

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2016WH035			
Name of Service:	Bright Star Academy			
Address of Service:	Main Street, Ballynacargy, Mullingar, Co. Westmeath			
Eircode:	N91 WE12			
Name of Registered Provider:	Sylwia Kalamarz			
Service type:	Full Day, Part Time, Sessional			
Date of Inspection:	19/10/2023			
No of pre-school children:	AM	48	PM	34
Address of the Early Years Inspectorate:	Early Years Inspectorate, Tusla, Child and Family Agency, SAP Office, St. Loman's Campus, 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 service provides full day, part time and sessional places to children aged between 1 to 6 years. The service is open from 07:30 to 18:00 on a Monday to Friday basis. A school age childcare service is provided.

The premises consists of an adapted two storey residential building. On the ground floor three pre-school rooms are available namely the Caterpillar room, Butterfly room and Bumble room. The Ladybug room is located on the first floor of the premises. There is an outdoor play area provided to the rear of the service.

Staffing

There were nine adults present working directly with the children including the deputy designated person in charge. A cook was present in the service who provided relief cover also. The registered provider arrived at the service for a short period during 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.

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings. Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re-occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

Additional Information

20.10.23

An immediate action notice was issued to the Registered Provider in respect of Regulation 25 First Aid.

23.10.23

A response was submitted by the Registered Provider and accepted by TUSLA Early Years Inspectorate.

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 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.

(6) Paragraph (4) shall not apply before 1 September 2021 to a person who-

- (a) has signed a declaration on or before 30 June 2016 to the effect that he or she intends to retire from employment in a pre-school service before 1 September 2021, and*

(6A) is inserted by S.I. No.632 of 2016 CHILD CARE ACT 1991 (EARLY YEARS SERVICES) (AMENDMENT) REGULATIONS 2016 which states; Regulation 9 of the Child Care Act 1991 (Early Years Services) Regulations (S.I. No. 221 of 2016) is amended - in paragraph (4), by the substitution of “paragraphs (5), (6) and (6A)” for “paragraphs (5) and (6)”, and (b) by the insertion of the following paragraph after paragraph (6): “

(6A) Paragraph (4) shall not apply to an employee of a registered provider where - (a) the registered provider receives funding for the employment of the employee pursuant to a scheme funded by the Minister and known as the Access and Inclusion Model, and (b) the employment of the employee is for the purpose of providing support, pursuant to the scheme referred to in subparagraph (a), for a child attending the service to enable the child to participate in the programme known as the Early Childhood Care and Education (ECCE) funding Programme.”

Compliance Information

(1)(a)

The designated person in charge and a named person to deputise were available as required.

(b)

The designated person in charge was present for the duration of the inspection.

Thirteen staff files were reviewed including the registered provider. The following was noted:

(2)(a)(b)

Twenty-two validated references were available from past employers and from a source other than a past employer in respect of staff members.

Two written references were available in respect of the registered provider.

(c)

A Garda Vetting disclosure was available in respect of the staff members and the registered provider.

(d)

Police vetting was available in respect of two staff members who had lived outside the state for a period of longer than six consecutive months.

(4)

All staff members working directly with children attending the service and held a major award in Early Childhood Care and Education at Levels 5 to 8 on the National Framework of Qualifications.

(6) (a)

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)

Two employees present were working directly with children under the Access and Inclusion Model.

Non-Compliance Information

(2)(a)(b)

A second reference was not available in respect of one staff member.

A second reference was not validated in respect of one staff member.

(d)

Police vetting was not available in respect of one staff member who had lived outside the state for a period of longer than six consecutive months.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2) (a) (b) The service has received a both reference from staff members and are in staff files. The references have been validated by the manager.

(d) Police vetting has been received by staff member and is in staff members' file.

All staff files have been reorganised and checked for all staff. Each staff member has a separate Tusla file within their file with ID, CV, 2 validated references, Garda vetting up to date (2023), police vetting where necessary, relevant certificate for easier access for next inspection.

Supporting documentation submitted

References and police vetting.

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 forty-eight children attending the service supervised directly by nine adults including the designated person in charge.
- (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)

In a review of eleven child enrolment records information relating to (a)(c)(d)(e)(f)(g) and (i) was available in respect of the children attending the service.

(h) Five child records held information in respect of immunisations.

Non-Compliance Information

(1)(b) The cessation date information was not available in a written format on the child record form.

(1) (h) There was no record of immunisations documented in respect of six children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1 (b) Cessation dates are all updated on registration forms.

1 (h) The manager requested immunisations dates from the 6 children's parents. Each parent has been text. The manager received 4 of the children's dates awaiting the last 2.

1 (b) Prior to management signing off on registration forms completed fully, we will check for start date going forward.

1 (h) The manager has added immunisations to September welcome letter, which all parents receive prior to attending our service to ensure immunisation dates are filled in on registration forms.

Supporting documentation submitted

Written documentation submitted.

Summary Comment

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

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 Regulation 16 (1) (a)(b) (c) (d) (e) (f) (h) (i) (j) and (k).

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

Information for parents was available and shared via written documentation and an SMS system. The information was shared with parents prior to their child commencing in the service 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

Not applicable

Non-Compliance Information

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 not available for inspection by (a)(b)(c).

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The manager printed out a copy of the Act. It is on display on our notice board in the hallway.

Copy available for inspection.

Supporting documentation submitted

Photographic evidence.

Summary Comment

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

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)

It is acknowledged that the service had engaged in and worked with a quality support service since the last inspection on the 11 April 2022.

Children enjoyed play experiences indoors including table- top activities, sensory play activities, physical activities, mindfulness and outdoor play.

Children were encouraged to feed themselves and staff assisted the children as required. Water stations and beakers were available to children to self-serve in the pre-school rooms.

Nappy changing was carried out regularly and as needed. Good communication was observed between the staff member and child during nappy changing. Children slept in a in a restful atmosphere and were physically checked by a staff member every 10 minutes. Children were encouraged to be independent as they washed their hands before snacks and mealtimes. Children went to the toilet independently supervised by staff. Clothing and footwear for children made play outdoors available to the children throughout the year.

The staff were positive towards children and were familiar with each child, their personalities and their daily routine. Staff were observed to give comfort and reassurance to the children. Staff used individual names, maintained eye contact and conversed with the children during play activities, nappy changing, toileting and mealtimes. Positive praise was given to children on completion of activities.

All rooms were bright and colourful with children’s artwork and posters displayed depicting the “Halloween” theme. Age and stage appropriate toys and materials were accessible to children on low level shelving. Areas of interest included a home area, construction area, Children were observed enjoying story time in the rest areas provided. Younger children were observed to explore their environment and play with the various toys that they choose.

The service worked in partnership with parents and guardians in the following ways: a verbal handover was given on collection to parents. The designated person in charge stated information updates are sent to parents via a short messaging system (SMS).

The service had commenced compiling each child’s learning journal depicting their play and work activities. A daily routine was displayed in each pre-school room. Short term planning was noted in line with Early Childhood Curriculum framework.

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 19 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

Compliance Information

(1)(a)

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

(b)

A separate room was available equipped with five cots. Cots with wheels were available to aid a prompt evacuation in an emergency. Low level beds were available for children over two years of age. Cosy rest areas were noted in the pre-school rooms for children to rest and relax.

(3)(a)

In the outdoor play area toys and equipment included a wooden indoor shelter equipped with sand play, low level table and chairs for tabletop activities, climbing frame with slide, a playhouse, wooden boat, music wall, basketball hoop and swings and slides.

Non-Compliance Information

(1)(b)

Cots were not placed 50cm apart as required in the sleep room. A corrective action was taken by the designated person in charge and cots were reorganised for use in the sleep room and in the adjoining empty room.

(3)(a)

Outdoor play area

1. Since the last inspection on the 11 April 2022 the absorbent surface area of the outdoor play area was noted to have deteriorated. Accumulations of rainwater had formed along the perimeter of the absorbent surface area. A staff member was observed to use a sweeping brush to sweep a large volume of rainwater into the nearest drain. The play area was mucky and wet and unsuitable for use by children.

2. The goals stand were not fit for the purpose as one of the side arms was broken and required replacement.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1

(b) moved cots on day 50 cm apart and used adjacent room to facilitate all cots.

Staff have been advised about new sleep regulations. A copy of the new regulations has been given to staff to read. Staff have signed that they read and understand the new safe sleep regulations.

3 (a)

1. The service has resurfaced and put underlay down in our outdoor area to reduce the mud and to flatten the area. The service discarded of any deteriorated mats and purchased extra mats to cover the whole garden. Trip hazards have been eliminated. Please see pictures attached of new outdoor surfaces.

The risk assessment of the garden has been updated.

2. The goal posts have been removed from the garden and disposed of.

The risk assessment of the garden has been updated and staff have been reminded to remove any broken equipment from the garden. The manager has placed a new form on wall in the classroom 'safety of toys and equipment' for staff to complete safety checks in the garden.

Supporting documentation submitted

Written documentation and photographic evidence.

Summary Comment

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

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 menu was available displaying nutritious and regular snacks and meals for children attending the service on a full day care basis. At 10:15 children enjoyed healthy snacks provided by their parents that included sandwiches, fruit and yoghurt.

At 13:05 the cook served savoury mince, peas and carrots and potato as the main meal to children.

Drinking water was available to children to self-serve as required.

Fridges were available in the pre-school rooms for the storage of perishable foods.

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 door to the service was secure to ensure the safety of the children within. A camera operated system is in place at the entrance to the service. The inspector signed the visitors' book. 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:

Hand paper towels and liquid soap was available in the sanitary accommodation. The water temperature recorded at the wash hand basins was 35 °Celsius.

Children were observed to wash their hands before snacks and meals.

The nappy changing procedure observed was carried correctly in line with the service's nappy changing procedure displayed.

The premises were visually clean. All toys and materials were easily cleanable. Cleaning schedules were available and reviewed.

Foot operated pedal bins were available in the pre-school rooms and in the associated sanitary accommodation for the hygienic disposal of waste.

The sanitary accommodation and pre-school rooms were ventilated by openable windows.

Administration of Medication:

No medication was given at the time of the inspection. Temperature reducing medication was stored safely in the service if a child presented with a high temperature.

Safe Sleep:

A record of the colour, position and breathing of sleeping children was noted in a sleep log. The sleep room temperature noted was 19.5 °Celsius. Sleeping children were physically checked every ten minutes.

Fire Safety:

Emergency exits were unobstructed from the pre-school rooms and the main corridors in the service. The fire assembly point was noted in the outdoor play area to the rear of the service.

Non-Compliance Information

General Safety:

1. Trailing flexes were noted in the sleep room from the thermometer and camera which were accessible to children posing a potential risk of injury. A corrective action was taken by the designated person in charge, the items were moved out of the reach of children.
2. A child was observed wearing hooped earrings which posed a potential risk of injury should another child pull the child's ear.

Infection Control:

3. The ventilation grids in all the sanitary accommodation were full of debris and required cleaning.
4. A foot operated pedal bin was not available in the sanitary accommodation on the first floor.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Trailing flexes have been removed, out of reach of the children. All flexes have been boxed off. See photo attached.

Staff have been notified about trailing flexes and trailing flexes has been added to our risk assessment.

2.The manager notified the parent of the child, with the hooped earrings and explained the potential risk of injury. The parent has removed the hooped earrings and replaced them with stud earrings.
The manager updated whole school daily checklist adding no hooped earrings on any child in the service.

Infection Control:

3.The ventilation grids have been cleaned and have been added to the cleaning schedule.
Staff have been notified and it has been added to our daily checklist and cleaning.

4.A pedal bin is now available in the bathroom on the first floor. See photo attached.

Supporting documentation submitted

Written documentation and photographic evidence.

Summary Comment

Evidence submitted and reviewed by the Early Years Inspector met the Regulatory requirement. The practice stated will be reviewed on the next TUSLA inspection.

Part VI - Safety

Regulation 25 - First aid

(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.

(2) A registered provider shall ensure that a suitably equipped first aid box for children-
(a) is safely stored in an easily accessible and conspicuous position on the premises, and
(b) is available to the children attending the pre-school service at all times.

Compliance Information

(1)
Three adults were qualified in First Aid response (FAR) including the registered provider. An adult trained in FAR was available on the day of the inspection from 09:00 to 17:00.

Non-Compliance Information

(1)
An adult trained in FAR was not available from 07:30 to 09:00 and from 17:00 to 18:00 on the day of the inspection.
An immediate action notice was issued to the Registered Provider on the 20 October 2023 in respect of Regulation 25 First Aid.

(2)(a)(b)
The two first aid boxes were not sufficiently stocked in line with TUSLA Quality and Regulatory framework document. There were limited supplies of first aid materials in both first aid boxes for the number of children attending the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1)
A new rota was completed to cover 7:30am – 6pm with a staff member trained in First Aid and sent to inspector. Five more staff members are now FAR trained as of Saturday 18th November. The service is awaiting certificates from the training provider. There are eight staff members trained in First Aid.

(2)(a)(b)
The service purchased all new items for the First Aid boxes for each classroom.
The manager has placed a laminated first aid box contents list in every classroom, next to the first aid box. Staff can monitor and report to management if items are needed.

Supporting documentation submitted

Written documentation and photographic evidence.

Summary Comment

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

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 fire fighting 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 16 October 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 and the smoke alarms in the premises were serviced on the 15 December 2022 and 22 June 2023.

(4)

A notice of the procedures to be followed in the event of a fire was displayed in a conspicuous position in the pre-school rooms.

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.