

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2016WH002		
Name of Service:	Lux Children's Club		
Address of Service:	Mount Carmel, Station Road, Moate, Co. Westmeath		
Eircode:	N37 AF50		
Name of Registered Provider:	Maryna Rogoza		
Service type:	Full Day, Part Time, Sessional		
Date of Inspection:	09/06/2023		
No of pre-school children:	AM	31	PM 7
Address of the Early Years Inspectorate:	Early Years Inspectorate, Tusla, Child and Family Agency, SAP Office, St. Loman's Campus, Springfield, Mullingar, Co. Westmeath.		
Inspection undertaken by:	C O' Connor Hughes		
Title:	Early Years Inspector		
Authority to Inspect			
The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).			
Conditions if applicable	Not applicable		

Description of service

This outdoor pre-school service operates on a Monday to Friday basis between 08:00 and 18:00 hours including an Early Childhood Care and Education service from 09:15 to 12:15 hours.

The service offers part -time day care places and seven full day care places to the children aged 2 to 6 years of age.

The Early Years' Service is located in an adapted single storey old convent located beside the local national and secondary schools in Moate, Co Westmeath. Children have use of five pre-school rooms in inclement weather. The rooms are named the orange group room, the yellow group room, the green group room, the blue group room and the red group room. The yellow group room is currently not in use. An office and a kitchen area are provided in the service.

Staffing

Five adults were present on the 9 June 2023 and were working directly with the children. A cook was available to cook meals for the children. The registered provider was present and facilitated 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 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 registered provider, 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.

Compliance Information

The registered provider submitted a change in circumstance on the 30 June 2022 to change from a part time service to a full day care service catering for seven full day care children. This change in circumstance was accepted by TUSLA registration office following a fit for purpose inspection carried out on the 10 November 2022.

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)

The designated person in charge and a named person to deputise were available in the service.

(b)

The registered provider was present for the duration of the inspection.

(2)(a)(b)

Written validated references were available from past employers and a reputable source in respect of six adults.

(c)

Garda Vetting disclosures were available in respect of all adults.

(d)

Police vetting was available in respect of four adults as they had lived outside the state for a period of longer than six consecutive months.

(3)

The procedures in respect (2)(c)(d) were carried out by the registered provider prior to the employment of adults.

(4)

Adults held a major award at Level 5 to Level 8 in Early Childhood Care and Education on the National Framework of Qualifications or the equivalent deemed by the Minister.

(6) (a)(b)

Not applicable, no employee had signed a declaration on or before the 30th of June 2016 to the effect that they intended to retire from employment in a pre-school service.

(6A)

One employee present was working directly with children under the Access and Inclusion Model.

Non-Compliance Information

(2)(a)(b)

Two written validated references were not available in respect of one adult.

(3)

The procedures in respect (2)(a)(b) were not carried out by the registered provider prior to the employment of one adult.

Corrective & Preventive Action submitted by the Registered Provider

The registered provider stated the following corrective and preventive actions in her response;

Corrective and Preventive Action

(2)(a)(b)(3)

The registered provider will ensure two references are in place for staff.

The registered provider to ensure all newly employed staff provide two references prior to commencement in service.

Supporting documentation submitted

Written validated references submitted.

Summary Comment

Evidence submitted and reviewed by the Early Years Inspector met the Regulatory requirement.

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

(1)

The minimum ratio of adults to children was maintained during the inspection.

(2)

There were thirty-one children attending the service supervised directly by five adults.

(8)(a)

The staff roster indicated that two adults are on the premises at all times.

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 sampling process has been used and seven child records were inspected. Information relating to (a)(b)(d)(e)(f)(g) was available in respect of the children attending the service.
- (h)
A record of immunisations was available in respect of five children.
- (i)
Written parental consent for medical treatment of the child in the event of emergency was available in respect of six children.

Non-Compliance Information

- (c)
The date on which the child ceased to attend the service was not noted on the child records.
- (h)
A record of immunisations was not available in respect of two children.

(i)
Written parental consent for medical treatment of the child in the event of emergency was not available in respect of one child.

Corrective & Preventive Action submitted by the Registered Provider

The registered provider stated the following corrective and preventive actions in her response;

Corrective and Preventive Action

(c)
The registered provider will add the place for the date on which the child ceased to attend the service.
The registered provider will Include 15(c) into future forms.

(h)
Not all the children would have immunisation, a disclaimer form is available to sign in case of unvaccinated children. (form attached).

The registered provider will ask the parents to sign a disclaimer form if there is no immunisation.

(i)
The children with missing parental consent are ceased in the service. All other forms were checked, and no missing signatures were found.
The registered provider will make sure that all new forms are fully completed including the parental consent for medical treatment.

Supporting documentation submitted

Written documentation submitted.

Summary Comment

The practices stated by the registered provider will be assessed on the next TUSLA inspection.

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;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult:child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (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.*

Compliance Information

(1)

The service kept and maintained written records of information in relation to the service in accordance with (a)(b)(c)(d)(e)(f)(h) and(i)

Part IV – Information and Records

Regulation 17 – Information for parents

A registered provider shall ensure that a parent or guardian of a child proposing to attend the service is provided with the information referred to in subparagraphs (a) to (g) of Regulation 16(1).

Compliance Information

A parent information book was available and held information in respect of Regulation 16 (1)(a) to (g).

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-

- (a) a parent or guardian of a child attending or proposing to attend the service,*
- (b) an employee, unpaid worker or contractor, and*
- (c) an authorised person.*

Compliance Information

The registered provider ensured a copy of the of Part V11A (inserted by section 92 of the Child and Family Agency Act 2013 (No.40 of 2013)) of the Act and Regulations was available for inspection by (a)(b)(c).

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)

Children were happy and content, playing in the multiple outdoor play opportunities offered to them in the natural outdoor environment, which was laid out to meet the learning needs of the children. Children were encouraged towards independence as they washed their hands outdoors, prepared for snack time and tidied up their lunch bags supervised by the adults. Children sat at picnic benches eating their snacks assisted by the adults as required. Adults sat with children encouraging conversations and interactions amongst children.

The designated person in charge stated that children had suncream applied by parents prior to arrival in the service. Children wore sunhats and sunglasses for skin protection during the hot weather. Scheduled water breaks were in place as adults reminded children to take a drink of water regularly during the inspection. Children were supervised as they used the toilet facilities indoors as required. Adults were caring and positive changing children's clothes as needed.

Good teamwork was in place amongst adults. A two-way radio system was in place for continuous communication in the outdoor environment and used indoors when necessary. Adults were positive towards children using their individual names, maintaining eye contact and giving positive praise to children. An access and inclusion plan was in place for children requiring extra support and assistance from the adult.

The indoor environment in the pre-school rooms provided a range of developmentally appropriate, creative and enriching experiences for all children. The pre-school rooms were bright and colourful. Areas of interest included dress up, a home area, construction area and a farm. Age and stage appropriate toys and materials were accessible to children on low level shelving.

The registered provider stated the service worked in partnership with parents in the following ways: A verbal handover is given on collection, messages are sent on a short messaging system (SMS), a monthly newsletter with updates is sent out to parents, a family day takes place at Christmas time, an open day for new children attending the service will be held on the 17 June 2023, a graduation day will be held on the 26 June 2023, the child's learning journal depicting the child's work and play activities is shared with parents at the end of the pre-school term.

Part V - Care of Child in Pre-school Service

Regulation 20 – Facilities for rest and play

(1) Subject to this regulation, a registered provider shall ensure that-

- (a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoors and, where required by these Regulations, outdoors, during the day, and
- (b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

(3) A registered provider of a full day care service, a part-time day care service or a childminding service, other than such a service to which paragraph (2) applies, shall ensure that-

- (a) a suitable, safe and secure outdoor space to which the pre-school children attending the service have access on a daily basis is provided on the premises, or
- (b) Where no such space is provided, the pre-school children attending the service have access on a daily basis to a suitable outdoor space.

Compliance Information

(1)(a)

Suitable play equipment was provided indoors and outdoors which included toys and equipment for construction, sensory, tabletop activities, arts and crafts and home corners.

(b)

Low level beds were available for children over two years of age to sleep on as required. Rest areas were available to rest and relax in the pre-school rooms and in the outdoor environment.

(3)(a)

A large natural grass area with large trees was located to the rear of the service. The area was safe and secure with high trees and fencing along the perimeter. Play opportunities included two climbing frames with slides and swings, a hammock, a zipline, a wooden tractor, a vegetable garden, a mud play kitchen, basketball hoops, natural tree stumps, sand play and seating for an imaginary airplane. A new sensory garden and relax area was recently developed.

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

A three-week menu plan was available in the service. The menu plan detailed the meals and snacks provided to children attending the service. Snacks for children attending the ECCE session were provided by parents and stored in cold boxes in the sheltered outdoor play area. A fridge is available for storage of foods in the kitchen. The cook prepared the main meal which consisted of a cod, rice and vegetables. Milk and water were available for children to drink.

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 door to the service was secure to ensure the safety of the children within the service. Electronic gates are in place at the front of the service. A bell and coded system are used for access to the service. The service met the necessary safety requirements in respect of the indoor environment, toys and equipment and the safe storage of cleaning agents.

Infection Control:

The premises were visually clean. All toys and materials were easily cleanable. Cleaning schedules were available and reviewed. Warm water, paper hand towel and liquid soap was available in the sanitary accommodation. Children were observed to wash their hands before snacks and after using the toilet. Foot operated pedal bins were available in the sanitary accommodation and in the pre-school rooms for the hygienic disposal of waste.

Administration of Medication:

A temperature reducing medication was available if a child presented with a high temperature. An emergency care plan was in place for a child with a defined medical condition.

Fire Safety:

Fire exits were free from obstruction. The fire assembly points were noted to the front of the service and in the rear of the service in the outdoor environment.

Outing:

The registered provider stated the service does not undertake outings from the service.

Non-Compliance Information

General Safety:

1. Visibility strips were not in place on the glazed door leading to the outdoor play environment for children to recognise glass.
2. Two children were observed to wear hooped earrings which posed a potential risk of injury if another child should pull the child's earring.

3. There was no written health care plan in place for child with a defined medical condition. It is acknowledged that upon discussion with staff, they were familiar with the care and actions to be taken should the child require it.

Administration of Medication:

4. There was no prescribed dosage on the medication for a child with a defined medical condition if required in the event of an emergency.

5. Upon review of the medication administration documentation the second witness signature for the administration of medication was not noted on seven medication forms from 14 November 2022 to 15 February 2023.

Action submitted by the Registered Provider

The registered provider stated the following corrective and preventive actions in her response.

Corrective & Preventive Action

General Safety:

1. Visibility strips were put in place.

The registered will ensure visibility strips stay in place all the time. (Photographic evidence attached.)

2. The children have ceased in the service.

A jewellery policy stating no hooped earrings is now in place in the service. (Policy attached.)

3. Care plan for the child with a defined medical condition:

After checking the child's personal emergency bag, which always stays with her AIM support worker, the child's emergency regimen was in place in the bag's front pocket.

A copy of the care plan will be available to provide immediate access for inspectors, staff and other relevant personnel. (Care plan attached).

Administration of Medication:

4. The dosage of the medication was added into the child's emergency care plan upon advice from the parent.

The registered provider will include the information about the dosage of all medication administered in the service, including the medication from emergency care plans. (Plan attached)

5. A second person who witnessed the administration of medication signed the form.

A second person (witness) will always be included into the medication administration form on the day when the medication is given.

Supporting documentation submitted

Photographic and written documentation submitted.

Summary Comment

Evidence submitted and reviewed by the Early Years Inspector met the Regulatory requirement.

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)
Two adults were qualified in First Aid response (FAR) and available on the premises during the hours of operation.

(2)(a)
A first aid box was available in an accessible and conspicuous location in the premises.

(b)
A first aid box was accessible to children in the pre-school service.

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)

A written record for the completed monthly fire drills was available on the premises. The last fire drill was recorded as taking place on the 20 May 2023.

(b)

A record was available demonstrating the number, type and maintenance of the firefighting equipment and smoke alarms on the premises. The firefighting equipment was serviced in August 2022 and the smoke alarms in the premises were serviced in April 2023.

(4)

A notice of the procedures to be followed in the event of a fire was displayed in a conspicuous position in the premises.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

There was evidence of current insurance cover for the number of children attending the service. The expiry date noted was 27 March 2024.

Part VIII - Notifications and Complaints

Regulation 31 - Notification of incidents

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

(b) the diagnosis of a pre-school child attending the service, an employee, unpaid worker, contractor or other person working in the service as suffering from an infectious disease within the meaning of the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981);

Compliance Information

The registered provider submitted a notification of incident form to Tusla on the 11 March 2022 in respect of (b).