

# TUSLA PRE- REGISTRATION REGULATORY INSPECTION REPORT

## Inspection Due to a Proposed Change of Circumstances



**Tusla I.D:** TU2020LS002

**Name of Service** Flemings Childcare Ltd T/A Early Scholars

**Address of Service:** Main Street, Ballybrittas, Co. Laois

**Email Address:** earlyscholarslearning@gmail.com

**Name of Registered Provider:** Suzanne Fleming

<b>Type of Proposed Service:</b>	<b>Full Day Care</b>	<input checked="" type="checkbox"/>	<b>Part-Time</b>	<input type="checkbox"/>	<b>Sessional</b>	<input type="checkbox"/>
	<b>Drop-In</b>	<input type="checkbox"/>	<b>Childminding</b>	<input type="checkbox"/>	<b>Temporary</b>	<input type="checkbox"/>

**Proposed change:** Change in the number of children that can be accommodated.

**Proposed Number of Children:** Increase in children that can be accommodated from 18 to 29.

**Recommended Change Following Inspection:** Increase in children that can be accommodated from 18 to 28.

**Registered change:** Change in number of children that can be accommodated from 18 to 28

<b>Date of Inspection:</b>	1	9	0	4	2	0	2	3
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**Inspection undertaken by:** K. Murphy & C. O'Connor Hughes

**Title:** Early Years Inspectors

**Tusla Early Years Inspectorate Address:** Early Years Inspectorate,  
Tusla, Child and Family Agency,  
Primary Care Centre, Church Avenue, Tullamore, Co. Offaly.

### Rationale for Inspection: Proposed Change of Circumstance

**Note: For Office use only, to be completed by Registration Office**

<b>Registration Status:</b>	Registered Full Day Care Service for 28 Children
<b>Date of Registration</b>	6 <sup>th</sup> June 2023

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### Authority to Inspect

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

<b>Description of Service</b>	Flemings Childcare Ltd T/A Early Scholars is registered as a full day care service with a capacity for 18 pre-school children aged between 9 months and 6 years. The service currently operates between the hours of 07:00 and 18:00 on a Monday to Friday basis. The service is part of a multiple operated by an independent provider.
<b>Premises</b>	<p>The existing Early Years' Service is located in a single storey adapted commercial premises. A large open plan space is divided into sections to accommodate the varying age groups. A sleep room, a kitchen and a reception area are currently provided. An outdoor play area is attached to the rear of the premises. Onsite parking and set down facilities are available. The service is located in the village of Ballybrittas, County Laois.</p> <p>Under the current registration the original facility was operational. Floor plans were submitted by the registered provider to seek Tusla registration for a first-floor pre-school room and associated sanitary accommodation located in a building adjacent to the existing service and accessed via a staircase from the outdoor play area and a sleep room on the ground floor to accommodate two cots.</p> <p>The registered provider is proposing to accommodate additional children in the adjacent building and to increase the current maximum registered capacity of the service from 18 children to 29 children, an increase of 11 children. The registered provider is seeking Tusla registration.</p>
<b>Staffing</b>	On the 19 April 2023 the registered provider and the operations officer facilitated the inspection.
<b>Methodology</b>	<p>The inspection was an announced inspection to assess compliance with the Childcare Act 1991 (Early Years Services) Regulations 2016 and Childcare Act 1991 (Early Years Services) (Amendment) Regulations 2016. The Inspection focused on regulations under the following themes; Governance, Health, Welfare and Development of the child, Safety and Premises.</p> <p>The findings on inspection based on information obtained through examination of documentation, direct observation, and discussion with relevant staff are documented in the inspection report and taken into consideration when making a decision in relation to registering the change in circumstance. 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.</p>

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<p><b>Additional Information</b></p>	<ul style="list-style-type: none"> <li>• The registered provider holds a school aged childcare registration, TU2021LS024SA for 20 children aged 4 – 12 years in the afternoon from 14:00 - 18:00.</li> <li>• The planning permission for the service has capped the number of combined pre-school and school aged children to 38.</li> <li>• The service is currently escalated to the Tusla registration office as it was found to be operating outside of its Tusla registration in May 2022 and April 2023.</li> <li>• The service has had to engage in significant fire safety works and upgrades since fire safety concerns were identified by the early year’s inspector during a previously attempted fit for purpose inspection in May 2022.</li> <li>• An immediate action notice was issued to the registered provider on 20 April 2023 in respect of: Regulation 23 Safeguarding Health, Safety and Welfare of Child, General Safety.</li> <li>• The registered provider responded on 28 April 2023 outlining the short-term corrective actions taken and providing an undertaking to investigate the source and provide a long-term solution.</li> <li>• The response to the short-term corrective action was accepted and acknowledged by Tusla on 03 May 2023.</li> <li>• The registered provider submitted a report following a CCTV drain inspection which was carried out on 24 May 2023, which indicated that the septic tank and associated lines were working as expected.</li> </ul>
<p><b>Acknowledgements</b></p>	<p>The Inspectors wish to acknowledge the co-operation of the registered provider, operations officer, staff and children who were present on the day of the inspection.</p>

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## Inspection Due to a Proposed Change of Circumstances

### 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.

#### Requirement met:

The requirement has been met.

(1)(a)

The pre-school service has a named designated person in charge with other named staff members who are able to deputise as required.

### 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.

#### Requirement met:

The requirement has been met.

(1)

An adequate number of adults will work directly with the children. Provision is in place to meet the necessary adult to child ratios for children proposing to attend on various sessional, part time and full day care allocations.

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## Inspection Due to a Proposed Change of Circumstances

### Part V - Care of Child in Pre-school Service

#### Regulation 20 - Facilities for Rest and Play

- (1) Subject to this Regulation, a registered provider shall ensure that—
- (a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoors and, where required by these Regulations, outdoors, during the day, and
- (b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.
- (3) A registered provider of a full day care service, a part-time day care service or a childminding service, other than such a service to which paragraph (2) applies, shall ensure that—
- (a) a suitable, safe and secure outdoor space to which the pre-school children attending the service have access on a daily basis is provided on the premises.

<p><b>Requirement met:</b></p>	<p>(1)(a) Suitable and adequate play and work equipment are provided indoors and outdoors which incorporate areas with age and stage appropriate toys, equipment and play materials.</p> <p>(b) Soft furnishings provide suitable and adequate rest facilities in the proposed new pre-school room. Low level beds are in place to accommodate the sleep needs of children aged 2-3 years. The proposed new sleep room is equipped with two standard cots to meet the sleep needs of children under the age of two.</p> <p>(3)(a) An outdoor area is attached to the rear of the service which can be accessed directly via doors from each building. A high-level wooden fence surrounds the perimeter of the designated outdoor play area. A variety of bikes, trikes and outdoor toys are available.</p>
<p><b>Requirement not met:</b></p>	<p>(3)(a)</p> <ol style="list-style-type: none"> <li>The wooden door used as an entrance and exit route from the outdoor play area was insufficiently secured. This door opened onto the service car park and adjacent main road which posed a potential risk of harm to children should they gain access to these areas.</li> <li>Surface tiles in the outdoor play area were noted to be separated and cracked which posed a potential slip or trip risk to children.</li> </ol>
<p><b>Response from Provider:</b></p>	<ol style="list-style-type: none"> <li>The registered provider stated that a new door auto system has been installed and new fencing has been installed outside gate as a safe walkway for all persons to arrive and depart. (Photograph included)</li> </ol>

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	2. The registered provider stated that all tiles have been removed. New mats have been placed in the outdoor play area. (Photograph included)
<b>Summary Comment:</b>	In respect of the actions taken by the registered provider photographic evidence was submitted to the office of the Early Years Inspectorate, reviewed by the Early Years Inspector and deemed to meet 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.*

<b>Requirement met:</b>	The requirement has been met.  A cook is employed to prepare meals for children proposing to attend on a full day care basis. During term time parents provide the snacks for children attending on a sessional basis. Refrigerated storage facilities are available. A menu plan is in place detailing the various types of snacks and meals to be provided to children proposing to attend on a sessional, part time and full day care basis.
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### 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.*

<b>Requirement met:</b>	Unauthorised access to the service and unsupervised exit of children from the service is controlled by parents taking children to the designated front entrance of the service for the pre-school service.  The front door is secured. Fire safe restrictive opening devices are in place on the windows in the new pre-school room. A designated fire assembly point is located to the side of the premises.
<b>Requirement not met:</b>	1. During the inspection the sleep room on the ground floor containing four cots was malodourous. Drainage systems for sanitary accommodation and the septic tank for the service were in the vicinity. Sleeping babies were exposed to the malodour.  An immediate action notice was issued to the registered provider on 20 April 2023 in respect of: Regulation 23 Safeguarding Health, Safety and Welfare of Child, General Safety.

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	<p>The registered provider responded on 20 April 2023 outlining the short-term corrective actions taken and providing an undertaking to investigate the source and provide a long-term solution.</p> <p>The response to the short-term corrective action was accepted and acknowledged by Tusla on 20 April 2023.</p> <ol style="list-style-type: none"> <li>2. The proposed smoke ventilation automatic opening vent (AOV) system to be installed on the stairwell of the second floor in the event of a fire on the upper floors is not yet in place. The registered provider stated that the proposed installation date was 16 May 2023.</li> <li>3. The doors of the proposed new pre-school room and lobby for the sanitary accommodation do not close flush to the doorframe leading to possible gaps for smoke to enter in the event of a fire in the premises.</li> <li>4. Various cables were noted on top of a corner unit in the proposed pre-school room, these were unsafe and required a reconfiguration and or a conduit to ensure that the cables were safe and secure.</li> </ol>
<b>Response from Provider:</b>	<ol style="list-style-type: none"> <li>1. The registered provider stated that the sleep room (malodour) has been closed as part of the temporary action plan to Tusla. The sleep room was relocated to the front of the building in the old reception area (Photograph included). The registered provider stated that on 24 May 2023, a CCTV drain inspection was carried out with the outcome indicating that the septic tank and associated lines were working as expected. (Report included).</li> <li>2. The registered provider stated that the AOV window has been installed. An electrician will arrive 26/5/2023 to complete fitting and the AOV be commissioned thereafter. (Photograph included)</li> <li>3. The registered provider stated the new doors of the pre-school room have been adjusted however the carpenter has said they will settle into the frame after a couple of weeks, this is not unusual. He will return to the setting on 26.05.23 to check again.</li> <li>4. The registered provider stated that the cables have been removed from the corner unit in the proposed pre-school room. (Photograph included)</li> </ol>
<b>Summary Comment:</b>	<p>In respect of the actions taken documentary and photographic evidence was submitted to the office of the Early Years Inspectorate, reviewed by the Early Years Inspector and deemed to meet the regulatory requirement.</p>

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## Inspection Due to a Proposed Change of Circumstances

### 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.

<b>Requirement met:</b>	(1) Evidence was available which confirmed that the staff working in the service had completed first aid response training.
<b>Requirement not met:</b>	(2)(b) A first aid box stocked with sufficient supplies for the number of children to attend are located in the reception area of the service and out of the reach of children.
<b>Response from Provider:</b>	(2)(b) The registered provider stated that a new first aid box has been placed on the first floor of the new pre-school room. (Photograph included)
<b>Summary Comment:</b>	In respect of the actions taken by the registered provider photographic evidence was submitted to the office of the Early Years Inspectorate, reviewed by the Early Years Inspector and deemed to meet the regulatory requirement.

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## Inspection Due to a Proposed Change of Circumstances

### Part VI – Safety

#### Regulation 26 – Fire Safety Measures

- (1) A registered provider shall ensure that a record in writing is kept of—
- (a) any fire drill that takes place in the premises, and
  - (b) the number, type and maintenance record of firefighting equipment and smoke alarms in the premises.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

#### Requirement met:

The requirement has been met.

#### (1)(a)

Provision was in place for the recording of monthly fire drills to be conducted in the new pre-school room was available.

#### (b)

Documentation was available for the recently installed firefighting equipment and smoke alarms in the premises in accordance with the fire risk assessment completed since the last attempted fit for purpose inspection in May 2022.

#### (4)

A notice of the procedure to be following in the event of a fire was displayed in the new pre-school room and locations throughout the premises.

### Part VI – Safety

#### Regulation 28 – Insurance

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

#### Requirement met:

The requirement has been met.

In date insurance was in place indicating that the service is covered for the proposed number of children between the age range of 9 months and 6 years. The change approval is contingent on the registered providers compliance with Regulation 28.

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### Part VII – Premises and Space Requirements

#### Regulation 29 – Premises

A registered provider shall ensure that the premises of the service are—

- (a) of sound and stable structure,
- (b) safe and secure,
- (c) kept adequately lit, heated and ventilated,
- (d) cleaned, maintained and repaired, as required, and
- (e) equipped with adequate and suitable sanitary facilities.

#### Requirement met:

The requirement has been met.

(a)

The premises are in existence for several years and visually appears to be of sound and stable structure.

(b)

The entrance to the service was secure.

(c)

Openable windows provide both natural light and ventilation in the proposed new pre-school room and associated sanitary accommodation.

The light fittings were covered and fully operational to provide adequate artificial light to the new pre-school room and the associated sanitary accommodation.

Wall mounted thermostatically controlled radiators are in place in the new pre-school room. An environmental temperature of approximately 18 degrees Celsius was recorded.

(d)

The floors and walls were in a good state of repair and maintenance. A cleaning schedule was available for the service and records were in place. A pest control system is in place. Waste and refuse are removed daily to externally located closed bins. A contractor for the collection of refuse bins has been engaged by the service to collect refuse from the premises on a scheduled basis.

(e)

In respect of the proposed change in the number of children that can be accommodated. Two water closets and two wash hand basins have been provided in renovated sanitary accommodation located off the proposed new pre-school room on the first floor.

The sanitary accommodation is stocked with a sufficient supply of liquid soap and electric hand dryers. The wash hand basins are plumbed with an instantaneous supply of hot and cold water.

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	<p>In separate sanitary facilities, one water closet and wash hand basin are currently designated for staff use.</p> <p>Wastewater and sewage are removed from the premises by means of a septic tank. Potable drinking water is supplied to the premises by means of a public water supply.</p>
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### Part VII – Premises and Space Requirements

#### Regulation 30 – Minimum Space Requirements

- (1) *Subject to paragraphs (2) to (6), a registered provider shall ensure that adequate clear floor space is available in the premises for the work, play and movement of children attending the pre-school service.*
- (2) *A registered provider of a full day care service or a part-time day care service shall ensure that the minimum amount of clear floor space specified in column (3) of Schedule 7 opposite a particular reference number specified in column (1) of that Schedule in respect of the age range of children specified in column (2) thereof at that reference number is available for each child in that age range attending the service.*
- (4) *Where a registered provider contemporaneously provides—*
- (a) *a sessional pre-school service, and*
  - (b) *a full day care service or a part-time day care service, or both, the minimum clear floor space applicable for the duration of the sessional preschool service in respect of the children attending that service shall be the floor space specified in paragraph (3).*

<b>Requirement met:</b>	<p>The requirement has been met.</p> <p>(1) Adequate floor space for the work, play and movement for ten children proposing to attend is available in the new pre-school room.</p> <p>(2) The new pre-school room with an area of approximately 19 m<sup>2</sup> in line with the floor plans submitted ensures that the minimum amount of clear floor space in respect of the proposed age range for an increased number from 18 to 28 children to attend. Ten children on a sessional basis and thereafter eight on a part time or full day care basis.</p> <p>(4)(a)(b) As part of the proposed registered capacity, in a contemporaneous situation a minimum of 1.818 square metres is available in the new pre-school room for up to 10 children proposing to attend on a sessional, part time and full day care basis is available.</p>
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