

Early Years Inspectorate Regulatory Report

Pre School

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| TUSLA Identifier: | TU2015MO020 |
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| Name of Service: | Barneys Playgroup |
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| Address of Service: | Tallagh, Belmullet, Co. Mayo |
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| Eircode: | F26 RH26 |
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| Name of Registered Provider: | Patricia Gallagher |
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| Service type: | Sessional |
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| Date of Inspection: | 01/03/2024 |
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|-----------------------------------|----|----|----|---|
| No of pre-school children: | AM | 12 | PM | - |
|-----------------------------------|----|----|----|---|

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| Address of the Early Years Inspectorate: | Early Year's Inspectorate, TUSLA, Child and Family Agency, 2nd Floor, St. Mary's HQ., Castlebar, Co. Mayo. |
| Inspection undertaken by: | M Farrell |
| Title: | Early Years Inspector |

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).

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| Conditions if applicable | Not applicable |
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Description of service

Barneys Playgroup is privately owned and operated and is registered to provide sessional services. The service is registered to operate from 9:15 hours to 12:15 hours in the morning and 12:30 hours to 15:30 hours in the afternoon catering for children aged from 2-6 years of age. The service is located in a dedicated section of the registered provider's home near Belmullet in Co. Mayo. There is a playroom and sanitary facilities provided in the building. Children have direct access from the playroom to an enclosed outdoor play area with play equipment. The children also have access to a second large grass area to the side and front of the building.

Staffing

There are four staff working in the service including the registered provider who works directly with the children.

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, 11, 15, 23, 25, 26, 27 and 28; however, on inspection additional non-compliance which posed a risk was identified under Regulation 8 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.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, 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.

(3) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) or (2), as the case may be, of a 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), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.

Non-Compliance Information

(1) & (3)

- (1) The service was registered to accommodate sessional children aged from two to six years of age however on the inspector's arrival at 9:36am there was a child aged under two years present in the service until 10:04am.
- (3) The service was registered to operate a morning session from 09:15-12:15 hours but was operating from 9:00-12:00 hours without notification received by the Agency of the change.

Corrective & Preventive Action submitted by the Registered Provider

The registered provider advised in a written response that:

Corrective and Preventive Action

- (1) The registered provider stated that there will not be a reoccurrence.
- (3) A change in circumstances form was submitted to Tusla registration department on the 20 March 2024 requesting a change in the time of the morning session to 9am to 12 noon instead of 9:15am to 12 15midday. The change has been approved.

Supporting documentation submitted

Copies of documentation in relation to the change in circumstances application were submitted by the registered provider.

Summary Comment

The regulatory non-compliance has been addressed by the actions submitted by the registered provider to the Early Years Inspectorate. This will be reviewed on next 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

(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) The registered provider was the named designated person in charge in the service and there was a named person to deputise as required in her absence.
 - (b) The registered provider or deputy designated person in charge were available on the premises throughout the period of the unannounced inspection.

- (2)
- (a),(c) and (d)
- The inspector was informed by the registered provider that that there were four staff in the service at the time of the inspection. It was confirmed that the vetting documentation for one staff had been reviewed during previous inspection in the service and were found to be compliant under this regulation. The following vetting documentation and qualifications were available on file for the three staff new to the service since the last inspection of the 18 June 2021:

- (a) Two written validated references from past employers including their most recent employer for the three staff.
 - (c) Garda vetting disclosures had been obtained for all four staff. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
 - (d) Vetting documents showed that international police vetting was not required for the three new staff.
- (4)
- The qualifications for the three staff new to the service who worked directly with children were reviewed and deemed to have met the requirements of this regulation.

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.*
- (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

- (1) On the inspector's unannounced arrival to the service there were 2 staff members working directly with the 12 sessional children present.
- (3) The minimum ratio of 1 adult to each 11 children for the age range of the children present attending sessional services was adhered to with 2 to 3 adults working with the 12 sessional children during the morning session. A review of the attendance records showed that the minimum adult to children ratios were adhered to at all times.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child’s registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-

- (a) a parent or guardian of a pre-school child but only in respect of the record relating to that child,*
- (b) an employee who is authorised in that behalf by the registered provider, and*
- (c) an authorised person.*

Compliance Information

(1) (a) to (i)

The inspector randomly selected a sample of 10 children’s records for review from the children currently enrolled in the service. Each of the records was found to contain the required details as laid out under the regulation.

(3) (c)

The required records were made readily available to the inspector by the registered provider on request.

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 door and internal entrance door to the service was secured when the inspector arrived unannounced to the service. The inspector was admitted to the service by the staff following production of identification documentation and requested to provide details of attendance in the visitor attendance book. There were securing devices on the cupboards under the sink where cleaning products were stored out of reach of children. Plastic covers were in place on the supports of the shelter in the outdoor area to reduce the risk of injury to a child.

Infection Control:

The children's snacks containing perishable food items were stored in the refrigerator in the playroom. Warm water, liquid soap and paper towels were provided for handwashing. Child friendly signage was in place in the sanitary unit to prompt children to wash their hands thoroughly. The staff were observed to prompt and supervise the children to wash their hands at key moments such as before eating, after playing outdoors and using the toilet facilities. Staff cleaned down tables after use and kept records of cleaning/disinfecting processes in the service. tissues were provided for children to clean their noses with if needed.

Administration of Medication:

The staff advised the inspector that there was no child that required medication to be administered to them in attendance in the service at the time of the inspection.

Fire Safety:

The emergency exit routes and doors were observed by the inspector to be unobstructed during the inspection.

Non-Compliance Information

General Safety:

1. One of the entrance gates to the outdoor area was observed to be not adequately secured when the children were playing outdoors. It is acknowledged that this was addressed immediately when brought to the attention of the registered provider.
2. There was a rodent bait box accessible to children in the grass area of the outdoor space used by the children on the day of the inspection.

3. A large number of toys and equipment were stacked high on top of each other in the playroom and posed a potential safety risk to children.
4. The roof of a plastic playhouse in the outdoor area was damaged with sharp edges and was a potential safety hazard to the children.

Action submitted by the Registered Provider

The registered provider advised in a written response that:

Corrective & Preventive Action

General Safety:

1. On the day the bolt was not in the lock properly. The staff secured this immediately once made aware of this. The registered provider checks the bolt every morning to ensure it is in the locked position.
2. The pest control company had visited the Tuesday previously and had left the bait box in view of children. The staff immediately moved the box out of view and reach. The designated person in charge rang the company that day to address the issue with them and ask them to ensure all boxes are out of reach and sight. The designated person in charge will also check this after each visit by the company.
3. Some of the afterschool boxes of equipment had been stacked too high. The staff immediately removed them and placed them in a safe area. All boxes will be stored in a low safe manner in future.
4. The plastic house was discarded immediately.

Supporting documentation submitted

General Safety:

Photographic evidence was submitted.

Summary Comment

The actions taken and evidence submitted has been reviewed by the Early Years Inspectorate and been found to have addressed the regulatory non-compliance found on 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) Certification was available to show that a member of staff had undertaken First Aid Response (FAR) training with a certificate due to expire on the 27 July 2025 available for inspection.
- (2) (a) There was a suitably equipped first aid box stored in the lobby of the child sanitary area.
- (b) The first aid equipment was readily available if a child required first aid treatment in the service.

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) (b) A certificate of the maintenance of the firefighting equipment dated for the 13 September 2023 was made available by the registered provider for inspection.
- (4) Notices of the procedures to be followed in the event of a fire were conspicuously displayed near the door to the outdoor area in the playroom.

Non-Compliance Information

- (1) (a) Whilst written records of the monthly fire drills undertaken in the service were kept by the staff, the last fire drill recorded as having been undertaken on the 8 January 2024 which was not monthly as required.

(b) The most recent record available of maintenance of the smoke/fire alarm system was dated for the 2 December 2018 and was not conducted on an annual basis.

Corrective & Preventive Action submitted by the Registered Provider

The registered provider advised in a written response that:

Corrective and Preventive Action

- (1) (a) A fire drill was conducted on the 1 March 2024. A named staff member is now in charge of fire drills and has set a reminder for each month to carry out and record the fire drills.
- (b) The registered provider contacted a registered electrician to come out immediately to service the smoke alarms. Reminders are also set to have smoke alarms professionally checked annually.

Supporting documentation submitted

Copy of fire drill record and copy of documentation regarding servicing of smoke alarms.

Summary Comment

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

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

The staff supervised the children appropriately primarily by sight during the inspection with the required adult: child ratios adhered to in the service. When the children were playing outdoors the children were observed by sight by the staff who positioned themselves strategically in the outdoor spaces to be able to see them. The children who were able to use the toilet by themselves were out of sight of the staff when using the toilet but remained within hearing distance if help was needed to be given by the staff. Two staff sat at tables with the children at mealtime when supervising them.

Part VI – Safety

Regulation 28 – Insurance

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

Compliance Information

A certificate of insurance was available and displayed in the entrance hallway for up to 22 children attending sessional services at any one time valid until the 27 March 2024.

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, and

Non-Compliance Information

- (d)
1. There was a hole in the floor covering under the sink in the sanitary unit posing difficulties for cleaning.
 2. A section of the floor covering in the playroom was inadequately secured and lifting upwards presenting a tripping hazard.

Corrective & Preventive Action submitted by the Registered Provider

The registered provider advised in a written response that:

Corrective and Preventive Action

- (d)
1. The service has ordered replacement linoleum which will be in place in the next one to two weeks.
 2. New tape was placed on the area where the linoleum meets the tiles. The registered provider has put up a notice to remind staff to review these areas to ensure the tape is in good order.

Supporting documentation submitted

Photographs of the repairs were submitted to the Early Years Inspectorate by the registered provider.

Summary Comment

The Inspectorate has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 29 (d) has been adequately addressed.