

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015TY070
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<b>Name of Service:</b>	Sunnyside Day Care
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<b>Address of Service:</b>	225/226, Rosemount, Thurles, Co. Tipperary
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<b>Eircode:</b>	E41 E2H6
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<b>Name of Registered Provider:</b>	Brendan Shanahan
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<b>Service type:</b>	Full Day
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<b>Date of Inspection:</b>	07/08/2024
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<b>No of pre-school children:</b>	AM	27	PM	29
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<b>Address of the Early Years Inspectorate:</b>	North Tipperary Civic Offices, Limerick Road, Nenagh, Co. Tipperary
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<b>Inspection undertaken by:</b>	L McGeeney and A McNamara
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<b>Title:</b>	Early Years Inspectors
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### 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

This privately operated full day care service was established to provide care and education to children aged between 0 and 6 years old. The service opens for staff at 7.45am and for the children at 8am and closes at 6pm, Monday to Friday for 50 weeks of the year. During the 38 weeks of the school year, from late August through to late June, the service operates a three-hour sessional service funded under the early childhood care and education scheme (ECCE) for eligible children. The session operates Monday to Friday between 9am and 12pm. The service is operated from the ground floor of a two-storey detached building in a residential area in the town of Thurles in north Tipperary. The apartments in the first floor level are not part of the service. The service consists of four activity rooms, sleep room, kitchen, sanitary accommodation areas and an enclosed outdoor play area.

### Staffing

The registered provider does not work directly with the children in the service but takes responsibility for the maintenance of the premises. The service manager is the person in charge on a daily basis. On the day of inspection there were between four and five staff working 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/ health, welfare and development of child/ safety/ premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9(2)(4), 11(1)(3)(8), 15(1)(3), 16(1)(3), 23, 25, 26(1)(4), 28 and 29.

A sampling process was used to assess compliance under regulation 15 Record of a Pre-School Child.

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

An immediate action notice (IAN) was issued on the day of inspection in relation to two safety issues which are detailed under Regulation 23 of this report.

## 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

*(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

The staff files of eight members of staff were reviewed as part of the inspection process:

(2)(a) Written references from past employers were available in respect of six members of staff.

(b) Written references from a source other than a past employer were available in respect of five members of staff

(c) Garda vetting had been carried out in respect of each member of staff and relevant documents were held on file. The re-vetting of two staff had not taken place within the required timeframe, this is reported on under regulation 23.

(d) Police vetting had been carried out in respect of the member of staff who had lived outside the state for a period exceeding six consecutive months. Relevant documents were held on file.

(4) Staff who worked directly with the children held recognised qualifications in early childhood care and education at levels 5, 6 or 8 on the national qualifications framework.

### 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.*

*(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 were 10 children aged between 23 months and 3 years old attending on a part-time or full day care basis being supervised by between 2 and 3 staff in the Baby room, throughout the day. This met the minimum requirements for the adult to child ratio within this room. The service manager arrived in the service at 11.30am and was able to provide relief in the rooms to facilitate staff breaks and nappy changing.

(3) The adult to child ratio was maintained in the Baby room on the day of inspection.

(8)(a) There were at least two staff present in the service while it was in operation.

#### Non-Compliance Information

(1) There were insufficient staff working directly with the older children on the day of inspection.

At 11am on the morning of the inspection, there were 19 children aged between 2 and 6 years old being supervised by 2 staff in the outdoor play area: 8 children were aged between 2 and 3 years old and 11 children were aged over 3 years old. All children attended on a part-time or full day care basis. The number of children in this group increased to 20 in the afternoon.

(3) The adult to child ratio was not maintained in the outdoor area, where there were between 19 and 20 children aged between 2 and 6 years old present during most of the inspection period. There were only 2 staff working with this group of children. A minimum of 3 staff were required to maintain the adult to child ratio within this age cohort on the day of inspection.

The adult to child ratios required in the service at 11am are detailed in the table below:

Room name	Age of child	No. of children	Adult: Child ratio	No. of staff required	No. of staff available
Baby room	0-1 year	2	1:3	2	2
	1-2 years	3	1:5		
	2-3 years	5	1:6		
Outside	2-3 years	8	1:6	3	2
	3+	11	1:8		
	TOTAL	29		5	4

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

#### Corrective and Preventive Action

(1)(3) The ratio of staff to children has been reviewed and staff will be allocated to ensure compliance. To prevent future non-compliance, the attendance is checked daily in each room to ensure the staff to child ratio is met. Within every 14 days a review of the number of children in each room and the staff schedule is checked and monthly audits were conducted to ensure continuous adherence.

#### Summary Comment

The above actions address the non-compliance and meets the requirements Child Care Act 1991 (Early Years Services) Regulations 2016.

### 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

A sample of six completed registration forms were reviewed as part of the inspection process:

- (1) The registration forms contained the required information as detailed under parts (a) to (i) of this regulation.
- (3) The registration forms were available on the premises for inspection by an authorised person.

### 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:*

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult: child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (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;*
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*
- (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) A record in writing was maintained of the required information as detailed under parts (a) to (k) of this regulation.

(3) The required records were available for inspection by an authorised person.

### 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 outdoor area was enclosed by high concrete walls and gates which prevented unauthorised access to the outdoor play area and prevented children from gaining unsupervised access to the roadway in front of the service from the outdoor area.

##### Infection Control:

The service had a cleaning schedule. Staff were responsible for cleaning tasks and signed off on them when completed.

##### Administration of Medication:

The service had a policy on the administration of medication. None of the children were in receipt of medication on the day of inspection.

##### Safe Sleep:

The service had a safe sleep policy. Children were monitored while they slept with physical checks carried out every ten minutes and recorded on sleep sheets for each child.

##### Fire Safety:

Fire escape routes were kept clear of obstruction.

#### Non-Compliance Information

##### General Safety:

1. An immediate action notice was issued on the day of inspection regarding two of the safety issues observed in the outdoor play area:
  1. The pallet fence, used to prevent the children from accessing the oil tank, was broken with exposed rusty nails within reach of the children,
  2. Two doors, which had been removed from the sanitary accommodation area as part of development works, were resting against a wall of the outdoor shelter, where they could fall and potentially cause injury to a child.

Photographs were received on 8 August 2024 showing the remedial works that had been carried out to ensure the children's safety: the pallet fencing had been replaced by new pallet fencing and the doors had been removed from the outdoor play area.

The outdoor play area contained a number of broken toys and pieces of equipment which posed a safety risk to the children:

2. The window shutters of the play house had sharp edges where they appear to have been chewed on by an animal with large teeth, such as a dog;
3. Part of the roof of the playhouse was broken, exposing a sharp edge at the eye level of some of the children.
4. The netting covering the greenhouse frame was torn, posing a potential trapping hazard and the corrugated plastic around the entrance to the greenhouse was cracked and broken
5. The metal tubing bases for the plastic tray tables were pulled apart, exposing the open ends of the metal tubes.
6. The wall mounted blackboards had broken edges.
7. The Garda vetting available for two members of staff had been carried out more than three years ago. The service did not have a system in place for ensuring that all staff were re-vetted on a three-yearly basis.

### **Infection Control:**

1. The floor at the base and back of the toilet in the boys sanitary accommodation area was wet and smelled strongly of urine. The linoleum floor covering was lifting and curling where it met the edge of the toilet base and along the back wall of the toilet cubicle, exposing the timber floor underneath.
2. The nappy bin in the boys sanitary accommodation area and the bin in the Baby room did not have lids. Bins must be covered with a lid which seals the bin and can be opened with a non-touch mechanism, for example, foot pedal. There was no nappy bin available beside the nappy changing unit in the girls sanitary accommodation area.
3. The seams of the nappy changing mats were split, exposing the foam inside and making them difficult to clean.
4. There was no soap available at the wash hand basins in the children's sanitary accommodation areas.
5. Hot water was not available at any of the wash hand basins or sinks in the service to support effective hand washing.
6. The vinyl covers on the child sized foam sofas were split which made them difficult to clean and exposed the foam interior to dirt and moisture.
7. The table and chairs in the sheltered area outdoors were visibly marked with dirt.

### Fire Safety:

1. The smoke alarm panel on the wall in the entrance hall was turned off. It was unclear how this affected the functioning of the smoke alarm system.

### Action submitted by the Registered Provider

### Corrective & Preventive Action

#### General Safety:

1. The pallet fence was replaced and the doors have been removed. Photographs were sent on 8 August 2024 showing the remedial works that had been carried out to ensure the children's safety: the pallet fencing had been replaced by new pallet fencing.
2. The doors had been removed from the outdoor play area.
3. The playhouse has been removed and disposed of. Checks will be completed on all toys both indoor and outdoor each day when they are being cleaned. Any toy that may be damaged or no longer working will be fixed/disposed of.
4. The greenhouse has been taken down and disposed of.
5. The metal tubing bases have been screwed back together and placed securely back on the plastic trays.
6. The blackboards were removed from the wall and disposed of.
7. The team have been in touch with Early Childhood Ireland to receive an up-to-date Garda vetting for both staff that is required. A comprehensive system has been established to ensure Garda vetting is updated every three years for all staff members. This includes tracking and reminders to ensure no lapses in vetting occur in the future, starting with immediate re-vetting for the two staff members who were overdue.

#### Infection Control:

1. The linoleum flooring has been changed in both toilets. Works are being done to replace the linoleum in each room in the building. The staff will continue to follow the cleaning policies and procedures to ensure a high standard of cleaning and sanitation in the bathrooms. The staff will do routine checks after the children have used the toilets to check for urination on the floor and clean appropriately if required.
2. The changing bins have been replaced with automatic pedal bins with non-touch mechanisms with lids.
3. New changing mats were purchased for the changing area.
4. Soap has been provided in all toilets. Checking the soap availability/dispensers daily will be added to the cleaning rota to ensure soap is available at all times.

5. The hot water heater was turned on when the central heating is off to ensure there is at water at all times. The hot water heater will be turned on on days that the central heating is not needed to ensure hot water is available at all times.
6. The child sized sofas have been removed and disposed of.
7. The table and chairs in the outdoor area will be cleaning and disinfected appropriately after each use.

### Fire Safety:

1. An electrician has been contacted to investigate the smoke alarm panel at the hall entrance. Regular checks will be completed with the fire drills are conducted monthly to ensure all safety equipment/ fire safety equipment is functional.

### Summary Comment

The above actions address the non-compliances and meet the requirements Child Care Act 1991 (Early Years Services) Regulations 2016.

## 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) There were five members of staff who held current certification in first aid response (FAR), four of whom were present on the day of inspection.

(2)(a) There was a suitably equipped first aid box available on a shelf in each of the four activity rooms.

(b) The first aid boxes were available if required by a child attending 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 firefighting equipment and smoke alarms in the premises.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

### Compliance Information

- (1)(a) There was a written record of the monthly fire drills that took place in the service, most recently on 16 July 2024.
- (b) There was a written record of the number, type and maintenance of the firefighting equipment. Firefighting equipment was serviced on an annual basis, most recently on 15 September 2023.
- (4) There was a notice of the procedures to be followed in the event of a fire displayed on the walls in the service.

### Non-Compliance Information

- (1)(b) There was no maintenance record for the smoke alarm system.

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

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

- (1)(b) Anelectrician has been contacted to have a look at the smoke alarm system at the hall entrance. We have functioning smoke alarms in the rooms. We will ensure to have a routine check for all smoke alarms scheduled.

### Summary Comment

The above actions address the non-compliance and meet the requirements Child Care Act 1991 (Early Years Services) Regulations 2016.

### Part VI - Safety

#### Regulation 28 - Insurance

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

#### Compliance Information

The service had current insurance cover for up to 50 children attending at any one time, valid until 27 March 2025.

### 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

(b) The front doors were kept closed and there was a second door in the entrance lobby which prevented visitors to the service from going any further without the permission and supervision of the staff.

(c) The activity rooms, sleep room and kitchen were lit and ventilated by natural light and air through openable windows, supplemented by artificial light as required. Electric lighting and mechanical ventilation were used in the sanitary accommodation areas which were internal rooms without windows. The service was heated by an oil-fired central heating system via wall mounted radiators in each room. Heating was not turned on during the inspection as it was the summertime.

(e) There were three children's toilets and wash hand basins in two sanitary accommodation areas which was sufficient provision for up to 33 toilet trained children. Each of the children's sanitary accommodation areas contained a nappy changing unit. There was one staff toilet and wash hand basin in a separate sanitary accommodation area, which was sufficient provision for up to 8 staff.

The service was remodelling one of the children's sanitary accommodation areas to provide a wheelchair accessible cubicle that was due to be finished before the ECCE service resumed in late August.

## Non-Compliance Information

- (d) 1. There was an area in the corner of the Baby room, near the skirting board on the outside wall, that was stained with what appeared to be black mould. This was also identified and reported on at the time of the last inspection on 12 October 2022.
2. There was a panel on the wall at the back of the premises that was accessible to the children when in the outdoor area. This panel was disintegrating and was pulled away from the wall. It was unclear what the purpose of the panel was and whether it was needed as a seal for the area it covered.
3. The covers on the trickle vents in each room and on the mechanical ventilation vents in the sanitary accommodation areas were covered in dust and dirt. Cleaning the vents was not included in the cleaning schedule for the service.
4. The paintwork on the walls throughout the service was chipped in places and dirty in high touch areas such as around light switches.
5. The radiators in each room had exposed rust on their front surfaces.
6. The toilet seat was missing from the toilet in the boys sanitary accommodation area.
7. The windowsills in the Baby room had been covered with sticky-backed, glossy paper to make them easy to clean, however, the paper was torn away in sections exposing the surface beneath.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

No response was received to these non-compliances. Requests and reminders were sent to the registered provider to respond but no response has been received to date.

## Summary Comment

The non-compliances remain outstanding until evidence has been received to the contrary.