

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2020LS002
<b>Name of Service:</b>	Flemings Childcare Academy T/A Early Scholars
<b>Address of Service:</b>	Main Street, Ballybrittas, Co. Laois
<b>Eircode:</b>	R32 KX3R
<b>Name of Registered Provider:</b>	Suzanne Fleming
<b>Service type:</b>	Full Day, Part time and Sessional care.
<b>Date of Inspection:</b>	04/11/2025

<b>No of pre-school children:</b>	AM	34	PM	28
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate Tusla, Child and Family Agency Primary Care Centre Church Avenue Tullamore Co Offaly R35 K1W4
<b>Inspection undertaken by:</b>	R Flynn
<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).

<b>Conditions if applicable</b>	Not applicable.
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### Description of service

Flemings Childcare Academy T/A Early Scholars is a privately operated service located in the village of Ballybrittas, in Co. Laois. It is one of four childcare services operated by the registered provider in Kildare and Laois. The service offers full day care, part time and sessional care and education to children aged between 0-6 years. Children currently attending the service range from age 1 to 5 years. The operational hours of the service are 07:30am - 17:30pm Monday to Friday. The service is located in an adapted three storey building and consists of a baby room, toddler room and Junior and senior preschool rooms, two sleep rooms, a kitchen and two offices. An outdoor play area is located to the rear of the premises.

### Staffing

The registered provider employs eleven adults to work in the service. The registered provider does not work directly with the children. The operations manager facilitated the inspection on 04 November. There were eight adults present on the day of inspection; this included the operations manager, six-childcare staff and a cook.

### 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.

- Regulation 9 – Management and Recruitment (1)(a)(b)(c), (2)(a)(b)(c)(d), (4),
- Regulation 11– Staffing Levels (1)(2)(8)(a),
- Regulation 19 - Health, Welfare and Development of Child (1)(a),

- Regulation 20 – Facilities for Rest and Play,
- Regulation 23 – Safeguarding Health, Safety and Welfare of child,
- Regulation 25 - First Aid (1), (2)(a)(b),
- Regulation 26 – Fire Safety Measures (1) (a) (b), (4),
- Regulation 29 – Premises (a) (b) (c) (d) (e).

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 operations 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
- © 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,
- © 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)(a)(b)

The service had a designated person in charge and a named person to deputise. The person in charge was on the premises throughout the inspection.

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There was a clear management structure in place which identified the roles and responsibilities of each employee.

(2)

Twelve staff files including the operations manager and registered providers were reviewed and the following was noted;

- (a)  
Nineteen written validated references were available from a previous employer and
- (b)  
Five written validated references were available from a source other than a previous employer.
- ©  
Garda vetting disclosures had been obtained for twelve staff. 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)  
Police vetting was not required as no staff member had lived in a state other than the State for a period of longer than 6 consecutive months.
- (4)  
Nine staff members, working directly with children attending the service and the registered provider, held a major award in Early Childhood Care and Education at Level 5 to 8 on the National Framework of Qualifications.

## 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)

An adequate number of adults were working directly with the children. In the morning on arrival at the service, there were thirty three children being supervised directly by six adults. In the afternoon, there were twenty eight children being supervised by five adults and the person in charge.

(2)

The minimum ratio of adults to children was maintained on the day of inspection demonstrated by the following observation;

#### **Morning**

- There were two staff providing direct care to four children aged between 1-2 years in the baby room.
- There were two staff providing direct care to nine children aged between 2-3 years in the toddler room.
- There was one staff member providing direct care to eleven children aged between 3-4 years in the Junior Preschool room.
- There was one staff member providing direct care to ten children aged between 4-5 years in the Senior Preschool room.

#### **Afternoon**

- There were two staff providing direct care to four children aged between 1-2 years in the baby room.
- There were two staff providing direct care to nine children aged between 2-3 years in the toddler room.
- There was one staff member providing direct care to eight children aged between 3-4 years in the Junior Preschool room.
- There was one staff member providing direct care to seven children aged between 4-5 years in the Senior Preschool room.

(8)(a)

There were at least two adults on the premises duration the operational hours of the service. This was confirmed following review of the staff roster for the service.

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

#### Regulation 19 - Health, welfare and development of child

(1) A registered provider shall, in providing a pre-school service, ensure that-

(a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and

#### Compliance Information

##### (1)(a) Basic Needs of child

All meals were provided by the service for children attending on a full day and part time basis. Children attending on a sessional basis brought in snacks from home. Morning snack consisted of chopped strawberries and yoghurt. The hot meal was cooked onsite by the cook. Dinner served on the day of inspection was sausages, peas and chips. Children sat together at low tables eating their lunch, staff also sat with the children, engaging in conversation. Babies were supported by staff during mealtimes and were fed in low chairs aligned to table height, promoting inclusion by allowing them to sit together. Toddlers sat together with the staff and wore bibs to protect their clothes and were supported by staff with feeding if required. All children had individual water bottles, which were accessible in each room throughout the day at water stations.

Nappy changing was observed to be timely, and a positive experiences for the children. Staff interacted with the children and engaged in conversation during the nappy changes. Older children were observed to be brought to use the sanitary accommodation by staff when needed.

Cots were available in the two downstairs designated sleep rooms for children from the baby and toddler room. Children from the Toddler room were observed to go to sleep after dinner on low level beds.

##### Supporting relationships

Staff caring for the children were observed to be warm, kind and respectful towards the children in their care. Visual aids such as child friendly pictures of the daily routine, were positioned at child's level on the wall. This supported the children to feel secure and independent. An 'emotions wall' in the junior preschool room included photographs of the children displaying different emotions.

Family, birthday and community walls were displayed in the care rooms, helping the children feel connected to home and their wider community. A community wall had pictures and information regarding various roles in the children's local community such as the Guards, local hospital and the local library.

Communication with parents is facilitated during drop off and collection times. Children's day to day activities and learning was recorded in a book by staff which are sent home with the children at the end of each term for parents to review their children's progress. Children in the baby and toddler room had record books labelled 'Record of my day' that are sent home with the children each day. Parent teacher meetings are offered in November for the senior ECCE children. The service supports smooth transitions by inviting parents into the service during times of transition such as when children are moving to a different group and for the yearly Christmas concert. Email is also used to communicate where required.

### **Physical and material environment**

Children had a range of play-based equipment to choose from that offered stimulation, exploration and provided for imaginative activities. A playhouse, bookshelves stocked with books, arts and crafts materials and blackboards were available. The baby and toddler room were laid out to facilitate free movement with various interest areas throughout. Musical instruments, building blocks, jigsaws and toy vehicles were positioned on accessible low-level shelving. Role play was facilitated with a dress up area, playhouse and kitchen area with toy equipment in each room. Children's artwork was displayed throughout the service. In the junior preschool room, pictures of bears were displayed on the wall, and the children had made a 'cave' from a cardboard box as a group. Children in the senior preschool room were observed to enjoy free play such as playing with dolls, participating in arts and crafts activities and engaging in role play playing a game of 'holidays'.

### 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.*

#### Compliance Information

(1)(a)

The baby room and toddler room were spacious for the children to move about and play during their time spent in the service. Low level soft colourful vinyl mats were placed throughout the room for babies to crawl, sit, lie down and climb on. Suitable play equipment was provided which included toys and equipment for construction, tabletop activities, arts and crafts and sensory materials in each room. The baby room had four wall mounted sensory activity boards, wall mounted mirrors and a pull bar at child's level to encourage the children to pull themselves up.

(b)

Two sleep rooms with seven cots were provided for the sleep needs of children who required a cot to sleep in. Fifteen low level beds were available for children in the toddler room who required a sleep. Clean bed sheets were available and placed on the beds at nap time.

Suitable comfortable rest areas were available in each of the pre-school rooms should a child wish to take a break from activities for some quiet time, rest or read a book. Child sized vinyl couches and rugs were in cosy corners in the Baby and Toddler room and provided an area for rest and relaxation. The junior and senior preschool rooms had reading corners with rugs, seats, cushion sand bookshelves.

(3)(a)

An outdoor play area was provided at the back of the premises. Shelter was provided in the outdoor play area by a plastic corrugated roof covering part of the outdoor space. A wooden fence and gate surrounded the play area. A soft shock resistant surface and synthetic grass covered the concrete ground underneath a climbing dome frame. A play kitchen, trikes, scooters and toy tractors were available to the children. Outdoor overalls were available for the children to wear during inclement weather. Children from the junior and senior preschool rooms were observed playing a group activity of 'what time is it Mr Wolf'. Children were observed using scooters, trikes and bikes.

### 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 to the pre-school was secured and controlled by staff to prevent children exiting the premises unsupervised and to prevent unauthorised access. A bell at the entrance door alerted staff to any visitors. The service met the necessary safety requirements in respect of the indoor environment, toys and equipment and safe storage of cleaning agents. Cleaning products were stored on high shelves, out of reach of children. The kitchen was inaccessible to children on the day of inspection.

##### Infection Control:

Liquid hand soap and warm water were available for hand washing. Paper hand towel dispensers were stocked and accessible to children for hand drying. Pedal bins were available in the sanitary accommodation and care rooms for the hygienic disposal of waste. Mechanical ventilation was in place in the sanitary accommodation as well as openable windows. The care rooms were ventilated with openable windows. Individual labelled bed linen was supplied for children who required a sleep during the day. Cot mattresses had removable mattress protectors.

##### Administration of Medication:

Medication was not required to be administered to any child on the day of inspection. Temperature reducing medication was available in the service if a child presented with a high temperature and was stored safely in the

kitchen out of reach of the children. Staff were familiar with the procedure of administration of medication if required by a child.

### Safe Sleep:

Staff were observed to conduct checks on sleeping children every 10 minutes. Details of the children's breathing, position and colour were recorded by staff. Room temperatures were recorded between 16-20 °C and displayed on the wall outside the sleep rooms.

### Fire Safety:

The designated fire exits were observed to be unobstructed throughout the inspection. Staff were aware of fire exit routes.

## Non-Compliance Information

### General Safety:

1. Garda vetting was available for twelve staff members. However, one vetting disclosure was 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. The protective bumper on a pole in the outdoor play area had worn away and was no longer providing adequate protection against injury should a child run into the pole during outdoor play.

### Infection Control:

3. Appropriate protocols were not in place to prevent the spread of infectious diseases within the premises. No procedure was in place regarding the hygienic management of mouthing toys and equipment in order to minimise the spread of infection. Staff were unable to describe how they manage the cleaning of communal toys in the preschool rooms.
4. Handwashing practices were inadequate to control the spread of infection. This was evidenced during nappy changes whereby the staff member did not wash their hands after nappy changes. The inspector observed that staff also did not routinely supervise handwashing after children used the toilets or wash children's hands after they had their nappies changed. This was at variance to the services policy on infection control procedures for hand hygiene.

## Action submitted by the Registered Provider

### Corrective & Preventive Action

### General Safety:

1. The registered provider has submitted an application for the Garda Vetting disclosure that required renewal.

- Protective bumper on pole has been replaced and training for staff will be arranged regarding reporting maintenance issues.

### Infection Control:

- An infection control folder was created, providing clear guidelines on the policy and procedure for infection control. The folder is kept in the reception area of the service and includes "Notice of Infection" sheets at the entrance of the service, Deep Clean Schedule, Notifiable Diseases, Notifications of Incident, Notification of Incident forms, Infection Control Policy and the Illness Policy and Handbook. A checklist has been put in place outlining the procedure to be followed by the Person In Charge.
- Staff were reminded of the nappy changing procedure and training was completed. Training to be redone with all staff.

### Supporting documentation submitted

#### General Safety:

Photographs of protective bumper on outdoor play area poles received. Copy of email received regarding staff training.

#### Infection Control:

Documents received;

Checklist, Notice of Infection Control Deep Clean Schedule, Notifiable Diseases list, Notifications of incident form, Infection Control Policy, Illness Policy and Handbook and document on nappy changing procedure.

### Summary Comment

The inspector has reviewed the corrective and preventive actions taken and evidence submitted. The non-compliances identified under Regulation 23 points 2, 3 and 4 have been adequately addressed. Regulatory compliance remains outstanding for point 1, until evidence that the vetting disclosure has been processed has been received to the inspectorate.

### 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)

Two staff were qualified in First Aid response (FAR).

(2)(a)

A suitably equipped first aid box was located in the service.

(b)

A first aid box was accessible to adults caring for children in the pre-school service.

#### Non-Compliance Information

(1)

A review of the staff roster indicated that a First Aid Response (FAR) qualified staff member was not present in the service between 07.30am and 09:00am each day. This posed a potential risk to children in the event of a medical emergency requiring first aid occurring.

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

##### **Corrective and Preventive Action**

Additional staff have been scheduled to attend FAR training to ensure there is always a FAR trained employee on the premises during the hours of operation. Training has also been scheduled for the management team on ensuring FAR trained employees exiting the company have a replacement trained as quickly as possible.

##### **Supporting documentation submitted**

Copy of email stating three additional staff members are scheduled to attend FAR training.

#### Summary Comment

The inspector has reviewed the corrective and preventive actions taken and evidence submitted. The non-compliance identified under Regulation 25 has been adequately addressed.

### Part VI - Safety

#### Regulation 26 - Fire safety measures

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

#### Compliance Information

(1)(a)

A written record was available of fire drills completed in the service. The last recorded fire drill was recorded in October 2025.

(b)

Records were kept of the maintenance of the firefighting equipment which was last serviced on 14 January 2025. The smoke alarm system in the premises was last serviced on 24 September 2025.

(4)

A notice of the procedure to be followed in the event of a fire was displayed at doorways throughout the service.

### 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.

#### Compliance Information

(a)

The three story premises visually appeared to be stable in structure. There was no evidence of dampness or mould on internal walls and ceilings.

(b)

The main entrance door to the service had a bell entry system and was secure to ensure the safety of the children within.

(c)  
Openable windows provided both natural light and ventilation in the pre-school rooms and sanitary accommodations. The light fittings in the preschool rooms and sanitary accommodation were covered and fully operational providing adequate light. Heating was provided with thermostatically controlled electric central heating system.

(d)  
The premises appeared clean and maintained. Cleaning schedules were available which specified the day to day cleaning of the premises.

(e)  
Adequate nappy changing facilities and sanitary accommodation were available on the premises.