

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015WW125		
<b>Name of Service:</b>	Scallywags Childcare		
<b>Address of Service:</b>	25 Bentley Avenue, Bray, Co. Wicklow		
<b>Name of Registered Provider:</b>	Deirdre Lally		
<b>Service type:</b>	Sessional		
<b>Date of Inspection:</b>	25/09/2023		
<b>No of pre-school children:</b>	AM	20	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).

<b>Conditions if applicable</b>	Not applicable
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### Description of service

Sallywags Childcare was first established in 2000. This service is located in a small housing estate in Bray Co. Wicklow and consists of a purpose-built unit to the rear of the registered provider's home. There are two pre-school rooms, ECCE 1 and ECCE 2, within the building and a small outdoor area to the rear of the premises. The service is registered to provide care and education for children aged between 2 years and 6 years of age on a sessional basis. The registered provider operates a sessional Early Childhood Care and Education (ECCE) service for 38 weeks of the year Monday to Friday 09.30am to 1.00pm.

### Staffing

There is a designated person in charge of the service, as the registered provider does not work directly with the children. The designated person in charge was present on the day of inspection, with two other staff members.

### 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.

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 for Garda Vetting was issued on the 25<sup>th</sup> of September 2023. A response was received by the registered provider on the 26<sup>th</sup> of September 2023 and this response was accepted by the Inspector.

### 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*

*(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-*

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,*

*(b) consideration of references from reputable sources in the case of a person who has no past employers,*  
*(c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and*  
*(d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.*

*(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.*

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

*(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*

*(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

(1)(a)

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

(b)

The designated 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.

(2)(a)(b)

Written references were available in respect of one staff member.

(c)

The required Garda vetting disclosure was available in respect of one staff member.

(d)

Police vetting was available for one staff member who had lived outside the State for a period of longer than 6 consecutive months.

(4)

Three members of staff held a major award in Early Childhood Care and Education at Level 5 or higher on the National Framework of Qualifications.

(6)(a)

Not applicable as no adult present had signed a retirement declaration.

(6)(A)

One adult was employed pursuant to the scheme known as the Access and Inclusion Model.

### Non-Compliance Information

(2)(a)(b)

Validated references were not available in respect of two staff members.

(c)

The required Garda Vetting disclosures were not available in respect of two staff members. An Immediate Action Notice was issued on the 25<sup>th</sup> of September 2023 and a response was received on the 26<sup>th</sup> of September 2023.

(3)

The required Garda Vetting disclosures had not been obtained before two staff members had commenced working in the pre-school service. This practice was found to be non-compliant on the previous inspection on the 9<sup>th</sup> of December 2021. The corrective actions submitted following this inspection failed to prevent recurrence of this non-compliance.

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

#### Corrective and Preventive Action

(2)(a)(b)&(c)

References have been verified.

Garda vetting had been applied for and was received and submitted the next day. The affected rooms were closed until the vetting was received.

(3)

Policies have been reviewed to ensure that this non-compliance will not happen again. Non compliances have been added to a checklist to be checked on a monthly basis

#### Supporting documentation submitted

(2)(a)(b)&(c)

Photographic evidence of the required documents were submitted by the registered provider with the CAPA response to demonstrate that the non-compliances were addressed.

(3)

The proposed new practice should address this non-compliance moving forward.

### Summary Comment

(2)(a)(b)&(c), (3)

The non-compliances found on the day of inspection in Regulation 9 Management and recruitment have now been addressed and 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.*

*(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 three adults employed and present with twenty children on the day of inspection.

(8)(c)  
Not applicable as the registered provider does not operate the service single-handedly.

### 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-*

- (c) an authorised person.*

#### Compliance Information

(1)(a)to(i)

The registered provider ensured that there was a record in writing kept for every child attending the pre-school containing the required information (a) to (i) in paragraph (1).

(3)(c)

These records 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;*

*(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 were written details of the attendance of each child in the pre-school service on a daily basis.

(j)

There were written details of medication administered to a child attending the pre-school service with signed parental consent.

(3)

The above records were open to inspection by an authorised person.

#### Non-Compliance Information

(1)(a)

Written details were not available of the name, position, qualifications and experience of the three employees working in the pre-school service.

(i)

There were no written details available of staff rosters on a daily basis.

(k)

There were no written parental signatures for the records detailing the accidents, injuries or incidents involving the child attending the pre-school service.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

(1)(a)(i)&(k)

Written details of name, positions, qualification and experience are displayed in the hall. Staff rosters are filled in and displayed on the wall in the hall.

Parents have signed accident and incident records. All non-compliances have been added to a list to be checked on a monthly basis.

### Supporting documentation submitted

(1)(a)(i)&(k)

Photographic evidence of the staff CV's, staff rosters and signed accident and incident forms were supplied with the CAPA form to demonstrate that the above non-compliances have been addressed.

## Summary Comment

(1)(a)(i)&(k)

The non-compliances found on the day of inspection in Regulation 16 Record in relation to pre-school service have now 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-*

*(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.*

#### Compliance Information

(1)(b)

The person in charge and the staff present ensured that appropriate and suitable care practices were in place and being carried out.

Children were asked what activity they wished to pursue, and children's participation was encouraged in all activities throughout the day.

The transition between one activity and the next was smooth and unhurried, aided by the language used by the adults to the children, children were told well in advance of what was expected from them and what they would be doing next.

Positive reinforcement of children's behaviour contributed to a pleasant environment for the children in the service. One to one attention was given to a child if it was required.

A strong ethos of teamwork was evident in the service, this was observed by how staff members interacted with each other and the children throughout the inspection. Snack time was relaxed and observed to be a positive social experience for children, all children sat on low level chairs at a table and were encouraged to feed themselves, with assistance given as necessary.

Children were addressed by their name and were given plenty of time to eat their snacks. Staff observe that children's snacks include a variety of food groups in keeping with the healthy eating policy of the service. Each care room had a cosy area for the children to use should they need some personal space or rest during their morning.

Children's parents are spoken to on an individual basis at collection time. Parents are encouraged to make direct contact with the service, should they have any concerns or issues.

Children are supported to be independent with looking after their belonging, in the tidy up process and with using the toilet. All with adequate supervision.

## 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:

- All cleaning products were stored, out of the reach of children.
- The emergency exit route in each pre-school room was clearly marked and free from obstruction.
- The entrance door to the service was appropriately secured to prevent children from exiting unsupervised and to restrict unauthorised persons from gaining access to the pre-school.
- The outdoor play area, to the rear of the premises, was walled in and gated to prevent a child gaining unsupervised access to the housing estate or any other source of danger.

##### Infection Control:

- Tables were cleaned prior to and after snack time in the pre-school rooms.
- The sanitary areas were clean in both pre-school rooms.
- Both rooms had access to a suitable sanitary area, with toilets, hot water, liquid soap and pedal operated lidded bins.
- Hand washing by adults and children was observed before snack time and after using the toilet.

#### Non-Compliance Information

##### Infection Control:

1. While Cleaning schedules were available for each pre-school room they had not been maintained. This practice was found to be non-compliant on the previous inspection on the 9<sup>th</sup> of December 2021. The corrective actions submitted following this inspection failed to prevent recurrence of this non-compliance.
2. There were no paper hand towels available for effective hand drying after hand washing in the sanitary area of ECCE 1 and ECCE 2. When this was brought to the attention of the person in charge, it was found that there were no paper towels in stock on the premises. This was inadequate for infection control purposes. This practice was found to be non-compliant on the previous inspection on the 9<sup>th</sup> of December 2021. The corrective actions submitted following this inspection failed to prevent recurrence of this non-compliance.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### Infection Control:

1&2

Cleaning schedules have been reintroduced. Paper towel stocks have been replenished This non-compliance has been added to checklist to be checked on a daily basis.

#### Supporting documentation submitted

1&2

Photographic evidence of restocked paper towels and completed cleaning schedules were submitted with the CAPA to show how the service has addressed the non-compliances.

### Summary Comment

1&2

The non-compliances found on the day of inspection in relation to Regulation 23 Safeguarding health, safety and welfare of child, Infection Control have been addressed and will be reviewed on next inspection.

### 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)

An adult trained in FAR first aid for children was present and immediately available to the children.

(2)(a)

The first aid box for children was stored in an accessible and conspicuous position in ECCE 2 room.

(b)

At all times the first aid box was available to the children attending the pre-school.

### 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 record in writing of fire drills carried out in the pre-school service.

(b)

There was a record in writing of the maintenance of the firefighting equipment on the premises dated December 2022.

(4)

There were notices displayed around the premises showing the procedures to be followed in the event of a fire.

#### Non-Compliance Information

(1)(b)

There was no record in writing detailing the maintenance of the smoke detection system in the service. This practice was found to be non-compliant on the previous inspection on the 9<sup>th</sup> of December 2021. The corrective actions submitted following this inspection failed to prevent recurrence of this non-compliance.

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

##### Corrective and Preventive Action

(1)(b)

Smoke detection systems have been checked and signed off by Assistant Chief Fire Officer from Wicklow County Council. Added to list to be checked on a monthly basis.

##### Supporting documentation submitted

(1)(b)

Photographic evidence of a receipt for servicing of the smoke detection system was submitted with the CAPA form.

## Summary Comment

(1)(b)

The non-compliance found on the day of inspection in relation to Regulation 26 Fire safety measures has been addressed and will be reviewed on 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

The person in charge and the staff present demonstrated they could provide adequate supervision of the children attending the pre-school service during the inspection.

## Part VI - Safety

### Regulation 28 - Insurance

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

### Compliance Information

The registered provider had adequate insurance for the pre-service service covering 22 children and expires on the 27<sup>th</sup> of March 2024