

# Early Years Inspectorate Regulatory Report

## Pre School

**TUSLA Identifier:** TU2015WW209

**Name of Service:** Jolly Tots Creche

**Address of Service:** South Bray, 107 Oldcourt Avenue, Bray, Co. Wicklow

**Eircode:** A98 N927

**Name of Registered Provider:** Denise Johnston

**Service type:** Part Time, Sessional

**Date of Inspection:** 31/05/2023

<b>No of pre-school children:</b>	AM	9	PM	N/A
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<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

This community based non-profit part-time service first opened in 1988. The service is located in a two-storey semi-detached house located in a housing estate in Bray Co. Wicklow. The building also serves as a community resource centre. The pre-school is registered to provide care and education to children from 0 to 6 years of age. The service does not operate an ECCE (Early Childhood Care and Education) Programme. Opening hours are from 09.00 am to 14.30 pm Monday to Thursday and 09.00 am to 13.00 pm on Fridays. This includes a part-time service in the morning and a sessional service in the afternoon.

### Staffing

There is a Board of Management who are in charge of the pre-school service and the registered provider is on the Board but does not work directly with the children. There are currently seven staff members employed in the service and three were present on the day of inspection. This included the designated person in charge.

### 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.

## Acknowledgments

The inspector wishes to acknowledge the cooperation of the designated 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*
- (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

(1)(a)

There was a designated person in charge of 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)

There were eight written references available from past employers.

(b)

There were four written references from reputable sources.

(c)

The required Garda vetting disclosure was available in respect of seven staff members.

(d)

Police vetting was available for one adult who had lived outside the State for a period of longer than six consecutive months since turning 18 years of age.

(4)

Four 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 staff member had signed a retirement declaration.

(6)(A)

No staff member was employed pursuant to the scheme known as the Access and Inclusion Model.

### Non-Compliance Information

(2)(a)(b)

There were no validated references for one staff member.

(3)

One staff member's Garda Vetting was acquired after the staff member had commenced working in the service.

(4)

A major award in Early Childhood Care and Education at Level 5 or higher on the National Framework of Qualifications was not available for two staff members.

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

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

(2)(a)(b)

Copies of the validated references have been obtained and placed in staff members' files. We have put in place a new file for each member of staff with a checklist attached. These files will be updated as necessary.

Any staff member without an employment history will be required to provide a character reference from a reputable source. These will be validated and kept on file.

(3)

Past completed Garda Vetting will be kept in staff files alongside current copy to demonstrate that Garda Vetting is in place from the date employees commence working in the service.

(4)

Staff members who do not have childcare qualifications when taking up community employment childcare places, are to work towards and gain at least a Level 5 or equivalent award in childcare during their time on our CE. We will always ensure that unqualified staff are not included in our Adult/ Child ratios.

#### **Supporting documentation submitted**

(2)(a)(b)

Photographic evidence of references for a staff member was supplied with the CAPA form to address the non-compliance found on inspection.

(3)

The proposed practice will address the non-compliance found on inspection.

(4)  
The practice of non-qualified staff members working in community employment while on a level 5 Childcare course and being in a supernumerary position within the childcare setting, will address the non-compliance found on inspection.

### Summary Comment

The proposed practices and the evidence submitted have addressed the non-compliances found on inspection in relation to Regulation 9 - Management and recruitment (2)(a)(b), (3) and (4). These 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 two adults employed and present with nine children on the day of inspection.

(8)(c)  
There were two adults on the premises at all times. The service is not operated 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 authorized person.*

*(4) A registered provider shall ensure that a record in writing referred to in paragraph (1) is retained for a period of 2 years from the date on which the child to whom it relates ceases to attend the service.*

### Compliance Information

(1)(a)-(i)

The designated person in charge ensured that a record in writing was kept in respect of each child attending the pre-school service.

(3)(c)

The designated person in charge ensured that these records were available for inspection to an authorised person.

(4)

The designated person in charge had evidence that all children's records were kept for a period of two years from the time a child left the pre-school service.

### 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 details of attendance by each pre-school child on a daily basis available for inspection.

(i)

There was evidence of staff rosters on a daily basis.

(j)  
There were recorded details of medication administered to a child attending the service with signed parental consent.

(k)  
There were recorded details of all accidents, injuries or incidents involving a child attending the service.

(3)  
The above listed documentation was open to inspection by an authorised person.

## Non-Compliance Information

(1)(a)  
Following a review of all staff files there was no record in writing detailing the position, qualifications and experience of four adults working in the pre-school service.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

(1)(a)  
All staff files have been updated to include documentation outlining their previous experience and qualifications, we have put in place a new file for each member of staff with a checklist attached. These files will be reviewed regularly and updated as necessary.

### Supporting documentation submitted

(1)(a)  
Photographic evidence of documentation stating the position, qualifications and experience of four staff members was submitted with the CAPA form and had addressed the non-compliance found on inspection.

## Summary Comment

The evidence submitted has addressed the non-compliance found on inspection in relation to Regulation 16 - Record in relation to pre-school service (1)(a). This will be reviewed on next inspection.

### Part IV – Information and Records

#### Regulation 18 – Copy of Act etc.

*A registered provider shall ensure that a copy of Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Regulations is kept on the premises and the said copies shall be open to inspection on the premises by-*

*(c) an authorised person.*

#### Compliance Information

(c)

The designated person in charge had a copy of the Act available for inspection by an authorised person.

### 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 designated person in charge ensured that appropriate and suitable care practices were in place. Children were asked what activity they wished to pursue, and children’s participation was encouraged in all activities throughout the morning. The transition between one activity and the next was smooth and unhurried, aided by the language used by the adults to the children. Positive reinforcement of children’s behaviour contributed to a pleasant environment for the children in the service, with minor problems handled promptly. One to one attention was given to a child if it was required. Both the indoor and outdoor area were laid out to provide a range of developmentally appropriate, challenging, diverse, creative and enriching experiences for all the children attending the service.

The snack time was relaxed and observed to be a positive social experience for children as adults engaged with them helping when required. Children were addressed by their name and were given plenty of time to eat their food. The staff members sat with the children during snack time.

Childrens parents are spoken to on an individual basis at collection time. Children were supported to be independent with looking after their belonging, in the tidy up process and with using the toilet. All with adequate supervision.

## 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

This community based sessional service provides all the food and drinks for the children attending the pre-school. All children have a snack and a hot meal during their day. The service has a three-week menu, which is displayed within the pre-school room. All food is prepared on site and is in keeping with the Healthy Eating Policy of the service.

The portion sizes on the day of inspection service were good and there were additional portions available should the children want it. Children with special dietary needs or dietary restrictions were catered for. Food was available outside of mealtimes if required.

### Part VI - Safety

#### Regulation 24 - Checking in and out and record of attendance

*(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.*

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

*(a) no person other than-*

*(i) pre-school child attending the service,*

*(ii) a person dropping or collecting such a child,*

*(iii) an employee, or*

*(iv) an unpaid worker, can enter the premises without his or her entry being approved by an employee, and*

*(b) a daily record in writing is kept of the entry on the premises of any such person.*

*(4) A registered provider shall ensure that a record in writing referred to in paragraph (3)(b) is retained for a period of one year from the date to which it relates.*

#### Compliance Information

- (1)  
The designated person in charge ensured that all children attending the service were checked in and out on the service register.
- (3)(a)(i-iv)  
The designated person in charge ensured that no other person other than the agreed list of people had access to the service.
- (b)  
The designated person in charge had a record in writing, in the form of a visitors' book, of all such persons who accessed the service.
- (4)  
The designated person in charge was able to demonstrate that the visitors book was kept for a period of one year from the dates to which it related.

## 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 was a staff member trained in FAR first aid present and available to the children throughout the inspection.
- (2)(a)  
A suitably equipped first aid box was located in an accessible place within the pre-school room.
- (b)  
The first aid box was available to the children attending the service at all times.

### 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.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (c) an authorised person.
- (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 evidence of regular fire drills haven taken place within the service. The most recent fire drill took place on the 18<sup>th</sup> of April 2023.

(b)

There was a maintenance record of the firefighting equipment and smoke alarms in the premises dated 6<sup>th</sup> of July 2022 and the 17<sup>th</sup> of February 2023 respectively.

(2)(c)

These records were open to inspection by an authorised person.

(4)

There was a notice of the procedures to be followed in the event of a fire, displayed within the pre-school room.

### 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 attending the service were supervised continually throughout the inspection. Children were encouraged to use the toilet facilities independently but were supervised appropriately at all times. The room layout and the outdoor area allowed for easy visual supervision during the pre-school day.

### Part VII - Premises and Space Requirements

#### Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-*

- (b) safe and secure,*
- (d) cleaned, maintained and repaired, as required, and*

#### Compliance Information

- (b)
- The entrance to the pre-school room was secured to prevent children from exiting and unauthorised persons gaining access to the service. There were no safety hazards observed inside or outside the service.
- (d)
- The premises appeared well maintained and clean. There was a cleaning schedule present within the pre-school room that was signed and up to date.