

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015OY049
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<b>Name of Service:</b>	Muddy Puddles
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<b>Address of Service:</b>	45 Grand Canal Court, Daingean Road, Tullamore, Co. Offaly
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<b>Eircode:</b>	R35 TE26
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<b>Name of Registered Provider:</b>	Lorna Glennon
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date(s) of Inspection:</b>	04/12/2023
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<b>No of pre-school children:</b>	AM	17	PM	2
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Tusla, Child and Family Agency, Primary Care Centre, Church Avenue, Tullamore Co. Offaly
<b>Inspection undertaken by:</b>	D. Molloy
<b>Title:</b>	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).

Conditions if applicable

Not applicable

### Description of service

Muddy Puddles is an early year's service registered as a full day care, part-time and sessional service catering for children aged 2 to 6 years. Up to 30 pre-school children can be accommodated in the service. The service is owned and operated privately by the registered provider. The opening hours of the service are from 09.00-18.00 daily. The service is located in a residential housing estate in the town of Tullamore. The service is operated from a bungalow on its own site, which is a converted detached domestic dwelling. The premises is used for the sole purpose of operating an early years' service. The service has an entrance lobby, two play rooms, the bumble bee room and the butterfly room, a conservatory, an office, a kitchenette, a designated sleeping room, three toilets and wash hand basins, and one nappy changing facility with wash hand basin.

### Staffing

The registered provider was part of the staff compliment and facilitated the inspection. Three staff in addition to the person in charge who was the registered provider were working in the service. All staff members held a major award in Early Childhood Care and Education at Levels 6 to 8 on the National Framework of Qualifications.

### 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 and premises and facilities. The inspection may also focus on other areas as required.

A sampling process was used to assess compliance under Regulation 10 Policies, procedures of pre-school service, Regulation 19 Health, welfare and development of child and Regulation 23 Safeguarding health, safety, and welfare of children.

As a result, the scope of the inspection was in the Bumble Bee Room, the sanitary accommodation, and the outdoor play facility.

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 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.*

*(6) Paragraph (4) shall not apply before 1 September 2021 to a person who-*

*(a) has signed a declaration on or before 30 June 2016 to the effect that he or she intends to retire from employment in a pre-school service before 1 September 2021, and*

*(b) is in possession of a letter from the Minister confirming that paragraph (4) shall not apply to him or her before that date.*

*(6A) is inserted by S.I. No.632 of 2016 CHILD CARE ACT 1991 (EARLY YEARS SERVICES) (AMENDMENT) REGULATIONS 2016 which states; Regulation 9 of the Child Care Act 1991 (Early Years Services) Regulations (S.I. No. 221 of 2016) is amended - in paragraph (4), by the substitution of "paragraphs (5), (6) and (6A)" for "paragraphs (5) and (6)", and (b) by the insertion of the following paragraph after paragraph (6): "*

*(6A) Paragraph (4) shall not apply to an employee of a registered provider where - (a) the registered provider receives funding for the employment of the employee pursuant to a scheme funded by the Minister and known as the Access and Inclusion Model, and (b) the employment of the employee is for the purpose of providing support, pursuant to the scheme referred to in subparagraph (a), for a child attending the service to enable the child to participate in the programme known as the Early Childhood Care and Education (ECCE) funding Programme.”*

### Compliance Information

(1)

(a) The service has a designated person in charge and a named person who is able to deputise as required.

(b) The designated person in charge were present during the inspection and facilitated the inspection and the roster showed that at all times the person in charge was present during the opening hours of the service.

(2)

All staff files were reviewed on site on the day of inspection.

(a) (b) Validated references from staff members' past employers, in particular the most recent employer was available for review. Validated references from reputable sources were available for review.

(c) A vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of all-staff member was available for review.

(d) Police vetting from other police authorities was not required for staff.

(3)

Required vetting had been carried out prior to staff member being appointed, assigned, or allowed access to or contact with a child attending the pre-school service.

(4)

Adults held a major award in Early Childhood Care and Education at Level 6-8 on the National Framework of Qualifications.

(6)(a)(b)

Not applicable as no employee had signed a declaration on or before June 30, 2016, to the effect that they intended to retire from employment in a pre-school service.

6(A)

One employee was working with children under the Access and Inclusion Model (AIM).

## 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 service held copy of printed site specific policies in relation to the service which were available for inspection. A selection of policies was viewed on the day included, Healthy Eating Policy, Infection Control Policy and Behaviour Management Policy and Accident/ Incident Policy, which were observed to meet the requirements. The practice and procedure following accidents in the service was in line with requirements.

## 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)

The required ratio of adults to children was maintained during the inspection.

(2)

The registered provider ensured that there were sufficient adults working directly with the children. Records showed that the adult child ratio was upheld in the service.

(8) (a)

The registered provider had ensured that there were at least two adults on the premises at all times during the opening hours of the service.

### Part IV – Information and Records

#### Regulation 18 – Copy of Act etc.

*A registered provider shall ensure that a copy of Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Regulations is kept on the premises and the said copies shall be open to inspection on the premises by-*

- (a) a parent or guardian of a child attending or proposing to attend the service,*
- (b) an employee, unpaid worker, or contractor, and*
- (c) an authorised person.*

#### Compliance Information

The registered provider had ensured that a copy of Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Regulations was available on the premises and could be viewed by

- (a) a parent or guardian of a child attending or proposing to attend the service,
- (b) an employee, unpaid worker, or contractor, and
- (c) an authorised person.

### 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*
- (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.*

*(4) A registered provider shall ensure that a pre-school child shall not be-*

- (a) permitted access to the internet,*
- (b) photographed, or*
- (c) recorded*

*while attending the pre-school service other than in accordance with the terms of the consent of a parent or guardian given in the form specified in the service's policy on the use of the internet and photographic and recording devices.*

### Compliance Information

#### Basic Needs

Healthy eating was promoted. Children brought in their snacks from home in line with the healthy eating policy of the service.

Children who were eating their lunch were not rushed by staff and had sufficient time to eat their lunch and chat to their friends at the table in an unrushed manner.

The children were supported to become independent and self-caring and were encouraged to take care of their own belongings including hanging up their coats and tidying up their toys when finished playing.

Children were not observed playing outdoors on the day of inspection. The registered provider stated outdoor play in the fresh air is encouraged on a daily basis, however on the morning of inspection heavy night frost remained on the outdoor surface, and due to this the registered provider stated that a risk assessment had been carried out and outdoor play would not be safe until afternoon.

#### Supporting Relationships

The staff were relaxed and friendly and spoke to children in a positive manner. Children appeared comfortable in the staffs company and in the company of the other children. A pair of girls were noted giggling and laughing and making their own fun together. Other children were engaged with staff members in table top activities and arts and crafts for Christmas.

Parents were invited to a Christmas open day to be held in the next week so as to view service in advance of their children starting in the service.

## Physical and Material Environment

The service was bright and cheerfully. The setting had been decorated for Christmas and children's art work was displayed. Children could access toys from the low-level shelves. The children were playing with play dough which is made on site for their use. Freedom of movement was possible within the rooms and variety of good quality play equipment was available for the children and other children were observed involved in free play and selecting their choice of beads from the shelves.

The outdoor play area although not used during the inspection was well stocked with outdoor equipment, toys, and a sand and potting area. The multi surfaced design of the outdoor facility included a grassed area, and decking surface.

## Non-Compliance Information

### Physical and Material Environment

In the conservatory play area it was observed that a clothes horse was positioned with damp items such as towels and tea towels hanging up for drying. This conservatory which is intended for children's play is not a suitable place for drying laundry when the service is operational. The conservatory playroom was not used by the children during the inspection.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

On the 15.12.23 the registered provider stated in email communication that the clothes horse and laundry had been removed immediately from the conservatory play area and that going forward this area would not be used for drying clothes when the service is operational.

### Supporting documentation submitted

Written confirmation of corrective action was received by the inspector.

## Summary Comment

Following the actions of the registered provider the requirements of this regulation have now been met.

## 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:

Access to the service was gained through the main door which opened into the lobby area. Entry was controlled by means of a bell, which was operated from within and prevented unauthorised entry and exit of a child unsupervised.

Access to the kitchenette was restricted.

The large outdoor play facility was securely fenced and secured and was accessible directly from the setting.

A system of pest control was in place in the service and records maintained and no evidence of pests had been detected .

##### Infection Control:

Staff were observed wiping down and doing surface cleaning during the inspection.

Good ventilation was observed with openable windows.

Clear guidance on handwashing was outlined for children and staff in the service.

Children and staff were observed washing their hands regularly, children were reminded to wash hands if they forgot.

##### Administration of Medication:

A medication policy was available in the service and had been reviewed annually and it was established through discussion that staff were familiar with the with policy in relation to safe administration of medication.

No medication was administered on the day of inspection

##### Fire Safety:

The fire exits were unobstructed. A notice of the fire assembly point was on display to show fire assembly point of the service.

##### Outing

The registered provider stated that no outings were conducted from the service.

## 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 staff members held first aid training and were available to the children attending the pre-school service. All staff held up to date First Aid Responder (FAR) certification.

(2)  
(a) The first aid box was safely stored in an easily accessible location on the premises .  
(b) The first aid box was readily available in the service at all times.

## Part VI - Safety

### Regulation 26 - Fire safety measures

*(1) A registered provider shall ensure that a record in writing is kept of-*  
*(a) any fire drill that takes place in the premises, and*  
*(b) the number, type and maintenance record of firefighting equipment and smoke alarms in the premises.*

*(2) The record referred to in paragraph (1) shall be open to inspection by-*  
*(a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,*  
*(b) an employee, and*  
*(c) an authorised person.*

*(3) A registered provider shall ensure that a record referred to in paragraph (2) is retained for a period of 5 years after its creation*

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

### Compliance Information

- (1)
- (a) A written record was available of the fire drills carried out in the service. The last fire drill was recorded as being carried out on November 20, 2023.
- (b) The number, type and maintenance record of firefighting equipment and smoke alarms on the premises was available and was dated August 4, 2023.
- Records showed that the fire alarms were serviced on June 2, 2023.
- (2)
- The record was available and open to parents, guardians, employees, and the authorised person.
- (3)
- The person in charge stated that records were retained for a period of 5 years after creation.
- (4)
- A notice of the procedure to be followed in the event of a fire was displayed on the premises.

## Part VI - Safety

### Regulation 28 - Insurance

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

#### Compliance Information

A copy of up-to-date insurance cover for the number of children attending the service was available in the service. The insurance certificate was valid until March 2024.

## Part IX - Inspection and Enforcement

### Regulation 33 – Furnishing of information to agency

*A registered provider shall furnish the Agency with such information as the Agency may reasonably require for the purpose of enforcing and executing these Regulations and the information shall be in such form, if any, as may be specified by the Agency.*

#### Compliance Information

The registered provider facilitated the inspection and provided access to information as was required for completion of the inspection.

# Early Years Inspectorate Regulatory Report Pre School