

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015SO017
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<b>Name of Service:</b>	Happy Days Creche
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<b>Address of Service:</b>	Clarion Village, Ballytivnan, Sligo, Co. Sligo
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<b>Eircode:</b>	F91 A2FP
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<b>Name of Registered Provider:</b>	Sandra Loftus
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	08/12/2023
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<b>No of pre-school children:</b>	AM	40	PM	61
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, TUSLA Child & Family Agency, Markievicz House, Barrack St, Sligo, F91 XC84.
<b>Inspection undertaken by:</b>	L. Costello and N. McEndoo.
<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).

Conditions if applicable

Not applicable

### Description of service

Happy Days Creche is situated within the Clarion village complex of Sligo town and is one of two private operated services in the county. The service is registered to provide a full day care service catering for children aged 0 - 6 years. The hours of operation are from 7.30am to 6.30pm catering for a maximum of 95 children. A school age service is also provided.

### Staffing

On the day of inspection there was 25 adults employed in the service. This included 20 adults working directly with children. The deputy person in charge who was supernumerary on the day. An adult works in the office and two adults were working in the kitchen. The registered provider was not present on the day of inspection.

### 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 inspections may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9 Management and recruitment, 11 Staffing levels, 20 Facilities for rest and play, 23 Safeguarding health, safety and welfare of the child, 27 Supervision, 28 Insurance, 29 Premises and 32 Complaints. These findings are outlined within the relevant regulations within this report; however, on inspection additional non-compliance which posed a risk was identified under Regulation 19 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 inspectors wish to acknowledge the cooperation of the person in charge, staff and children who were present on the day of the inspection.

## Part III – Management and Staff

### Regulation 9 – Management and recruitment

*(1) A registered provider shall ensure that-*

*(a) the service has a designated person in charge and a named person who is able to deputise as required,*

*(b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, 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)

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

(b) The deputy person in charge remained on the premises for the duration of the inspection

The records of the ten adults employed and one student on placement since the last inspection on the 15.06.2022 in the service were reviewed.

(2) (a) (b)

Two written and verified past employer references or references from a reputable source in the absence of a past employer, were available in respect of all eleven adults employed in the service.

(c)

A garda vetting disclosure was available for the eleven adults employed in the service.

(d)

International police vetting was not required as all the adults employed in the service that had not lived outside the state for a period of longer than six consecutive months.

(4) Nine adults had attained major awards in Early childhood care and education at level 5 or above on the national framework of qualifications, or qualifications deemed by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to meet the regulatory requirement.

### 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.*

#### Compliance Information

- (1) On the day of the inspection there were an adequate number of adults working directly with children attending the preschool service. There were seventeen adults working directly with 40 children in the morning of the unannounced inspection and thirteen adults working directly with 61 children in the afternoon. The deputy person in charge was available throughout the day.

#### Non-Compliance Information

- (1) On the day, inspectors observed that in the Toddler room between the times 14:55 and 15:15 the ratio of adults supervising children was not met as follows:

No of Children	Age of children	No of adults supervising children	Adult to child ratio	No of adults required
9 children	1-2Years	1	1:5	2
3 children	2-3 years	1	1:8	1
<b>Total</b>		<b>2</b>		<b>3</b>

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

There were sufficient adults available to supervise the children on the premises. The distribution of staffing has been reviewed to ensure that this does not reoccur. Ongoing monitoring of staff distribution

### Supporting documentation submitted

No supporting evidence submitted.

## Summary Comment

The response provided by the registered provider to rectify the non-compliances found on inspection in relation to regulation 11 have been reviewed by the inspectorate and this regulation is now complaint and will be reviewed on next inspection.

## Part V - Care of Child in Pre-school Service

### Regulation 20 – Facilities for rest and play

*(1) Subject to this regulation, a registered provider shall ensure that-*

- (a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child 19 to play indoors and, where required by these Regulations, outdoors, during the day, and*
- (b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.*

*(2) A registered provider-*

- (a) of a full day care service, a part-time day care service, a sessional preschool service or a childminding service that is registered for the first time on or after 30 June 2016, or*
- (b) of a full day care service, a part-time day care service, a sessional preschool service or a childminding service that moves premises on or after 30 June 2016,*

*shall ensure that a suitable, safe and secure outdoor space to which the preschool children attending the service have access on a daily basis is provided on the premises.*

## Compliance Information

(1) (a)

The registered provider ensured that there was adequate resources and materials of interest for the preschool children to play with both indoors and outdoors. These included building blocks, arts and crafts, tabletop activities, home corners and dolls, construction areas, cars, age-appropriate toys, musical instruments.

(2) The registered provider ensured there was an adequate outdoor area for children to play in throughout the day. This play area was equipped with mud kitchen, bikes and trikes. On the day of inspection children were observed using this area.

### Non-Compliance Information

(1) (b). In the baby sleep room, the registered provider supplied three standard cots. Seven children aged between 12 months and 18 months and one child aged 21 months attended the service on the day of inspection.

In the Tweenies room the registered provider supplied three standard cots for 10 children aged between 19 months and 24 months.

The minimum requirements for the ratio of cots/floor beds to a child between 12 months and 18 months is two to every three children, and for children aged between 18 months and 24 months one cot/floor bed to every two children.

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

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

In relation to the sleep facilities, there are three additional cots available in the physical room which are used as required. There are also fifteen stacking beds available to be used as needed. Additional floor beds will be purchased.

#### **Supporting documentation submitted**

Photographic evidence submitted.

### Summary Comment

The corrective actions submitted by the registered provider to address the non-compliances found on inspection in relation to regulation 20 have been reviewed by the inspectorate and this regulation is now compliant and will be reviewed on next inspection.

## 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 service was secure on the inspectors unannounced arrival to the service. This prevented unauthorised access of adults and prevented children leaving unsupervised.
- Cleaning supplies were kept out of the reach of the preschool children.
- The kitchen area was inaccessible to the preschool children on the day.
- Window restrictors were in place and in working order at the time of inspection.

##### Infection Control:

- Warm water, liquid soap and paper towels were available for safe hand hygiene.

##### Administration of Medication:

- The service had a medication administration policy in place and when interviewed staff were aware of their responsibilities for the safe administration of medication.

##### Safe Sleep:

- The sleep room temperature measured 19.7°C on the day of inspection which is line with the required safe sleep temperatures

##### Fire Safety:

- Fire evacuation procedures were clearly displayed in the care rooms.

#### Non-Compliance Information

##### General Safety:

1. Babies' bottles were being heated in the microwave as observed in the baby room on the day of the inspection. Bottles should be warmed using a bottle warmer or jug of hot water.
2. Flexes were hanging loosely beside cots in the baby sleep room. This included a flex from a night light and flex from an air conditioning unit.
3. The fish tanks in the preschool room and the sessional room had large accumulations of algae resulting in an accumulation of stagnate water.
4. The walls and radiator cover in the preschool room were covered with pencil markers and required painting.

### Infection Control:

5. The foot operated pedal bin in the toddlers and baby nappy changing area were broken, resulting in staff members having to use their hands to open the bin and dispose of a dirty nappy.
6. The nappy changing table had an accumulation of dirt and dust underneath the nappy mat.
7. The nappy changing mat in the toddler room was torn posing a risk of infection control.
8. The bed linen in the shared cots in the baby room did not appear to be changed between use on the day of inspection. When staff were interviewed there was inconsistent accounts of the process of changing the bed linen. The bed linen checklist displayed on the wall in the sleep room had not been completed since June 2023.

### Administration of Medication:

9. Medication was stored at the bottom of the fridge accessible to the preschool children in the baby room.

### Safe Sleep:

10. The baby sleep room was in complete darkness resulting in completing visual sleep checks difficult. This was a non-compliance on the previous inspection.

### Fire Safety:

11. Fire doors on the path to the outdoor area were wedged open with door stoppers. It is acknowledged that when this was brought to the attention of the person in charge these door stoppers were removed.
12. The dining room of the service was being used as a storage room with a large amount of equipment stored in the middle of the room, posing as a potential fire risk.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

1. Babies' bottles will only be heated in a bottle warmer or a jug of water
2. Flexes have been secured appropriately.
3. The fish tanks have been cleaned.
4. A programme of painting has commenced in all areas This programme of repainting has been started, this will take a number of weeks because painting can only be done on Saturdays to ensure the smell is gone by Monday when the children return.

### Infection Control:

5. New bins have been purchased.

6. Nappy changing table has been cleaned.
7. New nappy changing mats have been purchased.
8. The importance of changing bed linen has been stressed and spot checks have been instigated to ensure compliance. All paperwork will be completed appropriately and in a timely fashion.

### **Administration of Medication:**

9. The children in the baby room (aged between 12 and 18 months) are fully supervised at all times and are unable to open the fridge and even if they could, there are a minimum of two adults present at all times. Fridge lock has been fitted.

### **Safe Sleep:**

10. The night light which is provided in the sleep room will remain while the room is in use. The black paper covering the vision panel has been removed.

### **Fire Safety:**

11. Stoppers will not be used on fire doors.
12. These boxes were returned to storage that evening.

### **Supporting documentation submitted**

#### **General Safety:**

1. Photographic evidence submitted.
2. Photographic evidence submitted.
3. Photographic evidence submitted.
4. Photographic evidence submitted.

#### **Infection Control:**

5. Photographic evidence submitted.
6. Photographic evidence submitted.
7. Photographic evidence submitted.
8. Photographic evidence submitted.

### **Administration of Medication:**

9. Photographic evidence submitted.

**Safe Sleep:**

10. Photographic evidence submitted.

**Fire Safety:**

11. Observed on the day.

12. Photographic evidence submitted.

**Summary Comment**

The corrective actions submitted to the inspectorate to address the non-compliances in relation to regulation 23 found on inspection have been reviewed. This regulation is now compliant.

**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 adults supervised the children mainly by sight and positioned themselves within the room in areas where children were playing in small and larger groups. When using the toilet alone, children were within earshot of the adults if they needed assistance. At mealtimes adults remained close to the children to supervise them when they were eating.

**Part VI - Safety**

**Regulation 28 - Insurance**

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

**Compliance Information**

There was evidence of a current insurance cover valid until 27.03.2024. The insurance provided cover for 95 Children in full day care provision.

### Part VII - Premises and Space Requirements

#### Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-*

- (a) of sound and stable structure,*
- (b) safe and secure,*
- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

#### Compliance Information

- (a) On a visual inspection the premises appeared to be of a sound and stable structure.
- (b) A buzz entry system prevented unauthorised access to the service.
- (c) The service appeared warm on the day of inspection. Lighting provided in the service was a mix of natural light and artificial including fluorescent lighting.

#### Non-Compliance Information

- (d) The service required attention:
  - 1) The lower level of walls in the baby room, playschool, preschool, tweenies, toddlers and sessional rooms all had evidence of flaking paint and black marks.
  - 2) The floors in all call rooms required a deep clean, accumulations of dust and dirt were evident in corners and along the skirting boards of rooms.
  - 3) Door handles to the playschool room, preschool room and baby room appeared sticky.
  - 4) Fish tanks in the service did not appear to have been cleaned with evidence of water lines and algae resulting in an inability to see the fish.
- (e)
  - 5) The sanitary area in the toddler's room were equipped with two toilets, two sinks and a nappy changing unit. The nappy changing unit was a pull-down unit, that when in use was pulled down over the sinks resulted in the inability to access one sink and partial use of the second sink.
  - 6) The nappy changing area provided in the sessional room was inappropriate for use and consisted of two boxes and nappy changing mat.

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

### **Corrective and Preventive Action**

1. A programme of repainting has been started; this will take a number of weeks because painting can only be done on Saturdays to ensure the smell is gone by Monday when the children return
  2. The cleaners have been spoken to and a new cleaning rota has been installed and spot checks have been implemented.
  3. Door handles have been wiped and are wiped numerous times every day.
  4. Fish tanks have been cleaned.
- (e)
5. The majority of the children in this room are toilet training and so the nappy unit is only occasionally used. Going forward, the nappy changing unit will be folded up when not in use giving full access to the sinks for the children. Nappy changing and toilet use will take place separately in future.
  6. The nappy changing unit in the Sessional room has been removed and since there was only one child who may require a nappy change, this will now be facilitated in The Playschool Room

### **Supporting documentation submitted**

- 1) Photographic evidence submitted.
- 2) Documentary evidence submitted.
- 3) No evidence submitted.
- 4) Photographic evidence submitted.

### **Summary Comment**

The corrective actions outlined in the registered providers response have been reviewed by the inspectorate and the non-compliances found on inspection in relation to regulation 29. This regulation is now complaint and will be reviewed on next inspection.

## Part VIII - Notifications and Complaints

### Regulation 32 – Complaints

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

### Compliance Information

#### 1)(a)(b)(c)

A complaints policy was available in the service. The policy outlined the procedures for making and dealing with complaints, how complaints are managed and recorded, the staff members involved and information regarding the appeals process.

#### (2)

- (a) The person in charge informed the inspectors that all records of complaints reported are kept electronically.
- (b) The complaint procedures as outlined in the complaints policy had been followed by the registered provider