

# Early Years Inspectorate Regulatory Report

## Pre School

**TUSLA Identifier:** TU2019WW002

**Name of Service:** Nexus ASD Pre-School

**Address of Service:** Community Building, Cois Sleibhe, Bray, Co. Wicklow

**Eircode:** A98 YP21

**Name of Registered Provider:** Kerrylee Hempenstall

**Service type:** Part Time, Sessional

**Date of Inspection:** 08/10/2024

<b>No of pre-school children:</b>	AM	4	PM	N/A
-----------------------------------	----	---	----	-----

<b>Address of the Early Years Inspectorate:</b>	Tusla Child and Family Agency First Floor Trinity Building IDA Business Park Southern Cross Road Bray Co. Wicklow
<b>Inspection undertaken by:</b>	H. Bourke
<b>Title:</b>	Early Years Inspector

### Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

Conditions if applicable

Not applicable

### Description of service

Nexus ASD Pre-school is a privately owned service that first operated in June 2019. It is currently registered to provide care and education to children between 3 years of age and 6 years of age. The pre-school specifically caters for young children who have a confirmed diagnosis of autistic spectrum disorder, and it is funded by Home Tuition Grants and from the Department of Education. The service operates on a part-time basis Monday to Friday from 9.00am to 1.00pm for 41 weeks of the year. The service is located in a single storey building in a Respond housing estate and the building is owned by a board of management. No members of the board work directly with the children attending the pre-school. The service is located in Bray Co. Wicklow. The building consists of two classrooms and two separate sanitary areas. Only one classroom is in use due to the current number of children attending the service. There is a separate kitchen, staff office and a large sensory room that the children attending the pre-school use daily. The registered provider was not present on the day of inspection and does not work directly with the children.

### Staffing

There are currently four staff employed by the board of management to work in the childcare facility.

### 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/ 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.

### 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 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

Following a discussion with the person in charge and a review of the staff roster, it was confirmed that four adults are employed in the service and three staff were present on the day. All staff files were reviewed.

(1)(a)

The person in charge works in the service and had a named person who was able to deputise as required.

(b)

The person in charge was on the premises at the time of the arrival of the inspector and remained on the premises for the duration of the inspection.

(c)

There was a clear management structure within the service.

(2)(a)(b)

Written validated references were available in respect of four adults.

(c)

Completed three-year Garda Vetting Disclosures were available for four adults employed.

(d)

International police vetting was available for two adults who had lived outside the jurisdiction for more than six consecutive months as an adult.

(4)

Four staff members held a major award in Early Childhood Care and Education at Level 5 or higher on the National Framework of Qualifications or a qualification deemed 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 person in charge was able to demonstrate that the policies, procedures and statements specified in Schedule 5 were in place in the service and were available for review

#### Non-Compliance Information

1. Following a review of the Nappy Changing policy, it was noted that the policy did not state when children, following a nappy change, should have their hands washed or when they should be brought back to the care room. Hand washing for children is an essential part of infection control to prevent cross contamination.
2. Following a review of the Safe Sleep policy, it was noted that the policy did not state that sleeping children should be observed at 10-minute intervals, for breathing, colour and position, and that these observations need to be recorded and signed by the observer. Observation and recording of sleeping children is required as part of the safe sleep guidelines.

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

##### Corrective and Preventive Action

1&2

We have updated and submitted our Nappy Changing Policy and Sleeping Policy to include the relevant information as discussed with the inspector.

##### Supporting documentation submitted

1&2

A copy of the revised Nappy Changing Policy and Sleeping Policy were submitted with the CAPA response.

#### Summary Comment

The non-compliance's found on the day of inspection in relation to Regulation 10 points 1&2, have been addressed and will be revised on the 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

(1)  
Throughout the inspection there were an adequate number of adults working directly with the children attending the pre-school service.

(2)  
There were three adults employed and present with four children on the day of inspection.

(8)(a)  
There were two adults present on the premises throughout the inspection and the staff roster confirmed there were at least two adults present 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.*

*(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-*  
*(c) an authorised person.*

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

#### Compliance Information

(1)(a)-(i)

The person in charge ensured that a record in writing of the above particulars, were kept in respect of each child attending the pre-school service.

(3)(c)

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

(4)

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

### Part IV – Information and Records

#### Regulation 16 – Record in relation to pre-school service

*(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:*

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

*(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records referred to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.*

#### Compliance Information

(1)(a)(g)(h)(i)(j) & (k)

The person in charge made sure that a record in writing was kept of the above information in relation to the service.

(3)

The person in charge ensured that the above list of information in paragraph (1) was open to inspection, within the service, to an authorised person.

## 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 door to the premises was securely locked on arrival of the inspector to the service.
- The kitchen area was inaccessible to the children.
- Documentary evidence was available of a daily risk assessment being carried out in the service.
- All toys were in good condition and equipment was suitable, age appropriate and in good working order.
- All cleaning products were stored safely out of the reach of children.
- The emergency exit route in the pre-school room was free from obstruction.
- The side gate that leads to the outdoor area behind the service was securely locked to prevent the unauthorised persons gaining access to the service and children leaving the service unsupervised.

##### Infection Control:

- The pre-school room had access to a separate sanitary area within the pre-school. There were adequate nappy changing facilities for the number of children attending the service in nappies.
- A foot pedal bin was available in the sanitary area for the safe disposal of used paper towels. Foot pedal bins were also available in pre-school room.
- Table cleaning was observed before and after snack time as was hand washing by adults and children before snacks and after using the toilet.
- A cleaning schedule was present and maintained in the pre-school room.

#### Non-Compliance Information

##### Infection Control:

On the day of inspection there was no hot water available for the children or adults to wash their hands. The water temperature was recorded at 19°C. Hot water is an essential part of good hand hygiene practices for effective infection control purposes.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### **Infection Control:**

The hot water had not been switched on by a staff member on the day of inspection (this was an oversight). All staff members have been reminded to turn on the hot water as soon as they enter the building in the morning, before the start of the session.

#### Supporting documentation submitted

##### **Infection Control:**

No documentation was submitted with the CAPA response.

### Summary Comment

The above actions should address the non-compliance found on the day of inspection in relation to Regulation 23 Infection Control. This will be reviewed on next inspection.

## Part VI - Safety

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

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

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

*(a) no person other than-*

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

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

*(iii) an employee, or*

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

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

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

## Compliance Information

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

## Part VI - Safety

### Regulation 25 - First aid

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

## Compliance Information

- (1)  
There were staff members trained in FAR first aid and available to the children throughout the inspection.
- (2)(a)  
A suitably equipped first aid box was located in an accessible place within the pre-school room.
- (b)  
A first aid box was available to the children attending the service at all times.

## Part VI - Safety

### Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-
- (a) any fire drill that takes place in the premises, and
  - (b) the number, type and maintenance record of firefighting equipment and smoke alarms in the premises.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (c) an authorised person.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

### Compliance Information

(1)(a)

There was evidence of regular fire drills haven taken place within the service.

(b)

There was a maintenance record of the firefighting equipment and smoke alarms in the premises dated 20<sup>th</sup> of February 2024 and 19<sup>th</sup> of August 2024 respectively.

(2)(c)

These records were open to inspection by an authorised person.

(4)

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