

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015TY120				
<b>Name of Service:</b>	Kilsheelan Playschool				
<b>Address of Service:</b>	Unit 5 Ivowen Complex, Kilsheelan, Clonmel, Co. Tipperary				
<b>Eircode:</b>	E91 VP28				
<b>Name of Registered Provider:</b>	Barbara Byrne				
<b>Service type:</b>	Part Time, Sessional				
<b>Date of Inspection:</b>	19/10/2023				
<b>No of pre-school children:</b>	<table border="1"> <tr> <td>AM</td> <td>13</td> <td>PM</td> <td>3</td> </tr> </table>	AM	13	PM	3
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<b>Address of the Early Years Inspectorate:</b>	Tusla Child and Family Agency, Ferryhouse, Clonmel, Tipperary.				
<b>Inspection undertaken by:</b>	E. Cullen & N. Thornton				
<b>Title:</b>	Early Years Inspectors				

### Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

<b>Conditions if applicable</b>	<p>6<sup>th</sup> December 2023</p> <p>Part III, Article (9 7) Child Care Act 1991 Early Years Regulations 2016</p> <p>The Registered Provider are required to:</p>
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- Ensure that all persons governing and working in the setting are informed, trained and sufficiently knowledgeable to work within the requirements of the policies, procedures and statements of the service.

This condition has been extended by 2 months until 23<sup>rd</sup> January 2024

### Description of service

Kilsheelan Playschool is a privately owned part-time early years service. The service is located on the first floor of Ivowen business complex in the village of Kilsheelan, in South Tipperary. The service comprises of two linked care rooms, sanitary accommodation, and an office. The service has access to an outdoor play area off site, which was located across the road in the K-Plan Community Centre. The early years service is registered to provide a part-time service from 09:00 to 14:00 hours, which includes the provision of a sessional Early Childhood Care and Education (ECCE) session from 09:30 to 12:30. A registered school aged childcare service is also provided.

### Staffing

There were two staff members present on the inspectors' arrival. Later in the morning the registered provider arrived to assist with the inspection process. Staff members held qualifications in Early Childhood Education and Care at Level 5 and 6 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, and safety. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9 (2)(4)(7) – Management and Recruitment, 10 - Policies, procedures etc. of pre-school service, 11 (1)(2) – Staffing levels, 16 (i)- Record in relation to pre-school service, 22 – Food and Drink, 23- Safeguarding health, safety and welfare of child, 25 First Aid and 27 Supervision.

A sampling process was used to assess compliance under regulation 10 and 16 (i). As a result, the scope of the inspection included time in the indoor and outdoor environments.

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

This inspection was to review a condition attached to the service on 23 August 2023. The condition was placed on the service for 3 months.

Part III, Article (9 7) Child Care Act 1991 Early Years Regulations 2016

The Registered Provider is required to:

Ensure all persons governing and working in the setting are informed, trained and sufficiently knowledgeable to work within the requirements of the policies, procedures and statements of the service.

Inspectors also observed repeat non-compliance in relation to Regulation 9 (7), 16 (i) and 23 on this inspection which has a direct impact on the safety and well-being of children. This demonstrated an inability to achieve sustained compliance as the previous corrective and preventive action plan submitted by the registered provider from the inspection of 15 June 2023 had not been effective. Therefore, the Inspectorate was not assured of the overall governance structure of the service and that it could meet the requirements of legislation to ensure care, wellbeing and safety of children.

A Regulatory Enforcement Meeting was held with the registered provider on the 20<sup>th</sup> November 2023 to address outstanding non-compliance and offer a final opportunity for the registered provider to demonstrate how these issues had or would be resolved. At this meeting it was agreed that the condition attached to the service would be extended by 2 months until 23<sup>rd</sup> January 2024.

## Acknowledgments

The inspectors wish to acknowledge the co-operation of the registered provider, person in charge, staff and children who were present on the day of the inspection.

## Part III – Management and Staff

### Regulation 9 – Management and recruitment

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

- (a) the service has a designated person in charge and a named person who is able to deputise as required,*
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, 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.*

*(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.*

*(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:*

- (a) the policies, procedures and statements of the service specified in Schedule 5;*
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and(c) these Regulations.*

### Compliance Information

**(1)(a)** The service had a designated person in charge and a named person designated to deputise as required. On arrival to the service the deputy designated person in charge was onsite and the designated person in charge arrived on the premises at 10:50 hours.

**(b)** During the inspection the deputy designated person in charge was onsite from 09:00 hours to 12:30 hours and the designated person in charge was onsite from 10:50 hours until 14:00 hours.

(c) A clear management structure was outlined and documented on the parents notice board at the entrance to the service documenting who the designated and deputy designated persons in charge were and identifying the roles and responsibilities of the staff members employed in the service.

(2) Four staff files were open for review on the day of inspection.

(a)(b) there were two validated references on file for each of the four staff members employed in the service, from either a past employer or a reputable source in the case of a person who did not have a past employer.

(c) A Garda Vetting disclosure certificate was available and on file for each of the staff members employed in the service.

(d) A police vetting certificate was available on file, for one staff member, who had lived in another state for a period of longer than six months.

(4) A certificate of qualification was on file, for each of the four staff members employed in the service to work directly with the children, demonstrating that each staff member a qualification in early childhood care and education at the minimum level 5 to level 6 on the National Framework of Qualifications.

### Non-Compliance Information

(7) Following this inspection, the Early Years Inspectorate was not assured that the registered provider was adhering to the condition attached on 23 August 2023.

The registered provider's corrective action and preventive action (CAPA) response following inspection on 16<sup>th</sup> June had stated: *Induction carried out on all staff and will continue to do training each year both at the start of year and throughout. Record of all training, inductions and meetings will be kept in staff folder.*

It is acknowledged that these planned actions had been partially implemented. For example: through review of minutes and discussion with staff it was evident that a staff meeting had been held on the 27 June 2023, however staff confirmed that no further meetings had taken place.

The CAPA response following the June 2023 inspection stated that training would be completed at the start of the year and throughout. On review of records it is acknowledged that one staff member had participated in an introduction to Children First in September 2023. It is acknowledged that on each staff file, it had been documented that induction on previously non-compliant policies had taken place with the two staff members. However, there was no further evidence or confirmation by the staff present that any other training had been carried out or was planned. This was confirmed by discussion with the registered provider.

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

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

Training carried out on with all staff for all new policies and practices in the setting following last inspection and Tusla meeting. Record of minutes of meetings kept in staff meeting book. Meetings will be held with all staff monthly to discuss all practices in the setting. Training will be carried out by staff on an ongoing basis and record will be kept.

#### **Supporting documentation submitted**

Minutes of staff meeting and certificates of completion for Tusla Quality and Regulatory Framework training.

### Summary Comment

The corrective and preventive actions as stated by the registered provider have been deemed appropriate to address this non-compliance. Implementation will be assessed on the next inspection.

## Part III – Management and Staff

### Regulation 10 - Policies, procedures etc. of pre-school service

*A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.*

#### **Non-Compliance Information**

The following service policies were available and reviewed on the day of inspection, policy on Infection Control, policy on Safe Sleep and policy on Healthy Eating.

1. The service's policy on infection control did not provide any details on the safe storage of perishable food items in the service. It is acknowledged that safe storage of perishable food item was observed on the day of inspection.
2. The service's safe sleep policy did not describe the sleep facilities provided for children attending the part-time childcare service, should they wish to sleep during their attendance at the service.

- The service's policy on healthy eating did not contain specific details and information on suitable and nutritious food and drinks required by children attending the part-time service. The policy did not detail or provide examples of nutritious foods, including appropriate servings of protein, starch, dairy, vegetables, and iron which are required by children attending the part-time service. The policy did not detail how food is stored safely and served to the children. The policy did not detail how this information is communicated to parents and guardians. Staff informed the inspectors that they text parents telling them to send in more food, required for children attending the part-time service.

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

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

- Infection control policy has been updated to include details on storage of perishable food items in the service.
- Safe sleep policy has been updated to include description of sleep facilities.
- Healthy eating policy has been updated to provide specific details on examples of nutritious foods, food storage and serving, communication to parents.

Polices will be reviewed and updated yearly or where change is required to ensure all information is up to date.

#### **Supporting documentation submitted**

- Updated infection control policy.
- Updated safe sleep policy.
- Updated healthy eating policy and food communication book.

### Summary Comment

The requirements for point 1 and 2 have meet the requirements of Child Care Act 1991 (Early Years Services) Regulations 2016.

The requirements for point 3 have been partially addressed as a communication system for food has been established. The updated healthy eating policy does not provide adequate information for parents and staff. This will be reviewed on next inspection.

## Part III – Management and Staff

### Regulation 11 - Staffing levels

*(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.*

*(2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.*

*(4) Subject to paragraph (5), where a registered provider contemporaneously provides-*

*(a) a sessional pre-school service, and*

*(b) a full day care service or a part-time day care service, or both, the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).*

*(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) On the day of inspection there was an adequate number of qualified staff always caring for the children. On arrival at 10:20 hours the inspectors observed that there were two staff members, including the deputy designated person in charge directly caring for 13 children aged 2 to 5 years. The registered provider / designated person in charge arrived on the premises at 10:50 hours.
- (2) The inspectors observed that there was two staff members caring for three children aged three to five years of age between the hours of 12:30 until 13:45 hours, when the part-time service was in operation.
- (4) During the sessional service between the hours of 09:30 to 12:30 the following adult to child ratios were maintained:
- In the Caterpillar room there were six children aged 3 to 4 years of age directly cared for by one staff member. In the Butterfly room there were seven early years children aged 4 to 5 years of age directly cared for by one staff member. From 10 :50 hours a third staff member was available to assist in either classroom and was also available to provide support, during the transition to the outdoor play area.

### Non-Compliance Information

(8)(a) While it is acknowledged that the registered provider ensured that there were at least two staff members on the premises for the duration of the inspection, inspectors were not assured that this was regular practice. One

staff member is rostered to finish work at 12:30 and in discussion with the registered provider, they confirmed that they are in and out during the day and usually back by 13:30 hours. A staff member also confirmed that the registered provider was not always onsite between 12:30 and 13:30 hours to ensure two staff members were on the premises. Failure to have a minimum of two staff present may pose a risk of inadequate response in the event of an emergency.

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

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

Staff roster has been updated to ensure two staff members are on the premises at all times during opening hours and will be checked daily to ensure it is up to date.

#### **Supporting documentation submitted**

Updated staff roster.

### Summary Comment

The corrective and preventive actions as stated by the registered provider have been deemed to address this non-compliance. Implementation will be assessed on the next inspection.

## Part IV – Information and Records

### Regulation 16 – Record in relation to pre-school service

*(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:*

*(i) details of staff rosters on a daily basis;*

### Non-Compliance Information

The service did not demonstrate adequate planning for staffing levels to ensure the minimum requirements were maintained.

While a staff roster detailing the standard hours worked by each staff member in the service was available, it was not specific to each working day and week. The roster did not provide details of staff breaks and periods of time when a staff member left the service to go on school transfers/ collections. For example, the staff roster stated that the registered provider/ designated person in charge was rostered to work from 07:30 to 18:30 hours, however this staff member was not on the premises at 10:20 hours when the inspectors arrived at the service and later arrived at the service at 10:50 hours. The registered provider's hours as detailed on the staff roster, did not reflect the hours they were available on the premises or their verbal account of their work patterns. This may present a risk of inadequate staffing levels at points within the day.

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

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

Staff roster has been updated to ensure two staff members are on the premises at all times during opening hours and will be checked daily to ensure it is up to date.

#### **Supporting documentation submitted**

Updated staff roster.

#### **Summary Comment**

The corrective and preventive actions as stated by the registered provider are appropriate to address this non-compliance. Implementation will be assessed on the next inspection.

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

#### **Regulation 22 – Food and drink**

*A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.*

#### **Compliance Information**

All food and drinks were supplied by parents and guardians daily. There were refrigerators available in each classroom for storage of perishable food items. Drinkable water was also available onsite. On the day of inspection children were observed to have a morning snack at 11:00am and children attending for a part-time day had a meal at 1:00pm. Additional food was available if required.

### 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:**

There was a buzzer entry and exit system in place on the ground floor entrance door of the building. A doorbell and secured door were present at the service entrance to prevent unauthorised persons gaining entry or children exiting unsupervised. Staff areas were inaccessible to children as door were closed throughout the inspection. Hazardous items such as cleaning agents and bait boxes were stored safely and out of reach of children.

All blind cords were securely mounted out of reach of children. All windows were fitted with a safety latch to prevent children from falling. The staircase used by children to enter and exit the building was adequately lit and had a non-slip surface.

Warm water used by children for handwashing was thermostatically controlled and maintained at or below 43°C. The following temperatures were recorded; the senior room toilet sink 36.2°C, sink in senior preschool 36.2°C which was a non-compliance which had been resolved since the last inspection. The junior preschool room sink in lobby area was 42.5°C and the in-cubicle sink was 43°C.

### **Infection Control:**

The service was clean and well maintained with cleaning schedules completed daily by staff. Children were observed washing their hands before eating and after toileting. There was warm running water, liquid soap, paper hand towels and electric hand dryers available for hand washing throughout the service. Each room had designated children's toilets.

### **Non-Compliance Information**

### **Infection Control:**

There were no bins available in the staff toilet or children's toilet in the lobby for the safe disposal of paper handtowels, posing a risk of cross infection. Infection control risks with regard waste management were identified on 15 February 2023 and 15 June 2023. The corrective actions submitted by the registered provider stated that they will ensure only foot pedal bins are used. This action was not implemented throughout the service.

### **Action submitted by the Registered Provider**

### **Corrective & Preventive Action**

### **Infection Control:**

Foot pedal bins have been put in all toilets and rooms of the building. Only foot pedal bins are used. Registered provider will ensure foot pedal bins will be located in all toilets and rooms of the building.

### **Supporting documentation submitted**

### **Infection Control:**

Photographs of new foot pedal operated bins.

### **Summary Comment**

The corrective and preventive actions as stated by the registered provider have been deemed to address this non-compliance.

### 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

(2)(a)(b)

There was a suitably equipped first aid box stored on high shelf in the lobby of the service. It was available for the use of the children attending the early years service.

#### Non-Compliance Information

(1) It is acknowledged that there was a person trained in first aid available to the children attending the service on the day of inspection. However, an examination of the roster and discussion with staff indicated that there can be periods where a FAR trained person is not present, for example, when school pick-ups take place.

#### Action submitted by the Registered Provider

##### Corrective & Preventive Action

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

Roster has been updated to provide information of all staff trained in first aid and to ensure there is at least one trained FAR staff member on the premises at all times during the day. Roster will be checked daily to ensure there is always at least one FAR trained staff member on the premises on the premises. FAR qualifications will be kept up to date.

##### Supporting documentation submitted

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

Updated staff roster.

#### Summary Comment

The corrective and preventive actions as stated by the registered provider have been deemed to address this non-compliance. Implementation will be assessed on the next inspection.

## 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

There was appropriate supervision of children for the duration of the inspection. The layout of the early years rooms and sanitary accommodation allowed for clear lines of sight of the children. Staff supported children to use the toilet independently and were within hearing distance of children. Staff sat with children during snack and mealtimes, ensuring appropriate supervision while food was being consumed. During the short walk to the outdoor play area and the time spent outdoors there was suitable levels of supervision.