted by the Registered Provider

The service advised in a written response:

### **Corrective and Preventive Action**

- (2)
- (a) A second written reference from a previous employer has been provided to the manager and verified. At the time of inspection, a written reference had been requested from the most recent employer for another staff member, and this was provided to the manager the day after inspection. The manager will ensure that references sought are from previous employers, not work placements. Once notice has been given from new employees to their most recent employers, the manager will request that a written reference is provided and verified prior to beginning in the service.
- (7)
- (a) The policies and procedures have been emailed to all staff including those who had not yet received them. All team members have signed a document to show they have read the service policies. The staff induction record has been reviewed, and all new team members have been brought up to date in their induction in line with the service training policy. The staff supervision policy has been revised to reflect a more achievable timeline of providing support and supervision once every quarter. Staff support and supervision meetings have commenced and are due to be completed with all team members and the manager in three weeks. All new team members will be emailed the policies and procedures of the service by the manager upon hiring for any new position in the service. The manager will ensure that time is given to complete the induction training and records with each new employee. The manager will ensure that the support and supervision is completed once every quarter, as stated in the policy.

### **Supporting documentation submitted**

Photographic evidence, copies of references, revised policies and updated induction checklist.

## Summary Comment

The Early Years Inspectorate has reviewed the actions taken and evidence submitted by the service and found them to have addressed the regulatory non-compliance found on 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

Written copies of policies were in place in the service and made available by the designated person in charge for review by the inspectors on request. The following policies were reviewed and found to contain the necessary information to meet the regulatory requirements;

- (i) outings policy where children attending the service are brought on such outings;
- (j) policy on accidents and incidents,
- (r) risk management policy;
- (t) staff training policy;

#### Non-Compliance Information

- (m) The outdoor play policy did not contain details of the grass outdoor play area used by the service accessed via the community centre carpark.
- (u) The supervision policy did not detail how supervision would be provided for all of the staff members.

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

The service advised in a written response:

##### Corrective and Preventive Action

- (m) The outdoor play policy has been reviewed and updated to include the sensory garden. The service policies will be reviewed annually and updated as needed.
- (u) The supervision policy has been updated to include how supervision will be carried out for all staff. The service policies will be reviewed annually and updated as needed. The manager will pay particular attention to the timeframes set out in the policies ensuring timeframes are met.

##### Supporting documentation submitted

Copies of the revised policies.

#### Summary Comment

The actions taken and evidence submitted to the Early Years Inspectorate has addressed the regulatory non-compliance found on inspection.

### 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) There was an adequate number of adults working directly with the children on the inspectors' arrival to the service with 9 staff working directly with the 29 preschool children present. Two additional staff members including the manager worked directly with the children providing relief for breaks and additional support. The registered provider was also present in the service at times during the inspection.
- (2) The minimum adult to child ratios were provided on the morning of the unannounced inspection in accordance with the required ratios considering the ages of the children and the length of time each child spent in the service as outlined below:
- Baby room: Two staff cared for five children aged between one and two years of age.
  - Wobbler room: Two staff cared for seven children aged from one to three years of age.
  - Early Preschool room: Three staff cared for eleven children aged from three to four years of age.
  - Preschool room: Two staff cared for six children aged four to five years of age.
- (8)(a) There were more than two adults always present during the unannounced inspection. The attendance records and staff rosters reviewed showed that at least two adults were always present in the service during opening hours.

## Non-Compliance Information

- (2) Between 13:59 and 14:14 hours one staff member cared for eleven children aged from three to five years attending full day care services in the Early Preschool room. The required adult to child ratio for this age range of children is one adult to each eight children and a second adult was required.

## Corrective & Preventive Action submitted by the Registered Provider

The service advised in a written response:

### Corrective and Preventive Action

- (2) A team meeting was held with a particular focus on supervision. During this meeting the manager also stressed the importance of communication during handovers and meeting the correct ratios. The manager will ensure that adequate staffing levels are maintained in accordance with meeting the required staff / child ratios per room.

### Supporting documentation submitted

Information regarding staff meeting.

## Summary Comment

The actions taken and evidence submitted by the service has addressed the non-compliances found under this regulation on inspection.

### 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:*

*(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;*

*(k) details of any accident, injury or incident involving a pre-school child attending the service.*

*(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records referred to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.*

#### Compliance Information

(1) and (3)

- (g) Copies of the policies required under Regulation 10 were made available by the designated person in charge to the inspectors on request in the service.
- (h) The staff kept accurate records of the children's attendance in attendance record books kept in their playrooms.
- (i) Details of staff rosters were available in the service.

#### Non-Compliance Information

- (k) Accident and incident forms had not yet been fully completed and signed by parents in relation to an incident notified to Tusla by the service involving two children on the 3 April 2024.

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

The service advised in a written response:

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

- (k) The accident and incident forms were completed and signed by the parents. Parents were provided with a copy for their records. Accident and incident reports will be completed on the day the incident occurs and signed by the parents in a timely fashion.

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

Copies of accident and incident report forms.

### Summary Comment

The Inspectorate has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 16 (k) has been adequately addressed.

### Part VI - Safety

#### Regulation 23 - Safeguarding health, safety and welfare of child

*A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.*

### Compliance Information

#### General Safety:

The main entrance doors to the service's lobby area were found to be secured on the inspectors' arrival to the service. The doors were secured throughout the inspection with staff controlling access to the service. Keypad systems were in place on the internal entrance doors to the Baby room and the hallway on the ground floor and at the top of the stairs to the first floor. These internal doors were secured when people were not using them to access or leave areas. The alarm system on the emergency exit doors upstairs was found to be in working order when checked by the inspectors. The doors to the staff room/kitchenette, storeroom and large school age care room were secured and these areas were inaccessible to the children. The gates in the outdoor area accessible directly from the Wobbler and Early Preschool playrooms had a securing mechanism in place to prevent children from leaving the area unnoticed. These gates were found to be secured on the inspectors' unannounced arrival to the service. Blind cords on the windows in playrooms were secured with securing devices. The toys and play equipment provided were age appropriate and suitable for the children using them. The cleaning products were stored out of reach of the children for example on high shelving in the Baby playroom.

#### Infection Control:

Children and staff hands were observed to be washed with warm water and liquid soap after nappy changes and dried with paper towels. The staff cleaned down nappy change surfaces after each use. Foot pedal operated bins were provided for disposal of waste throughout the service. The children's food provided from home was stored in refrigerators in the playrooms.

#### Safe Sleep:

Children in the Baby room were placed down to sleep in standard cots with waterproof mattresses in a separate area of the sleep room. The staff demonstrated awareness of safe sleep practices and carried out regular 10-

minute observations of the children's colour, breathing and position. The sleep area air temperature was recorded at 18.6°C.

**Outing:**

A written risk assessment was in available for inspection for an outing to a pet farm.

**Non-Compliance Information**

**General Safety:**

1. An incident occurred in the service on the 3 April 2024 and was notified to Tusla by the service. On inspection a review of written records and discussion with staff members found the following:
  - the main entrance door to the service had been left open and unattended at the time of the incident;
  - the internal entrance door to the Baby room had been left open and unattended at the time of the incident.

Since the incident the following actions have been put in place:

  - (a) The main entrance door to the service is to be secured at all times when not opened to allow people to enter or leave the service.
  - (b) The internal entrance door to the Baby room is to be secured at all times when not opened to allow people to enter or leave the playroom.

On inspection these actions were observed to be operational and effective.
  
2. The service's accident and incident policy states that a risk assessment will be completed following any accident or incident to prevent an accident reoccurring and to take corrective action. There was no written risk assessment undertaken by the service available following a notifiable incident that occurred in the service on the 3 April 2024.

**Infection Control:**

3. It was observed that staff in the Baby room did not change the plastic protective aprons in between nappy changes during the inspection.

**Outing:**

4. The service's outings policy stated that risk assessments will be carried out for outings however there was no written risk assessment available for each outing undertaken by the service.

### Action submitted by the Registered Provider

The service advised in a written response:

#### **Corrective & Preventive Action**

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

1. The front door and internal entrance to the Baby room door continues to be secured at all times. All team members will ensure that the front door and internal room doors remain secured to ensure the safety of the children in the service. A sign is put up for visual reminder.
2. A risk assessment specific to the incident was completed following inspection. The manager will ensure that risk assessments are regularly reviewed, reflected on and updated as needed to ensure the safety of the children in the service.

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

3. A staff meeting was held in which team members were reminded to change aprons after every nappy change. A sign was placed in the changing area for reminder. The manager will reflect on policies and procedures with staff in team meetings to ensure that everyone is carrying out best practice in the service.

##### **Outing:**

4. Risk assessments were carried out for each outing which takes place outside of the service's building. The manager will ensure that risk assessments are carried out for any outings outside of the service and reflect on and update current risk assessments as needed.

#### **Supporting documentation submitted**

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

Copies of risk assessments and daily risk checklist.

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

Photographic evidence.

##### **Outing:**

Copies of risk assessments.

### Summary Comment

The actions taken and evidence submitted by the service has been reviewed by the Early Years Inspectorate and deemed to have addressed the regulatory non-compliance found on inspection.

### Part VI - Safety

#### Regulation 25 - First aid

- (2) *A registered provider shall ensure that a suitably equipped first aid box for children-*  
*(b) is available to the children attending the pre-school service at all times.*

#### Non-Compliance Information

- (2)
- (b) The service's accident and incident policy details that a fully equipped first aid box is available on outings however during discussion between the inspectors and staff it was confirmed that first aid equipment was not always brought on outings off the premises.

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

The service advised in a written response:

#### Corrective and Preventive Action

- (2)
- (b) The manager has purchased additional first aid equipment. The manager has placed a sign in each room with an outing checklist. The team will always bring their backpack with first aid equipment on all outings. All team members have been informed.

#### Supporting documentation submitted

Photographic evidence.

#### Summary Comment

The regulatory non-compliance found on inspection under this regulation has been addressed satisfactorily by the actions taken and evidence submitted to the Inspectorate by the service.

### 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

During the inspection the staff were observed to supervise the children mainly by sight. Older children were supported to use the toilet by themselves but were within earshot of staff if they needed assistance.

The staff sat with the children when supervising them whilst they were eating at mealtimes. The staff named children in the playrooms when handing over care to relief staff at breaktimes. When staff transitioned a group of children from the Preschool playroom upstairs to the Early Preschool playroom downstairs, the children lined up and there was a roll call with their names before leaving the playroom. The staff member then supervised the children by sight when using the stairway and named the children when handing over care to staff in the Early Preschool playroom. Accurate records of children’s attendance were kept and consulted with by the staff.

Transitions to outdoor play were observed to be managed with the staff aware of the children present at all times.

The staff members in the Wobbler room were observed to line children up at the door when preparing to go outdoors. The children were told of the importance of keeping the door closed until all children were ready with coats on to go outside. Once everybody was ready children were counted and the door was open to go outside. In the outdoor area the staff members positioned themselves to ensure all children were supervised by sight. Communication was observed between staff members informing each other if they brought a child to the bathroom or had to leave the outdoor area.

#### Non-Compliance Information

Review of records and discussion with staff members found that the supervision of children in the Baby room did not meet the regulatory requirements at the time of a recent incident on the 3 April 2024 notified to Tusla by the service.

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

The service advised in a written response:

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

A staff meeting took place on the 15 April 2024 with a particular focus on supervision and effective communication between team members. The manager will revisit this again with the team in the next team meeting. The manager will communicate this with any new team members during induction, to ensure that all team members communicate effectively.

### **Supporting documentation submitted**

Information regarding staff meeting and copy of revised staff induction checklist.

### **Summary Comment**

The actions taken and evidence submitted by the service has been reviewed by the Early Years Inspectorate and deemed to have addressed the regulatory non-compliance found on inspection.

## Part VI - Safety

### Regulation 28 - Insurance

*A registered provider shall ensure that the pre-school service is adequately insured.*

### **Compliance Information**

Insurance was available for the preschool service valid from the 22<sup>nd</sup> of August 2023 until the 21<sup>st</sup> of August 2024.

### **Non-Compliance Information**

There was inadequate information available on the insurance policy documents provided for inspection to confirm that the service was insured for outings.

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

The service advised in a written response:

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

The registered provider contacted the service's insurance company, and the insurance company has detailed their cover for outings. The registered provider will ensure that cover for outings remains on the insurance policy when it is next renewed.

#### **Supporting documentation submitted**

Copy of insurance documentation

### **Summary Comment**

The actions taken and evidence submitted by the service to the Inspectorate has addressed the regulatory non-compliance found on inspection.

## 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.*

### Compliance Information

(e) The service submitted a notification in writing to the Early Years Inspectorate within the required timeframe in relation to a recent incident involving two children that occurred on the 3 April 2024 in the service.