

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2020LH002
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Name of Service:	Miniminds Preschool
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Address of Service:	Park Hall, Coulter Place, Dundalk, Co. Louth
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Eircode:	A91 K6RR
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Name of Registered Provider:	Niamh Hoey
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Service type:	Full Day, Part Time, Sessional
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Date(s) of Inspection:	09/09/2024
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No of pre-school children:	AM	41	PM	36
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Address of the Early Years Inspectorate:	Early Years Inspectorate Child Wellbeing Centre Castleblayney Co. Monaghan
Inspection undertaken by:	M. Flood & S. Skinnader
Title:	Early Years Inspectors

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

Miniminds Preschool has been registered as an Early Years' service since September 2020. The service provides sessional, part-time, and full day care and education to pre-school children and operates from 8.00am – 6.00pm each weekday. The service currently caters for the care needs of a maximum of 68 pre-school children.

Miniminds Preschool is located in a residential area of Dundalk, Co. Louth. It is a purpose-built premises which consists of 5 operational playrooms; The Red Room and Green Room which are located on the ground floor and The Orange, Yellow and Blue Rooms that are located on the first floor. Ancillary accommodation consists of sanitary facilities, a kitchen area, storage areas and a staff and office area all located on the ground floor.

Additional office and storage areas plus a 2nd sanitary area are also located on the first floor. The children have access to a developed outdoor play area on the premises.

Staffing

The registered provider and 16 childcare staff work directly with the pre-school children on a daily basis. Three ancillary staff are employed to carry out cleaning, catering, and administrative duties. One additional adult present in the service works directly with the children attending the school aged service. Four students are also attending the service.

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.

The inspection focused on an examination of compliance under regulations 9, 11, 16, 20,23,27 and 31. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance. As a result, the scope of the inspection included the Blue, Green, Orange and Red Rooms.

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

This inspection was carried out following receipt of a Notification of Incident from the registered provider in accordance with Regulation 31.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, 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.

(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.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

- (a) the policies, procedures and statements of the service specified in Schedule 5;

Compliance Information

(1)(a) & (b) The service had a designated person in charge who is also the registered provider and a named deputy person to deputise as required. The registered provider and the deputy person were on the premises when the inspectors arrived and were present throughout the inspection.

(c) When questioned staff were familiar with the management structure within the service and the roles and responsibilities of the various staff members.

(2) Twenty-five staff files were reviewed including 4 students and the following was observed:

(a) & (b)

- There were 2 written and validated references from a past employer or an alternative source available for 16 members of staff.
- There were 2 written references available for 3 staff members.
- Two staff members had 1 written and validated reference available.

(c) A processed Garda Vetting Disclosure was available for 25 members of staff, including the registered provider, 17 childcare staff, 3 ancillary staff, 1 school aged staff and 4 students. However, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under regulation 23 of this report.

(d) International police vetting was available for the 2 staff and 3 students who had resided outside the Irish jurisdiction for a period of 6 months or more as an adult.

(4) Documentary evidence was available to confirm that all members of staff who were observed working directly with the children on the day of inspection held at least the minimum required level 5 childcare qualification on the National Framework of Childcare Qualifications or a qualification deemed equivalent.

(7)(a) Documentary evidence was available to demonstrate that following a recent incident in the service, staff received additional supervision, and that further training was also planned.

Non-Compliance Information

(2)(a)&(b)

The registered provider did not ensure that appropriate vetting procedures had been completed for all staff. The following documents were not available and were not in place prior to the staff members commencing in the service;

- Four students were attending the service, and the registered provider had not obtained the required 2 written and validated references for each person.
- Two staff members did not have a 2nd written and validated reference available for inspection.
- Four references available for 3 staff members, did not have evidence available to indicate that these had been validated by the registered provider.

(d)

- Documentary evidence of international police vetting was not available for 1 staff member who had resided outside the Irish jurisdiction for a period of 6 months or more as an adult.
- An 'English translation' was not available for the international police vetting which were available for 3 students present in the service.

These are recurring non-compliances from the previous inspection which was carried out on 03/10/2023. This is also at variance to the corrective and preventative actions previously submitted by the registered provider, to address similar non-compliances and which stated that "*references and international vetting will be confirmed*" before employees commence their positions within the service".

(3) Following a review of the staff files presented for inspection all staff members did not have vetting procedures carried out prior to being employed or having contact or access to the preschool children in the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(a)(b) &(d)

- Student placements were immediately cancelled for the students in question.
- Police vetting has been applied for and will be filed as soon as it is received. (see attached)
- Both references are now on file and verified (see attached)
- All references have been validated by the provider

Going forward the registered provider will be responsible for completing vetting procedures. The registered provider has implemented a Garda vetting policy for all new staff and students. This will be given at employment offer outlining the required documentation before start date. The expiration date of all vetting for the next three years has been added to the online calendar. This will ensure renewals are not missed (see attached). For any new employees these expiry dates will be added once the initial vetting is cleared.

Supporting documentation submitted

Documentary evidence of written and validated references.

Documentary evidence of an application for International police vetting

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliances together with some documentary and photographic evidence. Further information was requested to determine that the areas of non-compliance had been adequately addressed. Based on the information submitted the non-compliances identified under Regulation 9 (2) (a) and (b) have been adequately addressed.

However, the non-compliances identified under Regulation 9(2)(d) remains outstanding as documentary evidence of the required international police vetting for 1 staff member has not been submitted to date.

It is acknowledged that the student placements for 3 students were immediately cancelled by the registered provider and the students no longer attend the service. As such the required 'English translations' of international police vetting for the 3 students are no longer required.

Implementation and sustainment of the corrective and preventative actions detailed will require further assessment at 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) On the day of inspection there was an adequate number of staff members working directly with the children attending the service.

(2) The adult to child ratios were correct in the service when the inspectors arrived unannounced at 10.45am and remained so throughout the inspection.

The following adult to child ratios were observed during the inspection:

- In the Green Room there were 6 children aged 2 - 3 years being cared for by 2 staff members. One student was also present.
- In the Blue Room there were 14 children aged 2 to 3 years being cared for by 3 staff members.
- In the Red Room there were 6 children aged 3 to 4 years being cared for by 2 staff members.
- In the Yellow Room there were 7 children aged 3 to 4 years being cared for by 3 staff members.
- In the Orange Room there were 8 pre-school children aged 3 to 5 years being cared for by 2 staff members. One student was also present in the care room.

The registered provider and two additional members of staff were present and engaged in administrative and catering duties.

(8)(a) The registered provider ensured that 2 adults were present on the premises at all times, verified by staff rosters and staff attendance records maintained at the 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;
- (k) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance Information

(16)(1)

(g) The following policies were available and reviewed:

- Health and Safety Policy
- Outdoor Play Policy
- Accident / Incident Policy
- Employee Handbook Staff Induction/ training and Supervision Policies

(h) An electronic record was available of the arrival and departure times for the children attending the service.

Each room recorded their own attendance on the tablet-based system.

(i) A staff roster was available and was reflective of the staff present in the service.

Non-Compliance Information

(1)(a) A curriculum vitae was not available for inspection for 1 staff member and 4 students, to confirm the qualifications, experience or the requirement of international police vetting if applicable.

(k) No accident and incidents were observed by the inspectors on the day of the inspection. However, in a sample of 12 accident and incident records reviewed, including the record for a recent incident that occurred in the service, seven out of 12 records did not include a parental signature or confirmation that the parents had been informed of the incident. This is at variance with the procedures outlined in the services Accident and Incident Policy.

Additionally, while it is acknowledged that there was a Risk Management and Health and Safety policy in place for the service, it was found that aspects of policies were not being implemented in the service. For example; while the accident and incident forms reviewed included a staff signature, there was no documentary evidence available that the registered provider had investigated or reviewed previous incidents in accordance with the services Health and Safety Policy that states “...the safety officer to carry out the safety audits and to monitor adherence to the agreed safety policy on a day-to-day basis”.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1)(a)

- C.V has been updated and added to staff file (see attached)
- Student placements in question were immediately cancelled
- Going forward the registered provider will be responsible for completing vetting procedures, and ensuring vetting policy is implemented
- Staff meetings have been scheduled for the first Monday of each month. (see attached)
- Staff support and supervision 1-1 meetings have been scheduled each month (see attached)

(k)

- A staff meeting was held to discuss accident reporting, staff have been informed that even though incidents are discussed at handover the reports must still be signed digitally. (see attached)
The parent’s software Accident and incident reporting tool has been updated to ensure the manager is notified of all accident reports. A sign box has been added for the manager to sign off on accidents and incidents after investigation. This investigation will consist of speaking to staff and children to discuss, viewing CCTV if necessary and following up with parents. (see attached)

Supporting documentation submitted

Documentary evidence of curriculum vitae, minutes of staff meeting and a template for proposed staff support and supervision.

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliances together with documentary and photographic evidence. Based on the information submitted the non-compliances have been adequately addressed. Implementation and sustainment of the corrective and preventative actions will require assessment at the next inspection.

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-

(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.

(2) A registered provider-

(a) of a full day care service, a part-time day care service, a sessional preschool service or a childminding service that is registered for the first time on or after 30 June 2016,

shall ensure that a suitable, safe and secure outdoor space to which the preschool children attending the service have access on a daily basis is provided on the premises.

Compliance Information

(1)(b)

- A suitable comfortable rest area was available in each of the care rooms, with soft seating and mats provided, should a child need to take a break from activities during the day.

(2)(a) The outdoor area was further developed since the last inspection and is divided into 4 areas, located to the rear and front of the premises.

Area 1 is a large spacious area located to the rear of the premises. A variety of surfaces are available including a concrete surface which the children were observed to use ride on trikes, cars, scooters and tractors. A safety surface, artificial grass area and planted areas with bark mulch were provided and included a variety of toys and equipment for the children to access. A number of specifically developed interest areas included; a construction area, with large tyre sand pits and supporting equipment and a variety of blocks. A large climbing frame was present with a slide, a playhouse, climbing wall and steps. A partially covered area was provided for use in all types of weather.

Area 2 is the “well-being” garden and is located to the front of the premises. The area is gated and fenced and has a variety of planted tyres, pallets and boots. A supply of age-appropriate gardening equipment and clay is also available for the children to access. A number of seated areas and picnic tables are provided, and a variety of painted bird houses are also in the area.

Area 3 is located to the rear of the premises and is directly outside the Green Room. Staff report operating a new system where the doors remain open, and children can move freely between the room and the outdoor area. This area has a concrete surface which is fully fenced and gated and has a partially covered area.

There is a tyre sandpit, plastic tray with water and bubbles, water shoots, a mud kitchen, a selection of outdoor toys, a pop-up tent and plastic building waffles.

Area 4: is located to the front of the building beside the “wellbeing garden”. It was walled and gated and contained black boards, an egg chair, a box of books, wooden balance beam and balance steps, plastic building equipment, a mud kitchen and a tyre sand pit.

Non-Compliance Information

(1)(b)

1. A suitable sleep environment was not provided on the day of the inspection for children who were showing signs of tiredness and required a sleep time. For example: In the Blue Room one child who was showing signs of tiredness was sitting on a staff members knee. Thirteen other children were playing around the room. No sleep facilities were set up for the children to access for a rest.

(2)(a)

2. In Outdoor areas 2 &4, the locks on the gates which access the roadway were at a low level and not appropriately secured to prevent a child gaining unsupervised access to the roadway directly on front of the premises. Furthermore, documentary evidence of a risk assessment that was carried out on the outdoor area on 01/08/2024 did not identify this issue as a potential risk.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1)(b)

1. The registered provider has sleep mats available for the children which are stored in the upstairs store. Staff have been advised to bring these in so children can rest when they need to. Daily routines have been amended to ensure the upstairs classrooms all have outside time after lunch. 1pm – 2pm. This ensures the full day children have the opportunity to rest, read a book or go outside. Staff will take the beds into the blue room and any children wanting a rest or some calm time can do so here. If a child is unsettled or tired at any other time during the day the cosy corner is set up with soft seating, cushions and the egg chairs so they can be alone. Staff can also take the beds in and provide a quiet corner in this area if required.

(2)(a)

Area 2 is secured with a permanent lock which is only opened when large deliveries are arriving. Specific hooks have been added to the gate in area 4, and signs have been erected to remind parents and visitors to keep these closed and secure.

The risk assessment has been updated to ensure gates are locked and secure each morning. The registered provider has also added a comment box so staff can highlight any issues noted during the daily risk assessment. (see attached).

Supporting documentation submitted

Daily routines for each care room

A template for risk assessments to be carried out.

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliances together with documentary and photographic evidence. Further information was requested to determine that the areas of non-compliance had been adequately addressed. Based on the information submitted the non-compliances under Regulation 20 have been adequately addressed.

Implementation and sustainment of the corrective and preventative actions will require assessment at the next inspection.

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

It was observed that the registered provider has taken the following measures to safeguard the health, safety and welfare of the pre-school children attending the service including:

General Safety:

- The external doors were appropriately secured to prevent children from exiting the service unsupervised.
- All emergency exits were clear and unobstructed.
- All blind cords in the service were appropriately restricted.
- Cleaning agents were appropriately stored out of the reach of children

Infection Control:

- There was a constant supply of thermostatically controlled hot water, liquid hand soap and single use paper hand towels available to support effective hand washing practices.
- Effective hand washing practices were observed during the inspection, after toileting, nappy changing and outdoor play and prior to snack time.
- The pedal operated bins observed in use in the service, were appropriately maintained.
- The staff when questioned were familiar with the cleaning procedures for the toys and equipment in the service and documentary evidence was also maintained.

Non-Compliance Information

The Inspectorate is not assured that adequate steps have been taken to ensure the health, safety and welfare of the pre-school children attending the service based on the following observations made during the inspection:

General Safety:

1. Garda vetting was available for 25 staff members including the registered provider, 16 childcare staff, 3 ancillary staff, 1 staff member who works with the children attending the school aged service and 4 students. However, 3 of these vetting disclosures were not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.
2. In the Red Room, the 2 red tables had sharp unprotected corners and were an injury hazard.

Corrective and Preventive Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Of the three vetting renewals 2 had been completed but not added to the staff file (see attached) and the third relief staff member has since been applied for.

The registered provider has noted expiry dates for all vetting in our online diary and set reminders to renew 3 months prior to expiry date.

2. Corner protectors have been added to these tables. (see attached)
New tables have been ordered with rounded edges. (see attached)
A daily risk assessment will be carried out on all sharp corners.

Supporting documentation submitted

Photographic evidence of 2 out of 3 Garda Vetting documents.

A daily risk assessment template

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliances together with photographic evidence. Based on the information submitted the non-compliance 2. has been adequately addressed.

Documentary evidence of a renewed Garda Vetting for 2 staff members was submitted and accepted. However, as no documentary evidence of an updated Garda vetting has been submitted for 1 staff member the non-compliance 1 remains outstanding.

Part VI - Safety

Regulation 27 – Supervision

A registered provider shall ensure that pre-school children attending the service are supervised at all times.

Compliance Information

Adequate supervision of children was observed throughout the inspection for example during outdoor play, when transitioning from inside to the outdoors and on return, head counts were carried out. In the Green room a staff member went with children if they choose to go back into the care room instead of staying outside.

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:

(e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.

Compliance Information

(e)The Early Years Inspectorate was notified of an incident in the service in accordance with the requirements of Regulation 31. Documentary evidence was available of how the incident was investigated and managed by the registered provider. Additional information was also provided of the measures taken in the service to prevent another incident occurring which all staff when questioned were familiar with.