

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015WW092		
<b>Name of Service:</b>	The Marian Centre CLG		
<b>Address of Service:</b>	Ballywaltrim Community Centre, Boghall Road, Bray, Co. Wicklow		
<b>Eircode:</b>	A98 D2R4		
<b>Name of Registered Provider:</b>	Lisa Kearns		
<b>Service type:</b>	Sessional		
<b>Date of Inspection:</b>	16/05/2023		
<b>No of pre-school children:</b>	AM	19	PM N/A
<b>Address of the Early Years Inspectorate:</b>	Tusla Child and Family Agency First Floor Trinity Building IDA Business Park Southern Cross Road Bray Co. Wicklow		
<b>Inspection undertaken by:</b>	H. Bourke		
<b>Title:</b>	Early Years Inspector		

### Authority to Inspect

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

### Conditions if applicable

Not applicable

### Description of service

The Marian Centre is a community owned sessional childcare service and is registered to provide education for children aged between 2 years and 6 years of age. The service operates from two adapted rooms located in a community centre in the urban setting of Bray, Co. Wicklow. Both rooms are located upstairs in the building. The service is open from Monday to Friday for 38 weeks of the year and participates in the Early Childhood Care and Education (ECCE) scheme. The pre-school service operates from 9 am-12 pm. The children have access to an outdoor area at the side and rear of the premises and in adverse weather conditions, the service has access to a large hall located within the premises. The service also operates an after-school facility.

### Staffing

There were five staff members present on the day of inspection and four staff members were working directly with the children attending the service. The team leader was present at the time of the inspection. The fifth staff member works in the kitchen preparing food for the children's snacks. All the staff members working directly with the children hold an Early Childhood Care & Education Qualification at Level 5 or higher on the National Framework of Qualifications.

### Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child/ safety/ premises and facilities. The inspections may also focus on other areas as required.

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 triggered by a notification of a serious incident received by the inspectorate.

## Acknowledgments

The inspector wishes 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.

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

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

- (a) has signed a declaration on or before 30 June 2016 to the effect that he or she intends to retire from employment in a pre-school service before 1 September 2021, and
- (b) is in possession of a letter from the Minister confirming that paragraph (4) shall not apply to him or her before that date.

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

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

## Compliance Information

Following a discussion with the person in charge it was confirmed that there was a staff member from a sister service working in a relief staff capacity. This file was reviewed.

(1)(a)

There was a person in charge of the service and there was a named staff member who was able to deputise as required.

(b)

The person in charge was on the premises at the time of arrival of the inspector and remained on the premises for the duration of the inspection.

(c)

There was a clear management structure in place.

(2)(a)

Written references were available from past employers with respect of the one staff member.

(b)

Not applicable as all references were from past employers.

(c)

The required Garda vetting disclosures were available in respect of one staff member.

(d)

Police vetting was not required as the adult had not lived outside the State for a period of longer than six consecutive months since turning 18 years of age.

(4)

The member of staff held a major award in Early Childhood Care and Education at Level 5 on the National Framework of Qualifications.

(6)(a)

Not applicable as no staff member had a signed a retirement declaration.

(6)(A)

One staff member was employed pursuant to the scheme known at the Access and Inclusion Model.

## 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 registered provider ensured that all written policies, procedures and statements specified in Schedule 5 were in place in the service. The following policies were reviewed.

- Missing Child policy
- Supervision policy
- Risk management policy
- Complaints policy
- Medication policy

### 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)-*

*(c) a registered provider of a sessional pre-school service shall ensure that, where the person in charge operates the service single-handedly, a second person familiar with the operation of the service and in a position to provide assistance to the person in charge in operating the service is, at all times, within close distance of the service and available to attend the service to assist the person in charge in the event of an emergency.*

#### Compliance Information

(1)  
Throughout the inspection there were an adequate number of adults working directly with the children attending the pre-school service.

(3)  
The correct adult/child ratio was maintained at all times. There were four adults employed and present with nineteen children on the day of inspection.

(8)(c)  
There were two adults on the premises at all times. The registered provider does not operate the service single-handedly.

### 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:*

*(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)(h)

There was a record available of the attendance of each child in the pre-school on a daily basis.

#### Non-Compliance Information

(1)(i)

There was no weekly staff roster available on the day of inspection.

(j)

The recording method of medicine administration was not robust enough and did not follow the service policy.

(k)

The recording and documentation of the serious incident was incomplete and did not follow the service policy.

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

##### Corrective and Preventive Action

(1)(i)

The staff roster will be displayed, and the team leader will ensure that it is displayed on a weekly basis on both pre-school doors.

(j)

We have purchased medical record books for the service and the team leader will ensure the medical administration will be recorded correctly.

(k)

The team leader completed the documentation and had all relevant staff members sign off on it. Moving forward the team leader will ensure that all paperwork is completed and signed off appropriately.

**Supporting documentation submitted**

Photographic evidence to support the CAPA response in the form of receipts, documents and staff rotas was submitted by the registered provider.

**Summary Comment**

The non-compliances in relation to Regulation 16- Record in relation to pre-school service (1)(i),(j) and (k) have been addressed and will be reviewed on next inspection.

**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,*

**Compliance Information**

(1)(a)

**BASIC NEED:**

- Children were given opportunities to make choices as to which activities they wished to pursue and were supported in their choice by the staff members.
- Children had access to an outdoor area for play, located to the rear of the service.
- Children were supported and encouraged to be independent with using the toilet and were supervised appropriately.

**PHYSICAL AND MATERIAL ENVIRONMENT:**

- The pre-school rooms were maintained at a comfortable temperature of 22°C throughout the inspection.
- Suitable rest areas were available to the children. The rest areas consisted of cushions and a sofa and soft floor matting, all of which were washable.

### SUPPORTING RELATIONSHIPS AROUND CHILDREN:

- The adults demonstrated warmth towards the children through language and interaction and children's choices were respected. Adults spoke to the children directly, addressing them using their names.
- Adults knelt to the level of the children when speaking to them individually.
- Children's behaviour was managed in a competent and positive way with minor problems handled promptly.

### 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

On the day of inspection, there were nineteen pre-school children present with four staff members. A head count was carried out by staff members before the children left the pre-school room to go to the outdoor area. A second head count was done at the end of the stairs before the children went outdoors and a further head count was performed when the children reached to outdoor area. This practice was repeated when the children returned to the pre-school room. This practice has been initiated since the last staff meeting in the service.

### Part VIII - Notifications and Complaints

#### Regulation 31 - Notification of incidents

*A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:*

*(e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.*

#### Compliance Information

(e)  
The registered provider notified the Agency in writing within three working days in respect of a serious incident that has occurred,