

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2020LH001
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Name of Service:	Clever Clogs
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Address of Service:	St Olivers National School, Ballmakenny Road, Drogheda, Co. Louth
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Eircode:	A92 NV26
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Name of Registered Provider:	Barbara Rothwell
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Service type:	Full Day
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Date(s) of Inspection:	09/11/2023
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No of pre-school children:	AM	47	PM	11
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Address of the Early Years Inspectorate:	Family Resource Centre, Commons Road, Navan, Co. Meath
Inspection undertaken by:	C Tunney
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
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Description of service

Clever Clogs Pre-school service is one of three privately-owned Early Years services operated by the registered provider in Drogheda Co. Louth. The service caters for pre-school children from 2 to 6 years and also provides a school aged service. The service operates from 08:00am to 6.00pm (including a sessional service from 08.45am to 11.45am) from Monday to Friday and participates in the Early Childhood Care and Education (ECCE) scheme. The service is registered to operate from 2 care rooms in a pre-fabricated building on the grounds of St Oliver's National School namely The Caterpillar Room Group 1 and the Butterfly Room. It was noted that one additional room was in operation called the Caterpillar Room Group 2 and a fourth room was also available. These rooms were not approved for use.

Staffing

Twelve staff members are employed in the service including the area manager and the deputy manager. Of which, nine staff members care for pre-school children, two staff members are designated to work with school aged children, and one staff member is responsible for cleaning. Additionally, one adult was on work placement. The registered provider is not service based and was not present for 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 and safety. These findings are outlined within the relevant regulation(s) within this report.

The scope of the inspection included the three pre-school rooms in operation on the day of inspection namely; The Caterpillar Room Group 1, The Caterpillar Room Group 2 and the Butterfly Room.

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

A referral was sent to the Fire Authority in Louth County Council to assess if the pre-school service is compliant with fire safety legislation. The lock on the emergency door leading into the pre-school service was not easily and readily openable.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the area manager, 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

- (1) The registered provider had identified a named person (area manager and deputy) to deputise as required.
- (b) The deputy manager was the designated person in charge on arrival of the inspector. The area manager arrived shortly after the arrival of the inspector and remained present for the duration of the inspection.
- (c) There was a clear management structure in place evidenced by the relevant records made available to the inspector and from speaking to staff members in relation to the service.
- (2) Files in relation to the twelve staff members and one adult on work placement were examined. The following was noted.
- (a) Nine written past employer references were available.

(b) In the absence of past employer references, fifteen references from a source other than an employer were available.

(c) Thirteen staff files reviewed had the required Garda Vetting available.

(d) Police Vetting was available for two staff members who had lived outside the state for a period of more than 6 consecutive months.

(4) Of the eight staff members providing direct care to pre-school children, seven staff members had documentation to show that they held a major award in Early Childhood Care and Education at Level 5 or above on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Non-Compliance Information

(2) (a) Two references were not available for an adult on work placement.

(d) Police vetting was not available in respect of an adult on work placement

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Corrective Action

(2) (a) One lady was on work experience for a week and is no longer in the service.

(2)(b) The adult is no longer in the pre-school.

Preventative Action

(2) (a) Management is aware and will check that all work experience needs two written references before commencement.

(b) Management is aware and will check that police vetting is put in place, when required.

Summary Comment

The response from the registered provider has been accepted. The registered provider has provided assurance that vetting procedures will be carried out for all staff including students and volunteers as applicable prior to commencement in the service. Regulation 9 has been addressed.

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) There were an adequate number of adults working directly with the children on the day of inspection. The children were attending the service on a sessional, part-time basis or a full-time basis.
- (2) The following adult: child ratios were observed on the day of inspection:
- In the Caterpillar Room (Group1) there were 17 children in the care of 3 adults.
 - In the Caterpillar Room (Group 2) there were 16 children in the care of 2 adults. Additionally, one staff member was floating and an adult on work experience was also present.
 - In the Butterfly Room there were 14 children in the care of 2 adults.

Non-Compliance Information

- (8) The registered provider did not ensure two adults are on the premises when the service is in operation at all times, as evidenced by the staff roster/ staff sign in and children's attendance records. On the week of 06/11/23 children were present between 08.00am and 08.20am, one staff member was present. Two staff members were required.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

It has been changed and addressed that two members of staff are on the premises at 8am each morning.

Preventive Action

Changed straightaway, rosters for next two weeks submitted for evidence.

Summary Comment

The response from the registered provider has been accepted. The registered provider has changed processes and the staff roster to ensure two staff members are present at all times in the service. Regulation 11 has been addressed.

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;
- (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) Records were available as specified by Regulation 16 (a) to (k) in relation to the service.

(3) Records available were open to inspection by an authorised person. Records requested by the inspector were made available except as outlined below.

Non-Compliance Information

16(1) (a) and (3)

The position, qualifications and experience of an adult reported by the area manager to be present for work experience was not available. Identification documentation to determine if police vetting was required was not available. A letter from a college was not available to outline that the adult present was on work experience or to determine if a childcare qualification was required.

These records were not available for inspection.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Management is aware that all members of staff and work experience students, need to have a file with CV, I.D, two references, garda vetting, police vetting (if required) and qualifications or letter from college. Management will have all these in place and on file.

Summary Comment

The response from the manager has been accepted, assurance has been given that a file in relation to the name, position, qualifications, and experience of the person in charge and of every other employee, unpaid worker and contractor will be on file. Regulation 16 has been addressed.

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

(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

(3) A registered provider shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful are carried out in respect of a pre-school child whilst attending the service.

Compliance Information

Basic Needs

- Parents provided the children's snacks. All children attending for part-time or full day care were provided with a dinner sourced by the service from a catering company. Mealtimes were relaxed and children who wished to spend additional times over their meal were facilitated to do so.
- The children's personal care was attended to. Hand hygiene was carried out at recommended times, prior to mealtimes and following personal care (except as outlined below). The children were supported to be self-caring, suitable to the age and stage of development.

Supporting Children's Relationships

- Positive engagement between the staff members and children were noted. The staff members used age-appropriate soft tones, used the child's individual name, and were actively involved in the children's play where appropriate. Transitions were clearly announced and signalled by staff. Children had the choice to engage in group activities or engage in self-directed play. The children appeared to engage confidently with staff members and sought out staff for assistance when necessary. The staff members were kind and sat beside children who needed encouragement and support during play time and during mealtimes.

(3) During the period of inspection, no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful were carried out in respect of a pre-school child whilst attending the service.

Non-Compliance Information

Basic Needs

In The Caterpillar Room Group 1 children were not reminded to wash their hands following personal care which did not facilitate the development of children's personal care skills.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

Each and every day, the children are encouraged and supported to wash their hands. The children, sing a song daily about hand washing and reminded to wash their hands. The children know this song off by heart at this stage, all hands are washed before lunch.

Preventative Action

Children will be supported and encouraged to wash hands before lunch, dinner, and personal care.

Summary Comment

The response from the registered provider has been accepted. Regulation 19 has been addressed.

Part V - Care of Child in Pre-school Service

Regulation 21 – Equipment and materials

A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.

Compliance Information

Adequate facilities were available for the children to play indoors in the three pre-school rooms in operation on the day of inspection (except as outlined below). The children were able to move unhindered by furniture or fixtures and to avail of quiet time in the cozy areas.

Play materials were suitable the age and stage of development of the children. Defined interest areas were available which were adequately resourced such as arts and crafts, dress up, home corner area, nature tables and book areas. The play resources available to the children were accessible and stored on low level shelving in clear storage containers easily visible to the children. The children were able to select and replace items and materials of interest. The materials available promoted independent play and engaged the children in interest areas.

The outdoor play area provided an alternative change of environment for the children. The play materials available in the artificial grass surfaced area included wooden school bus, wooden post office, outdoor kitchen, climbing frame and wall mounted sensory material.

Non-Compliance Information

In the Caterpillar Room Group 1 there were an inadequate supply of play materials available for the 22 children registered to attend this room. For example,

- the blue bath for sensory play was empty which could be used for example for water and sand play.
- a storage unit for play material contained 6 trays, of which five were empty.
- there were four wooden puzzles available which was an inadequate supply for the number of children scheduled to attend.
- there were 10 books available which is an inadequate supply for the 22 children registered to attend.
- in the outdoor area there was no support equipment available for the outdoor kitchen unit or for the Post Office for children to engage in imaginative play.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

All our rooms are set up, for the interests of each group of children. However, do have some of the same resources in each. The Blue tray is used for the sensory activities, such as sand, water, pasta, rice and lentils which will be filled.

Storage Unit is now turned into a sensory and loose material area, room leader turned the unit lying down were now the children can access these loose materials.

Our book library is constantly being changed and books constantly being swapped around. Books are displayed on child's interests. However, in our press below sink, we have extra book resources to swap around.

Our post office outdoors, the children bring out resources and equipment to use, Room Leader to have an outdoor storage box in which will be brought out daily.

We added in more fairy lights to the room, and changed the areas around to see would it look better.

Summary Comment

The response from the registered provider has been accepted. Play equipment and material in the Caterpillar Room Group 1 have been reviewed and additional material added to ensure the children attending have a variety of play materials to enhance the children's daily experience in the pre-school setting. Photographic evidence was submitted which demonstrated increased amount of play materials in the room. Regulation 21 has been accepted.

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 leading into the premises were appropriately secured to prevent the children from exiting unsupervised and to restrict unauthorised persons from gaining access to the premises.
- Fire doors throughout the building were unobstructed.
- The external outdoor play area was secured.
- Cleaning agents were stored safely out of the reach of children.

Infection Control:

- Warm water, liquid soap and paper hand towels were provided to support effective hand hygiene in the sanitary accommodation in the service (except as outlined below).
- The children were facilitated to wash their hands before eating, after using the toilet, after nappy changing and following messy play.

Administration of Medication:

- The medication administration forms maintained for children who had received medication in the service were accurately completed, demonstrating safe practice. The forms included signed parental consent.

Non-Compliance Information

General Safety:

1. Throughout the service furniture such as low tables contained sharp edges and were not cushioned which posed a safety risk.
2. The room temperature in Caterpillar Room Group 1 was cold with a temperature of 13.9°C in variance to the recommended room temperature of 18°C to 22°C.

Infection Control:

3. Liquid soap was not available for the children to facilitate good hand washing in one of the children's toilets off Caterpillar Group 1 Room which posed an infection control risk.
4. Bins with a swing lid were used throughout the service, children and staff had to touch the lid to dispose of paper which posed an infection control risk.
5. In the nappy changing area off the Caterpillar Room creams such as an anti-septic cream and a baby lotion were unlabelled with a child's name. There was a risk they could be shared which posed an infection control risk.

Fire Safety:

6. The emergency door leading into the pre-school was not easily and readily openable. A key was used to open the door as the release button was not in working order which posed a safety risk.

Corrective & Preventive Action submitted by the Registered Provider

General Safety:

Corrective and Preventative Action

1. We use the yellow legged school tables, Children are placed at tables and on chairs that are age appropriate. Sharp edges on the corners of the units have new soft edges.
2. Room temperature was low this day, due to the heater breaking which was fixed. Electrician was out and fixed the heating on the 10th of November 2023.

Infection Control:

3. Soap is checked and replaced daily by room leader and the staff member responsible for cleaning.
4. Bins have been replaced and changed to pedal bins, we did have these over the Covid period, and we got new bins in September 2023.
5. Nappy creams are also all labelled.

Fire Safety:

6. Fire Officer was out and stated that everything was up to Fire Safety standards. He said he would send a report to Tusla.

Supporting documentation submitted

Photographic evidence.

Summary Comment

A referral was sent to Louth Fire Safety Authority to request an assessment to ensure the service complies with fire safety legislation. The manager of the service reported that the Fire Officer has visited the premises and has informed the registered provider that the fire door complies with fire safety legislation. The manager also reported the green release button has been fixed. Photographic evidence of foot operated bins, soap in sanitary areas and cushioned sharp edges were submitted to the inspectorate as evidence. The registered provider has addressed all non-compliances as reported above. Regulation 23 has been addressed and will be reviewed at the 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.
- (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) Nine staff members were trained in First Aid Response (FAR) and available to the children attending the pre-school service.
- (2) (a)(b) The first aid box available in the service was suitably equipped and stored in conspicuous locations on the premises and were available for the children in attendance, 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 fire fighting 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) A record was maintained of fire drills which had been completed in the service. The last recorded fire drill took place on the 08/11/23.
- (b) A record was kept of the number, type and maintenance of the fire extinguishers and fire alarm in the premises, which were last serviced on the 30/11/23 and 28/11/23 respectively.
- (2) The fire maintenance records were available for inspection.
- (4) A notice of the procedures to be followed in the event of a fire was conspicuously displayed on the premises.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The registered provider ensured that the pre-school service is adequately insured, expiry date on the insurance certificate was dated 27/03/2024.

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

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

Non-Compliance Information

The registered provider subject to paragraph (3), failed to notify TUSLA in writing of changes 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, such as;

1. The service is registered with TUSLA to cater for 44 children however 47 children were present on the day of inspection and 66 children were enrolled in the service.
2. Two additional pre-school rooms were available for use, one room was in operation on the day of inspection. These room were not approved for use.

Corrective & Preventive Action submitted by the Registered Provider

An application was sent to TUSLA for a change of circumstances for the increase in two pre-school rooms and the increase in the number of children attending the service.

Summary Comment

The response from the registered provider has been accepted. The registered provider submitted a change of circumstance notification to TUSLA in respect of the two additional prefabricated rooms. A Fit for Purpose Inspection was carried out on the 18/01/24. Regulation 8 has been addressed.