

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2020MO004		
Name of Service:	Making Memories Pre school		
Address of Service:	The Maples, Hazelhill, Ballyhaunis, Co. Mayo		
Eircode:	F35 KW99		
Name of Registered Provider:	Nicola Carty		
Service type:	Sessional		
Date(s) of Inspection:	26 April 2023		
No of pre-school children:	AM	21	PM -
Address of the Early Years Inspectorate:	Early Year's Inspectorate, TUSLA, Child and Family Agency, 2nd Floor, St. Mary's HQ., Castlebar, Co. Mayo.		
Inspection undertaken by:	S. Gallagher		
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	N/A
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Description of service

This service is located in a residential estate on the outskirts of Ballyhaunis, Co. Mayo. The service is registered to cater for children aged from two to six years of age. with a morning session provided. The service operates a sessional service from 9:30-12:30 Monday to Friday during the academic year. The premises comprises of a two-storey building that was purpose built for the provision of a childcare service. The service uses a section of the ground floor area including a large playroom, lobby area, office, kitchen and sanitary accommodation. The service was found to be utilising three additional rooms for childcare without approval from TUSLA on the day of inspection. The service is registered to cater for a maximum of 22 children at any one time in a sessional service.

Staffing

There are five adults employed in the service including the registered provider who is actively involved in the day to day running of 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 inspections may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 11, 19, 23,25, 26, 27, and 28; however, on inspection additional non-compliance which posed significant risk was identified under Regulation 8, 16 and 29. These findings are outlined within the relevant regulations within this report.

The Pine playroom was inspected under regulations 19, 23 and 27. The Maple playroom which had been opened without approval from TUSLA was inspected under regulation 23.

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

The service was operating 1 additional playroom and utilising 2 additional playrooms without prior approval from TUSLA. The staff informed the inspector that the number of children attending the service at any one time exceeds the registered maximum number of 22 children in the service on some days. This was referred to the registration office and SOORS on the 27 April 2023.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the person in charge, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(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

(2)

The designated person in charge confirmed with the inspector that four new staff members had commenced in the service since the most recent inspection on the 22 September 2021.

The following documents were available on file or not required for four adults:

- (a) Three written validated references from a past employment was on file for two adults.
- (c) Vetting disclosures from the National Vetting Bureau of the Garda Síochána were available for four adults.
- (d) International police vetting from one jurisdiction was on file for one adult. International police vetting was not required for two adults.

(4)
Evidence of the completion of a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework or an equivalent qualification was available for two adults who worked directly with the children.

Non-Compliance Information

(2) The following documents were not available on file or inadequate for one adult:

- (a) Two written validated references were not available for one adult. One written validated reference from the most recent employer was not on file for one adult. One written reference on file for one adult was not validated. One reference on file for one adult was not from a previous employment as demonstrated in the employment history.
- (d) It was unknown if international police vetting was required for one adult as there was no employment history available for inspection.

(4)
Evidence of the completion of a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework or an equivalent qualification was not available for two adults who worked directly with the children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

At the time of inspection, the employees HR documents were kept in two separate files. The deputy person in charge was not aware of this. All HR documentation has been collated into one HR file.

All members of management are now aware of the new file and where it is kept. The staff files have been reviewed and updated. A staff file checklist is in operation going forward.

Supporting documentation submitted

Five References,
Two qualifications.
One employment History.
Staff file checklist.

Summary Comment

The actions taken and the evidence submitted has been reviewed by the Office of the Early Years Inspectorate and deemed to address the non-compliances found on 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.

Compliance Information

(1)

The following child to adult ratios were observed on the day of the inspection, there were 21 children aged 2 years to 6 years attending the service being cared for by 3 adults for the duration of the session.

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:

- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*

Non-Compliance Information

- (1)
- (h) The full name of the children was not recorded on the attendance sheet used during the inspection. The staff members advised that the information is transferred into separate attendance books. One attendance book was not available, the most recent information inputted on the second book was dated 8 February 2023. The times that children arrived in the service was not recorded at the time of arrival. A staff member was observed completing the attendance sheet one hour after the arrival time of the children.
 - (i) There were no record of daily staff rosters available in the service. There was no evidence to show that the staff recorded their attendance in the service on a daily basis.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Full names and time of arrival of the children now recorded as children enter the building.
Staff rosters are now available. Staff sign in and out daily.

Summary Comment

The actions taken have been reviewed by the Office of the Early Years Inspectorate and deemed to have addressed the non-compliance identified on the day of inspection.

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

Compliance Information

Basic Needs of Infants and Children

BASIC NEEDS:

- All snacks consumed by the children are provided by the parents.
- Children who were toilet trained used the toilet when they felt that they needed to with support given by staff if required.
- The children were observed to wear aprons to protect their clothes when undertaking activities including painting and water play.
- Children moved freely both indoors and outdoors throughout the inspection.
- Stackable beds were available for rest and sleep if required.
- The staff members were observed to manage the children's behaviour in a positive way with praise and encouragement given to the children.

Supporting relationships around Children

- The children were observed to positively engage with their peers and the adults who cared for them. The adults demonstrated sensitivity and warmth towards the children within their care and were observed to provide one to one support and attention when required.
- A family wall was on display thus forging links between home and the early years setting and promoting the children's sense of belonging.

Extent to which the physical and material environment supports children's development

- The Pine playroom was comfortable is laid out in designated play areas, accommodating various types of play opportunities for the children. Designated areas of interest included low level table and chairs, a kitchen area, a library area, an arts and crafts area, a transport area and a baby area with dolls, clothes and buggies. Play resources including table-top activities, puzzles, arts and crafts, blocks, role play toys, musical instruments, transport toys and playdough were accessible to the children. The children present on the day were observed to enjoy free play, make playdough and painting.
- There is a designated outdoor play area directly accessible from the playroom. The ground cover comprised of a grassed area, a pebbled section and concrete paths. The outdoor resources included a climbing frame, a climbing ramp with a tunnel, picnic benches, a planting area, a large blackboard wall and a bug hotel. Additional play equipment was provided during outdoor play time. The children were observed to have fun exploring, running, jumping, drawing and digging in the pebbled area on the day.

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

The following measures were in place in the service to safeguard the health, safety and welfare of children attending:

General Safety:

The floor coverings in the main entrance, hallway, and playroom were observed to be maintained in a good condition. There were no trailing cables or leads observed. The enclosed outdoor play area was secured to prevent unauthorised access to the outdoor area. Cleaning products were securely stored on the premises and was inaccessible to children attending the service. The toys and play equipment were non-toxic and in satisfactory condition.

Infection Control:

Foot operated pedal bins were observed in the playroom and sanitary areas.

Fire Safety:

All exit routes were observed to be unobstructed for the duration of the inspection.

Non-Compliance Information

General Safety:

1. The door leading from the school age playroom leading to a housing estate was not secured thus posing a risk of unauthorised entry of an adult or exiting of a child unsupervised. It is acknowledged that a staff member placed the security chain on the door during the inspection.
2. The windows in the Maple playroom utilised by the children on the day were not restricted to prevent unauthorised access of a child exiting the service onto the housing estate.
3. A refuse bin containing waste was stored in the children's outdoor play area and was accessible to the children.
4. A piece of jagged edged wood from a wall trellis in the outdoor area was protruding thus posing a risk of injury to a child.

5. A multicoloured pallet propped against the shed was not anchored thus posing a risk of falling on a child. The potted plants placed on the top of the pallet posed a risk of falling and injuring a child.
6. Ribbons attached to the water wall posed risk of a child choking.
7. The large timber beams surrounding the pebbled area were unevenly positioned and were not secured thus posing a risk of injury to a child.
8. Several sections of underlay edging in the pebbled area was exposed thus posing a trip hazard for the children.
9. The mat positioned beside the door leading to the outdoor area in the large playroom was frayed with a looped piece of threading exposed thus posing a risk of a fall for a child.
10. The television in the Pines playroom was not anchored thus posing a risk of injury to a child.
11. The CD player positioned at the home area in the Maple room was not anchored and the cable trailing was accessible to the children thus posing a risk of injury to a child.

Infection Control:

12. Warm running water was not available any of the wash hand basins throughout the service 14.4 -14.5 °C thus impeding effective handwashing.
13. It is acknowledged that liquid soap was provided in the children's and adults sanitary facilities. However, the bottles containing pink liquid hand soap provided in the children's sanitary area available for use.
14. It is acknowledged that paper roll was provided in the service. However, cloth towels observed to be used for hand drying by several children and by a staff member at snack time.
15. A cleaning sponge was positioned on top of paper towel holder in the children's sanitary area thus posing risk of cross infection.
16. There was no toilet paper available in one toilet cubicle allocated to the children.

17. Childrens snacks comprising of perishable food products including dairy products, cold cuts of meat and cooked frozen food including fish were not stored below 5 °C thus posing a risk of infection.

Fire Safety:

18. The last documented monthly fire drill undertaken in the service was dated 9 December 2022.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. The chain is on the door at all times. Staff now know to secure the chain between children arriving.
2. Restrictors have been installed on all windows.
3. The bin has been removed and has been placed behind a secure gate. The bin will not be accessible to the children.
4. The trellis has been removed from the garden.
5. The pallet has been removed.
6. The ribbons have been removed.
7. The timber beams have been evenly positioned and are now secure. Beams will no longer be stacked.
8. New large rubber mats are on order to cover underlay. Additional stone has been added to prevent recurrence.
9. The mat has been removed.
10. The television has been removed. There will be no television in the rooms going forward.
11. The CD player has been removed. There will be no television in the rooms going forward.

Infection Control:

12. Warm water is now available and the immersion clock has been repaired. The immersion timer has been set for an increased time.
13. The soap bottles have been cleaned. Bottles containing hand soap will be washed weekly or as required.
14. The cloth towels have now been removed.
15. The sponge has now been removed and is stored in the cleaning cupboard.
16. The toilet roll has been replaced and is checked before the service opens each day.
17. Food is placed in the refrigerator.

Fire Safety:

18. The fire drills are available and on display.

Supporting documentation submitted

General Safety:

Photographic evidence submitted and non-compliances addressed observed on subsequent fit for purpose inspection.

Infection Control:

Photographic evidence submitted and non-compliances addressed observed on subsequent fit for purpose inspection.

Fire Safety:

Non-compliance addressed observed on subsequent fit for purpose inspection.

Summary Comment

The actions taken together with the evidence submitted and provided has been reviewed by the Office of the Early Years Inspectorate and deemed to have addressed the non-compliances found on 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

- (2) (b) The first aid box was available at all times in the pre-school service.

Non-Compliance Information

- (1) There was no evidence of training in First Aid for children available for the adults working in the service.
- (2) (a) The contents of the first aid box were inadequate including two eye patches and one individually wrapped sterile wipe supplied were past the expiry dates.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (1) First aid certificates for staff are now printed and on file. The staff files will be kept up to date.
- (2)(a) The contents of the first aid box have been replenished. The first aid box will be checked monthly and contents replenished as required.

Supporting documentation submitted

Photographic evidence of replacement first aid box.

First aid certificates provided on a subsequent fit for purpose inspection dated 5 July 2023.

Summary Comment

The actions taken together with the evidence submitted and provided has been reviewed by the Office of the Early Years Inspectorate and deemed to have addressed the non-compliances found on inspection.

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 detailing fire drills that had taken place in the service.
 - (b) There was a record to show that the fire detection and alarm system had been serviced on the 5 April 2023.
 - (4) The procedures to be followed during a fire drill and in the event of a fire were displayed on the wall in the foyer of the service.

Non-Compliance Information

- (1)
- (b) There was no record available pertaining to the servicing of the firefighting equipment.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

This record has been updated and is on display in the service.

Supporting documentation submitted

A copy of the documentation dated 5 July 2023.

Summary Comment

The actions taken together with the evidence submitted has been reviewed by the Office of the Early Years Inspectorate and deemed to have addressed the non-compliance found on the day.

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

The children were observed to be supervised predominantly by sight, by the staff members at all times during the inspection. Children when out of view of the staff whilst using the toilet were within close proximity if assistance was needed to be provided.

Part VI - Safety

Regulation 28-Insurance

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

Non-Compliance Information

It is acknowledged that there is insurance cover for twenty-two children attending the service on a sessional basis with an expiry date of the 27 March 2024 with twenty-one children attending on the day. However, the staff in the service advised that up to a maximum of thirty-one children attend the service at any one time on some days.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Insurance is in place is for 22 sessional children plus an additional session.

Supporting documentation submitted

Evidence of a certificate of insurance for 2 sessions with up to 22 children in the sessions with an expiry date of 27 March 2024 has been submitted by the registered provider to the registration office.

Summary Comment

The actions taken together with the evidence submitted has been reviewed by the Office of the Early Years Inspectorate and deemed to meet the requirements.

Part VII – Premises and Space Requirements

Regulation 29-Premises

*A registered provider shall ensure that the premises of the service are—
(d) cleaned, maintained and repaired, as required, and
(e) equipped with adequate and suitable sanitary facilities.*

Non-Compliance Information

- (d) Visible dirt was observed on the surface of the vent in children’s sanitary area.
- (e) A toilet seat was broken in one of the cubicles in the children’s sanitary area.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (d) The fans have been cleaned and are now included in weekly cleaning schedule.
- (e) The toilet seat has been replaced.

Supporting documentation submitted

Photographic evidence.
Observations on subsequent fit for purpose inspection on 5 July 2023.

Summary Comment

The actions taken together with the evidence submitted has been reviewed and deemed to address the non-compliances found.

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

1. The opening hours of the service were changed without notifying TUSLA by the registered provider.
2. The change in the number of sessions in the service was not notified by TUSLA by the registered provider.
3. The service was utilising three additional rooms for childcare purposes without approval from TUSLA.
4. The staff reported that the service had increased the number of children attending the service at any one time in excess of the maximum registered number of 22 children. An increase in the registered maximum number of children was not approved by TUSLA.

Corrective & Preventive Action submitted by the Registered Provider

1-4.
A Change in Circumstances application was submitted to the Registration Office and a fit for purpose inspection was undertaken by the Office of the Early Years Inspectorate. In future TUSLA will be notified in advance prior to any change in circumstances.

Summary Comment

The actions submitted has been reviewed by the Office of the Early Years Inspectorate and deemed to address the non-compliances found on inspection.