

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2016TY014
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<b>Name of Service:</b>	Rockids Limited
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<b>Address of Service:</b>	Gortnarush, Dundrum, Co Tipperary
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<b>Eircode:</b>	E34 NX39
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<b>Name of Registered Provider:</b>	Anita O'Dwyer
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	25/10/2024
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<b>No of pre-school children:</b>	AM	34	PM	33
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<b>Address of the Early Years Inspectorate:</b>	Glenmorgan Building, Ferryhouse, Clonmel, Co Tipperary E91RF38
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<b>Inspection undertaken by:</b>	Antoinette McNamara & Noelle Ruddy
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<b>Title:</b>	Early Years Inspector & Inspection Registration Manager
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### 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

This service provides sessional, part time and full day care programmes to children aged 18 months to 6 years of age, 50 weeks per year. This includes a sessional Early Childhood Care and Education (ECCE) service, 9.30am to 12.30pm, 38 weeks per year. The service is registered to operate 7.00am to 6.00pm in a repurposed two storey building in the town of Dundrum, Co Tipperary. The service has four early years rooms over two floors, the toddler and playschool rooms on the ground floor and the preschool room on the first floor were operating on the day of inspection. The fourth room on the first floor was used as an auxiliary space. The registered provider also operates a second early year's service and a school age service in the South Tipperary area. At the time of the inspection the service was in the process of been sold to a new owner.

### Staffing

The service employs five staff members, the registered provider does not work directly in the service. Staff members held qualifications in Early Childhood Education and Care at Level 5, and 6 on the National Framework of Qualifications. At the time of inspection, the prospective owner was called to support them with the inspection.

### 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.

Regulation 9 (1)(a)(b)(c)(2)(a)(b)(c)(d)(4) Management and recruitment,  
Regulation 11 (1)(2)(8) Staffing levels,  
Regulation 15 Record in relation to pre-school child,  
Regulation 19 (a) Health, welfare, and development of the child,  
Regulation 23 Safeguarding health, safety and welfare of child  
Regulation 25 First aid,  
Regulation 28 Insurance.

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 inspectors wish to acknowledge the cooperation of the prospective owner, 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.

#### Compliance Information

(2)(a) Two written and validated references were available for the five staff working at the service.

(b) Where past employer references were not available, there were references from reputable sources such as previous schools and colleges.

(c) Garda vetting disclosures had been obtained for the five staff members. In the case of four staff members, the service did not adhere to the re-vetting timeframes as 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 curriculum vitae indicated that police vetting was not required.

### Non-Compliance Information

- (1)(a) A designated person in charge of operating the service was not present on the day of the inspection. There was no named person available to deputise in the absence of the person in charge.
- (b) During the period of the inspection, the designated person in charge was not present in the service. Staff confirmed that the service manager, who is registered as the person in charge, was on leave and there was no one nominated to be in charge in their absence.
- (c) There was no clear management structure in the service that identified the lines of authority and accountability and the specific roles and responsibilities of each member of the management team. Through discussion with staff, it was evident that a management structure had not been established for times when the manager and registered provider were not available.
- (4) There was one staff member present who did not hold an appropriate qualification in Early Childhood Care and Education. This staff member is currently completing their QQI Level 5 in Early Childhood Care and Education.

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

#### Corrective and Preventive Action

- (1)(a) Going forward the new owner and the manager will be in charge. A new assistant manager is taking a position in January 2025. Going forward a poster will be displayed in each room stating staff roles.
- (b)(c) When the new management take over a staff meeting will be held, and everyone will be appointed new roles, and all staff and parents will know who is in charge. In relation to the sale, the contracts are in place with a provisional date of the 19<sup>th</sup> December 2024 for closing.
- (4) The one staff member has now taken nine weeks leave until the end of January 2025 and in that space of time must have her full level 5 modules completed before returning to work in 2025.

#### Supporting documentation submitted

None.

### Summary Comment

Corrective actions have been accepted and will be assessed in practice 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.

(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.

(8) Without prejudice to paragraphs (2) to (7)-

(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,

#### Compliance Information

(2) The adult child ratios on the day of inspection in the toddler room met the requirements of the regulations:

Room	Age	Minimum child: adult ratio	Child: adult ratio (morning)
Toddler	1-2	5:1	10:2

(8)(a) There were at least two staff present in the service while it was in operation.

#### Non-Compliance Information

(1) There was an inadequate number of staff available in the setting during the morning as reported on under Regulation 11(2).

(2) The adult child ratios during the day of inspection in the ECCE session did not meet the requirements of the regulations:

Room	Age	Minimum child: adult ratio	Child: adult ratio (morning)
Pre-school	3-5	11:1	24:2

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

#### Corrective and Preventive Action

Going forward the new owner and the new assistant manager will be present in the service daily. The current manager will then work directly with the pre-school children. There will be three staff teaching in the ECCE room daily.

#### Supporting documentation submitted

None.

#### Summary Comment

Corrective actions have been accepted and will be assessed in practice on next inspection.

### 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

A sample of completed registration forms were reviewed as part of the inspection process:

(1) The registration forms contained the required information as detailed under parts (a) to (i) of this regulation.

## 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

##### Supporting relationships:

Staff responded to children kindly, in soft tones of voice and positive language was used to reinforce desirable behaviour such as "walking feet".

Behaviour was consistently supported by staff confidently to avoid problems arising and support children to resolve problems among themselves. In the younger room staff were observed sitting on the floor with the children and supporting play at the children's level.

There were a wide range of planned Halloween activities and a party for the children in the pre-school room. The children appeared to really enjoy the activities. The staff in both rooms had dressed up in costumes to celebrate with the children.

Staff members were observed to treat the children with respect and a positive regard. They sat with children in small groups or individually, engaged in conversation with them and listened attentively to the children as they spoke.

Parent and guardian communication was observed during collection and drop off periods. This provided an opportunity for staff to share information with parents.

Children's identity and belonging was fostered through the display of their arts and crafts in the pre-school room. Staff demonstrated a strong knowledge of the children in their care including their needs, likes and dislikes.

Children appeared comfortable and secure in their engagement with staff and peers.

### 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 premises was secured with a magnetic lock and keypad.

Visitors to the service were required to sign the visitors book on arrival to the premises.

The stairs had two handrails, one at a low height and one at a standard height.

Accident and incident reports reviewed were maintained in line with the service policy.

#### Non-Compliance Information

##### General safety:

Some safety risks were identified in an adjoining room upstairs. While this room wasn't in use on the day of inspection staff confirmed that it is generally used as a preschool room when staffing levels allow, and children could access it from the upstairs preschool room. While this room wasn't in use on the day it remained accessible to the children.

1. There was a loose blind cord on one upstairs room door which posed a risk to children.
2. The attic stairs were unsecured and partially open.

##### Infection control:

Infection control risks were identified in the sleep room. While this room wasn't used on the day of inspection there was evidence that it was in use on other days.

3. The mattresses in the cots were not wipeable or covered with a wipeable mattress cover.
4. The mattresses were well worn, stained and had the appearance of mould in places.
5. Sheets on the mattresses were also stained. A potential risk of cross contamination was also posed as effective cleaning could not be completed.

There were infection control risks identified within the sanitary areas:

6. The taps on the sink in the nappy changing room were not working. There is a risk of contamination as staff cannot wash their hands or a child's hands after nappy changing without passing through the building to the next nearest sink.
7. There was also no ventilation in the nappy changing room.

8. The toilet rolls in the bathrooms were loose and not placed on a toilet roll dispenser. This is a risk of cross contamination.
9. There was also evidence that daily cleaning was not been carried out. Toilets were unflushed, there was a lack of hand paper towels and evidence of cobwebs.

### Safe sleep:

Although the sleep room was not used during the time of inspection there were some risks identified:

10. There were two broken cots in the room which would cause injury to a child if used.
11. There was no working thermometer in the sleep room to ensure the room was at the correct temperature for children's sleep.
12. Cables from baby monitors hung loosely from a shelf near a cot, this posed a risk of choking.
13. Positioning of cots close to heaters and reachable items such as door keys.

### Fire safety:

Some fire safety risks were identified on inspection:

14. Signage indicated that there was a fire exit from a large preschool room located to the back of the building upstairs. While this room was unoccupied on the day of inspection there were children on the upper floor who may require using this exit in an emergency. The fire exit door was locked by a key which hung on a hook above the door. The use of a key lock could delay evacuation in an emergency. There was signage beside the emergency exit to state that the door must be unlocked at all times while the service was open.
15. The smoke detection panel for the building was lighting indicating a fault. The certificate on display showed that the panel was due for servicing on 7<sup>th</sup> July 2023 date. Staff told the inspector that they understood that the panel had been serviced recently but there was no certification to evidence this.

A certificate was submitted to the Inspectorate post inspection to demonstrate that the system was serviced on 8<sup>th</sup> November 2024.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General safety:

1. The cord has been removed from the blind.
2. The attic door is now closed at all times.

#### Infection control:

3. The mattresses now in place are wipeable.

4. New mattresses have been purchased.
5. New sheets purchased and now in use, each child has their own sheet, and they are being washed weekly.
6. New taps are now in place.
7. New extractor fans have been purchased and installed in the two downstairs toilets and the nappy changing room.
8. The toilet rolls dispensers have been replaced.
9. New cleaning rota's are in place.

**Safe sleep:**

10. The two broken cots have been removed.
11. A new thermometer has been purchased.
12. Cables have been all removed.
13. Cots have been relocated.

**Fire safety:**

14. A new procedure is now in place which ensures compliance with fire safety regulations.
15. The issue with the smoke detection panel has been rectified and a certificate was submitted to early years inspector.

**Supporting documentation submitted**

**General safety:**

Photographic evidence submitted.

**Infection control:**

Photographic evidence submitted.

**Safe sleep:**

Photographic evidence submitted.

**Fire safety:**

Fire cert submitted to early years inspector on the 8<sup>th</sup> November 2024. Dated for service on the 7<sup>th</sup> of November 2024.

**Summary Comment**

Corrective actions have been accepted and will be assessed in practice 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.*

#### Non-Compliance Information

(1) While the service did have a FAR trained member of staff this person was not available to the children in the service on the day of inspection. It is acknowledged that the service showed evidence that they were in the process of booking FAR training for additional staff to ensure that there was always a trained person available to the children.

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

##### Corrective and Preventive Action

The new owner has registered for the FAR course in January 2025. The new assistant manager that is starting in the new year also has an up to date FAR certificate. Going forward there will be three staff employed who will be FAR trained. Other staff have completed a paediatric first aid on the 16<sup>th</sup> November 2024.

##### Supporting documentation submitted

None.

#### Summary Comment

Corrective actions have been accepted and will be assessed in practice on next inspection.

## Part VI - Safety

### Regulation 28 - Insurance

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

#### Compliance Information

An in-date insurance certificate was available for inspection to demonstrate that valid insurance was in place.