

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2016CC024
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<b>Name of Service:</b>	O.A.K. (Outdoor Active Kids)
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<b>Address of Service:</b>	Ballinascatha, Midleton, Co. Cork
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<b>Eircode:</b>	P25 YK03
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<b>Name of Registered Provider:</b>	Bernadette O'Brien
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<b>Service type:</b>	Sessional
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<b>Date of Inspection:</b>	21/10/2024
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<b>No of pre-school children:</b>	AM	16	PM	6
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate Administration Building St Mary's Health Campus Gurrabraher Cork
<b>Inspection undertaken by:</b>	D Prendergast
<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>	N/A
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### Description of service

O.A.K. (Outdoor Active Kids) is a privately operated, sessional service, that is registered to cater for children aged two to six years. Two daily sessional services are offered, over a 38-week annual period, in conjunction with the Early Childhood Care and Education (ECCE) Scheme. Play based pedagogy is implemented, with an emphasis on outdoor play provision and the Irish language.

Located in a rural area of Midleton, in Co. Cork, the premises consists of a purpose built, single storey, wood cabin, with an adjoining sheltered structure/outdoor classroom, both indoor and outdoor sanitary facilities and a spacious outdoor play environment.

### Staffing

The service employs four adults, all of whom are involved in the care of the children. This includes the registered provider and two adults employed under the Access and Inclusion Model (AIM) support scheme. Each of the four adults has attained a relevant award in Early Childhood Care and Education.

### 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.

The inspection focused on an examination of compliance under regulations 9 - Management and recruitment, 10 - Policies, procedures etc. of pre-school service, 11 - Staffing levels, 15 - Record of pre-school child, 16 - Record in relation to pre-school service, 19 - Health, welfare and development of child, 23 - Safeguarding health, safety and welfare of child, 25 First aid and 28 - Insurance; however, on inspection additional non-compliance which posed a risk was identified under Regulation 8 - Notification of change in circumstances. These findings are outlined within the relevant regulation within this report.

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 person in charge, staff and children who were present on the day of the inspection.

## Part II - Registration and Register

### Regulation 8 - Notification of change in circumstances

*(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.*

### Non-Compliance Information

(1) The registered provider had not notified the Agency in relation to the change in the service's opening hours. The person in charge advised that the setting was open to accommodate children from 8.30am. This was confirmed through review of the child attendance records. However, the current registered opening hours for the service are from 9.00am to 12.00pm and from 12.30pm to 3.30pm.

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

#### Corrective and Preventive Action

The written reply from the registered provider and service manager outlined that a Change in Circumstance application was since submitted to the Registration Office and has been approved. Going forward, the registered provider will ensure that all information held by the Agency in relation to the service, is accurate each year.

#### Supporting documentation submitted

A screen shot of the email correspondence from the Change in Circumstance team, which confirms that the change in opening hours for the service has been approved.

### Summary Comment

The corrective action implemented has addressed the non-compliance identified under Regulation 8.

### 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.

#### Compliance Information

- (1)
- (a) There was a designated person in charge of operating the early years service and named deputy had also been assigned, to deputise in her absence. Information to this effect was available in writing.
  - (b) The person in charge was present to facilitate the duration of the inspection process.
- (2) Recruitment records in respect of the four adults attached to the setting were reviewed and the following information was obtained:
- (a) There were six written and validated references in place from past employers.
  - (b) A further two written and validated references had been provided by sources other than past employers.
  - (c) Garda vetting disclosures had been obtained for all four staff. However, the service did not adhere to the re-vetting timeframes outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew

Garda vetting every three years. Please refer to the information outlined under regulation 23 of this report.

(d) Not applicable. Review of the relevant documentation indicated that none of the staff members had lived outside the State for six consecutive months, or longer, as adults.

(4) Evidence was available to demonstrate that the four adults had attained a major award in Early Childhood Care and Education, as listed on the National Framework of Qualifications, or a qualification deemed to be equivalent.

### 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 service's policy on Infection Control was assessed and deemed satisfactory.

### 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.*

#### Compliance Information

(1) At all times during the period of inspection, it was observed that there was an adequate number of staff working directly with the children.

(3) The adult child ratio was maintained. In the morning, 16 children, aged 3 to 4 ½ years were in attendance, along with 3 adults. In the afternoon, two adults were working directly with six children, who were aged three to four and a half years.

### 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.*

#### Compliance Information

(1) A sample of 10 child records were assessed for compliance and all met the requirements listed from (a) to (i).

### 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:*

- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*

#### Compliance Information

(1)  
(j) Parental consent was available for staff to administer prescribed medication to the children who may require same. Administration of medication records were on file for medication that had been given to a child earlier in the year.

### Non-Compliance Information

- (1)
- (j) There were no written records available in relation to the daily medication that was administered to one of the children, who attended the service. This was confirmed during conversation with the person in charge. The documenting of this practice is required in order to support the provision of safe and correct procedures when administering medication to a child.

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

#### Corrective and Preventive Action

An administration of medication record has been added to the child's file and is signed daily by the child's parent. Going forward, all children who require any form of medicine will have an administration of medication record on file.

#### Supporting documentation submitted

A copy of the administration of medication record was submitted.

### Summary Comment

The registered provider and service manager have demonstrated that the non-compliance identified under Regulation 16 has been resolved.

### 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

### Compliance Information

(1)(a)

#### Basic needs:

- During the morning sessional service, a snack was facilitated shortly after 10.30am. At this time, staff members were observed to be attentive to the children's needs and provided assistance as necessary.

- Throughout the session, the children’s reusable water bottles were available within their reach, should they require additional fluids; a trolley in the outdoor area was used to store the water bottles.
- The children’s independence was supported when accessing and using the sanitary facilities. It was noted that verbal prompts were offered to children by the adults.
- While exploring outdoors, the children were dressed in suitable outdoor clothing and footwear, which included puddle suits, wellies and coats.
- Boxes of tissues were accessible to the children, both indoors and outdoors. This supported children to manage their respiratory hygiene. Children were also provided with reminders in relation to respiratory etiquette.
- A designated cosy area was available in the main care room, which encouraged the children to relax and opt out of scheduled activities, as necessary.
- The large outdoor space allowed the children to move freely, explore and engage in active play and movement throughout the morning.
- Following outdoor play, the children were assisted to remove their outdoor clothing and footwear, change any wet or damp clothing, such as socks and to clean their hands and faces. These care practices were managed sensitively and patiently by the adults and the atmosphere during this time was notably relaxed and calm.

### 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 main entrance/exit door was adequately secured against the risk of unauthorised access.
- In the outdoor play area, a secure enclosure was created through a combination of fencing and the surrounding building walls.
- Restrictive opening devices were fitted to the low-lying cupboards in the care room, which contained potentially hazardous items.
- Brightly coloured adhesives were in place on glass panel doors, which reduced the risk of a child sustaining a collision injury.

- Firefighting equipment was safely tethered.

### Infection Control:

- A supply of warm water, liquid soap, foot pedal-operated bins and paper towels were available at each wash hand basin throughout the service. Handwashing was observed before the children sat down to eat their snack.
- The care room was maintained in a clean and hygienic condition. Current and recently completed cleaning records were available for review.
- Photograph labelled containers were used to store the children's personal belongings and spare clothing.

### Administration of Medication:

- The administration of medication to a child was not observed.
- The medication maintained for one of the children was noted to be clearly labelled and was in-date.

### Safe Sleep:

- None of the children present were noted to sleep during the sessional service.

### Fire Safety:

- There were no fire safety concerns noted.

### Outing:

- An outing did not take place.

## Non-Compliance Information

### General Safety:

1. The Garda vetting disclosure available for one of the adults was not dated within the previous three years, in adherence to the Early Years Inspectorate Regulatory Notice, 'EYI-RN12.3 Renewal of Garda Vetting'.
2. Safe storage of medication was not ensured, which increased the risk of a child accessing and accidentally ingesting this medication. The medication which had been prescribed for one of the children and two tubes of ointment, were stored in the fridge in the main care room, which was unsecured and positioned at child height. This was at variance with the service's Medication Management policy, which stated that *All medication is stored in line with manufacturer's instructions out of reach of the children.*

### Infection Control:

3. The children's perishable foods were not all refrigerated prior to snack time, which increased the risk of food spoilage. This was also found at the two previous inspections, on 25 January 2022 and on 14 January 2020. The CAPA response following the last inspection stated that the fridge would be used to store perishable foods. However, this was not found in practice.

### Administration of Medication:

- On the day of inspection, medication was unavailable for one of the children, should it be required. The inspector was advised that the service was reliant on the child's parents to bring the medication each day, as spare medication was not maintained in the care room. This posed a risk that staff may not be able to respond appropriately to the child's care needs, should the medication be required.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

- Garda vetting for the adult has been renewed. As a preventive measure, all staff files have been updated to include the renewal date of Garda vetting, which is noted on the cover page of each adult's file. This will ensure that Garda vetting for each employee is renewed in advance.
- The written reply stated that a new safety strap has been purchased and attached to the fridge. Going forward, it will be ensured that the fridge is secured at all times.

##### Infection Control:

- All children's lunches are now stored in the fridge. In future, all lunches will be removed from the children's bags and stored in the fridge, upon arrival.

##### Administration of Medication:

- This was discussed with the child's parents and the medication is now on site. It will be ensured that all children who require medication have it available on site at all times.

#### Supporting documentation submitted

##### General Safety:

- A copy of the updated Garda vetting and a photograph of the cover page of the staff member's file, which outlines the due date for Garda vetting renewal.
- Photographic evidence.

##### Infection Control:

- Photographic evidence.

##### Administration of Medication:

- Photographic evidence.

### Summary Comment

The response from the registered provider and service manager was assessed and deemed to meet regulatory compliance with Regulation 23.

## 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) The certification presented for examination indicated that two of the adults had completed First Aid Responder (FAR) training and at least one of these adults was available throughout the hours of operation, as evidenced by the staff roster.
- (2)
- (b) The first aid supplies were available to the children at all times, should treatment be required.

### Non-Compliance Information

- (2)(a)(b)
- The first aid box was insufficiently equipped. The available extra-large and medium sterile wound dressings were out of date and there were only five triangular bandages in stock, where six were required.

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

#### Corrective and Preventive Action

The items that were missing or had expired have been replaced. A list of expiry dates for all first aid supplies will be added to the inside of the First Aid box.

#### Supporting documentation submitted

Photographic evidence.

### Summary Comment

The non-compliance identified under this regulation has been addressed.

## Part VI - Safety

### Regulation 28 - Insurance

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

#### Compliance Information

The available insurance certificate demonstrated that adequate cover was in place for the sessional service. The policy was valid from 28 March 2024 until 27 March 2025.