

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015WH034		
<b>Name of Service:</b>	Busy Kids Crèche		
<b>Address of Service:</b>	Cloghanboy, Ballymahon Road, Athlone, Co. Westmeath		
<b>Eircode:</b>	N37 PV24		
<b>Name of Registered Provider:</b>	James Moore		
<b>Service type:</b>	Full Day, Part Time, Sessional		
<b>Date of Inspection:</b>	08/10/2024		
<b>No of pre-school children:</b>	AM	74	PM 61
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Tusla, Child and Family Agency, SAP Office, St. Loman's Campus, Springfield, Mullingar, Co. Westmeath.		
<b>Inspection undertaken by:</b>	C.O'Connor Hughes & K. Murphy		
<b>Title:</b>	Early Years Inspectors		
<b>Authority to Inspect</b>			
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		

### Description of service

The service is registered as a full day care service to accommodate children aged 0 to 6 years and operates from 07:30 to 18:00 on a Monday to Friday basis. The Early Years' Service is located in a two-storey purpose-built premises. Seven pre-school rooms, a kitchen, staff room, laundry room an office and a breakout area are provided. Outdoor play areas are attached to the rear of the premises. Onsite parking and set down facilities are available. The service is urban in its location in a residential area in the town of Athlone, County Westmeath. The service is part of a multiple.

### Staffing

The designated person in charge and seventeen childcare staff were present and working directly with the children on the 08 October 2024. The service was supported by a full time cook. The registered provider does not work in the service. The co-ordinator of the childcare service attended the service after the inspection had commenced and was present for the closing meeting.

### 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 focused on an examination of compliance under:

- Regulation 9 Management and Recruitment (1)(2)(4)(6A)(7)
- Regulation 10 Policies, Procedures of Pre-School Service
- Regulation 11 Staffing levels (1)(2)
- Regulation 16 Record of a pre-school service (1) (a)(h)(i)(k)
- Regulation 19 Health Welfare and Development of Child (1)(a)(b) (3)
- Regulation 23 Safeguarding Health, Safety and Welfare of Child - General Safety
- Regulation 27 Supervision
- Regulation 28 Insurance
- Regulation 32 Complaints (1)(2)

A sampling process was used to assess compliance in ECCE room 2 under:

- Regulation 19 Health Welfare and Development of Child (1)(a)(b) (3)
- Regulation 23 Safeguarding Health, Safety and Welfare of Child - General Safety
- Regulation 27 Supervision

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

- Information submitted to Tusla on the 02 October 2024 informed the inspection.
- An immediate action notice in respect of Regulation 9 Management and Recruitment (9)(2)(c) Garda Vetting was issued to the registered provider on 09 October 2024. The response submitted by the registered provider on the 10 October 2024 was accepted.

## Acknowledgments

The inspectors wish to acknowledge the co-operation of the designated person in charge, co-ordinator, 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

(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.

(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.”*

*(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 designated person in charge and a named person to deputise were available as required.

(b)

The designated person in charge was present for the duration of the inspection.

Four staff files were reviewed in respect of staff who had commenced employment in the service since the last inspection on the 04 April 2024.

The following was noted:

(2)(a)(b)

The required number of written validated references were available from past employers and from a source other than a past employer in respect of the files reviewed.

(c)

A Garda Vetting disclosure was available in respect of three of the four staff files reviewed.

(d)

Police vetting was available in respect of two staff members who had lived outside the state for a period of longer than six consecutive months.

(4)

Staff members working directly with children attending the service and held a major award in Early Childhood Care and Education at levels 5 to 8 on the National Framework of Qualifications.

(6A)

Two employees present was working directly with children under the Access and Inclusion Model.

(7)(a)

In respect of the service policies and procedures evidence was available demonstrating that staff had reviewed the policy documents and agreed to their implementation. Evidence of mandatory training completed by staff members including children first training, first aid response (FAR) and manual handling was available.

### Non-Compliance Information

(2)(c)

A Garda vetting disclosure was not available in respect of one staff member who had commenced employment in the service recently. An immediate action notice in respect of Regulation 9 Management and Recruitment (2)(c) Garda Vetting was issued to the registered provider.

(7)(b)(c)

There was no evidence of training undertaken by staff in the Child Care Act 1991 (Early Years Services) Regulations 2016 and Childcare Act 1991 (Early Years Services) (Amendment) Regulations 2016.

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

#### Corrective and Preventive Action

(2)(c)

An application for Garda Vetting was immediately made to Early Childhood Ireland on the date of inspection. The staff member did not have access to the children and a replacement staff member was allocated to the room to maintain ratios. The staff members Garda Vetting has since been obtained in respect of one employee and placed in her file.

An updated induction checklist is in use to ensure all paperwork is obtained before a staff member commences work. No person will commence work until all vetting/police clearance is obtained.

(7)(b)(c)

Following feedback from the inspectors during the most recent inspection, management will be including the Quality and Regulatory Framework (QRF) training in our staff induction process moving forward. In line with the inspectors' recommendations, management will ensure that all staff complete the QRF training modules within a 6-month time frame. This proactive approach will further enhance our compliance and demonstrate our

commitment to exceeding regulatory standards. Management will monitor this by checking in on progress at one month, three months and 6 monthly probation meetings.

### **Supporting documentation submitted**

Garda Vetting disclosure for a staff member.

Induction checklist.

### **Summary Comment**

The non compliances have been addressed. The practices stated in respect of (9)(7)(b)(c) will be assessed on the next TUSLA 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.*

### **Compliance Information**

The following policies and procedures were requested and reviewed and found to be in keeping with Regulation 10 with the exception of the non-compliance outlined below.

- Policy on managing behaviour
- Staffing training and induction policy
- Staff supervision policy
- Complaints policy

### **Non-Compliance Information**

The staff supervision policy did not state what records will be kept for supervision, where the records will be stored and how long they will be kept for.

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

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

The employee support and supervision policy has been updated to include specific provisions on what supervision records will be kept, where they will be stored, and how long they will be retained.

Management will monitor compliance with the updated policy by conducting internal audits and reviewing supervision documentation yearly.

### **Supporting documentation submitted**

Employee support and supervision policy.

### **Summary Comment**

The non compliance has been addressed.

## 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)  
The minimum ratio of adults to children was maintained during the inspection.

(2)  
There were seventy-four children attending the service supervised directly by seventeen adults.

## 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;*

*(h) details of attendance by each pre-school child on a daily basis;*

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

*(k) details of any accident, injury or incident involving a pre-school child attending the service.*

### Compliance Information

(1)

The service held information in respect of (h)(i)(k).

### Non-Compliance Information

(1)(a)

An analysis of a recently appointed staff member curriculum vitae indicated long gaps in their employment history. The service was unable to demonstrate that the regulatory requirements under regulation (9)(2)(d) were met.

(k)

Insufficient details were noted on the incident form completed on the 17 May 2024 as it did not contain the specific details outlined in the services accident and incident book and signed by management.

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

#### Corrective and Preventive Action

(1)(a)

An updated Curriculum Vitae had been obtained in which all employment history is present as is required by Regulation 16.

Management will ensure all future curriculum vitae do not contain any gaps in employment longer than 6 months or ensure the staff member can explain any gaps that are present and document it. Management communicated the importance of updated curriculum vitae to all relevant management and HR employees. This is also noted on our new employee induction checklist.

(1)(k)

An updated incident report has been filled out, signed and dated by the parent and manager.

Management conducted a mandatory refresher training for all staff members on the proper procedures for completing incident forms. Training included:

- How to document incidents with sufficient detail
- Specific requirements as outlined in the service's accident and incident book
- The importance of timely management and parental sign-off

Management will conduct weekly audits on the records, to ensure all incident/accident reports contain all relevant information and are filled out and signed on the day an incident has taken place.

## Supporting documentation submitted

Curriculum Vitae  
Updated induction checklist.  
Updated incident report.  
Staff Meeting powerpoint from 23/10/24.  
Office Checklist.

## Summary Comment

The non compliances have been addressed.

## 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*

*A registered provider shall, in providing a pre-school service, ensure that-*

*(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.*

## Compliance Information

(1)(a)(b)

### ECCE Room 2

Children were observed to enjoy free, creative and sensory play. The children engaged in physical exercises and were observed making choices regarding activities they wanted to participate in. Children wore aprons to protect their clothes while participating in water play. Children went to the toilet independently and washed their hands prior to the main meal.

Staff were observed to be positive towards children evidenced by individual names and eye contact used when talking to the children. Staff were familiar with each child and their personality. Staff sat with children and supported children during small group work activities. Staff were observed to give additional support to children requiring extra assistance. An access and inclusion plans were available for children requiring extra support and assistance.

The service communicated with parents via an electronic handheld tablet providing information on the child's daily routine and play activities. A verbal handover is given to parents on collection.

The pre-school room was bright and colourful. A range of developmentally appropriate play experiences were available for children. Low level tables and chairs were in place. Interest areas included a fully equipped home area, small world area, rest area with books. Children's artwork and family photographs were displayed. Age and stage appropriate toys and materials were accessible to children on low level shelving.

(3)  
Positive behaviour strategies were observed in line with the services behaviour management policy. Staff used a calm approach using soft language tones, giving positive praise and encouragement to children. Occasional episodes of behaviour that challenged was managed in a positive caring manner. Redirection, reassurance and calming techniques were used where appropriate by staff.

## 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 entrance to the service was secure. A bell and intercom system were used for access to the service. The service met the necessary safety requirements in respect of the indoor environment, toys and equipment and the safe storage of cleaning agents in the ECCE room 2. The inspectors signed the visitors book on arrival.

#### Non-Compliance Information

##### General Safety:

There was no child proof lock on the low-level fridge storing temperature reducing medications in the main office.

#### Action submitted by the Registered Provider

##### Corrective & Preventive Action

##### General Safety:

A childproof lock was immediately installed on the low-level fridge in the main office to ensure that children cannot access medications stored inside.

The daily risk checklist for managers and Health and Safety Officers has been updated to include a mandatory check of all fridges and cupboards used to store medications and other potentially harmful substances. This ensures that all storage areas are secured with childproof locks and are compliant with safety requirements.

##### Supporting documentation submitted

##### General Safety:

Photograph of child lock.  
Updated risk assessment checklists.

#### Summary Comment

The non compliance has been addressed.

## 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)

Four adults present were qualified in First Aid response (FAR) and available in the premises.

(2)(a)

A first aid box was available in accessible and conspicuous location on the ground and first floor.

(b)

A first aid box was accessible to children in the pre-school service

## 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

Children were supervised in ECCE room 2 by the staff members. Upon discussion staff were familiar with the supervision requirements of the children in their care.

## 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 current insurance cover for the number of children attending the service. The expiry date noted was 27 March 2025.

## 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)
- The service's complaints policy was available and reviewed. The relevant details in respect of (a)(b)(c) were noted in the policy.
- (2)(a)(b)
- Records indicate that the service held information in respect of (a) and (b).