

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2021CC001
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Name of Service:	Carleton Wharf Preschool
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Address of Service:	O'Brien's Place, Youghal, Co. Cork
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Eircode:	P36 VO49
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Name of Registered Provider:	Deirdre O'Sullivan
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Service type:	Part Time
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Date of Inspection:	05/09/2023
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No of pre-school children:	AM	18	PM	21
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Address of the Early Years Inspectorate:	Early Years Inspectorate Administration Building St Mary's Health Campus Gurranabraher Cork
Inspection undertaken by:	D Prendergast
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

Carleton Wharf Preschool has been in operation since 2021 and is registered to provide part time care to children aged two to six years. This includes children attending the Early Childhood Care and Education (ECCE) Scheme, which is facilitated daily from 8.50am to 11.50am and from 12.00pm to 3.00pm, over 38 weeks of the year. A registered school age service is also provided.

The premises from which the service operates is located in Youghal, in Co. Cork. It initially consisted of a large care room and separate smaller room, on the ground floor of an apartment complex. However, since the previous inspection on 24 May 2021, the main care room has been refurbished to include a separate room for school age children, that connects with the original smaller room. There are adjoining child and adult sanitary facilities, as well as a staff kitchen, an office and an entrance area. An outdoor play space is directly accessible from the care room.

Staffing

At the time of inspection, there were eight adults employed at the service, seven of whom were involved in the direct care of the early years children. One of the adults worked with school age children only. The registered provider worked at the service on a part time basis and assisted with the care of the children, as needed. Two of the adults were employed under the Access and Inclusion Model (AIM) Support Scheme.

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 the 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, 16, 19, 20, 23, 28, 29 and 30; however, on inspection additional non-compliance which posed significant risk, was identified under regulation 8. This finding is outlined within the relevant regulation within this report.

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

On 5 September 2023, an Immediate Action Notice was issued to the registered provider, in respect of one adult who was observed working at the service, without appropriate Garda vetting. A subsequent response was received from the registered provider on 6 September 2023 and this response was clarified on 7 September 2023.

During the onsite inspection, it was noted that some of the children attended the service for more than five hours at a time. This timeframe is categorised as full day care, which the service is not currently approved to facilitate.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, manager, deputies, staff and children who were present on the day of the inspection.

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

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

Non-Compliance Information

The service was found to be providing full day care, which it is not authorised to accommodate. As a registered part time service, Carleton Wharf Preschool can facilitate early years children to attend for up to five hours daily. However, on the day of inspection, one child was noted to remain in the service beyond this five-hour period. Review of past child attendance records also demonstrated that full day care hours had been previously accommodated for another child and this was confirmed during discussion with the registered provider. The registered provider had not notified the Agency regarding this change and was therefore operating outside of the service's registration status.

This issue was also found at the previous inspection on 25 May 2021, when the service was registered to provide sessional hours and was operating part time. In the CAPA response submitted at the time, the registered provider stated that she would notify Tusla and await authorisation before any changes were implemented. However, this was not found in practice.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

In her written reply, the registered provider has confirmed that she is not currently operating out of the service's registration status. The response also outlined that the child was facilitated to remain at the service beyond the part time hours to accommodate a parent, who has since found alternative childcare. As a preventive action, the registered provider has stated that part-time hours will be operated, as per the regulations and parents have been informed.

Supporting documentation submitted

The statement from the registered provider is accepted as evidence.

Summary Comment

The response from the registered provider is accepted in meeting the requirements of the regulation.

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

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Compliance Information

- (1)
- (a) The registered provider had assigned a person in charge to oversee the operation of the service and two deputies were also identified.
 - (b) The person in charge was working at the service when the inspection commenced and the registered provider arrived at 11.10am, to facilitate the inspection process.
- (2) It was established that 6 adults had commenced working at the service since the previous inspection was undertaken on 24 May 2021. Therefore, recruitment records in relation to these six adults were reviewed. The following information was obtained:
- (a) Of the 12 required written references, 6 had been provided by past employers, with records of validation in place for 4 of the references.

(b) There were two written and validated references on file from sources other than previous employers.

(c) Garda vetting was on file for five of the six adults.

(d) Police vetting was not deemed to be required for four of the six adults.

(4) Records demonstrated that four of the adults had achieved major awards in Early Childhood Care and Education, as listed, on the National Framework of Qualifications or as recognised by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY). A fifth adult worked with school age children only and did not require a relevant award in Early Childhood Care and Education.

Non-Compliance Information

(2)

(a)(b)

- A second written and validated reference was not available for one of the adults and the first reference in respect of the same adult was not accepted, as it had been provided by a family member.
- Two written and validated references were unavailable for a second adult.
- Records of validation were unavailable for two written past employer references in respect of two further adults.

(c) A Garda vetting disclosure was unavailable for one of the adults. On 5 September 2023, an Immediate Action Notice was issued to the registered provider, in response to the breach of regulation 9(c).

(d) There was insufficient detail on file for two staff members, to demonstrate the requirement or otherwise for police vetting from other jurisdictions.

(4) Confirmation was required from the DCEDIY, to demonstrate that the studies undertaken by one of the adults met the requirement of a minimum level 5 award in Early Childhood Care and Education.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)

(a)(b)

These validated references have since been forwarded to the inspector. Two references will be available and validated for all staff going forward. In subsequent correspondence, the registered provider stated that one of the adults for whom a record of validation was unavailable, was no longer employed at the service.

(c)

The registered provider responded to advise that the staff member was asked to attend the service to begin training in her role, while Garda vetting was awaited. The Garda vetting was received two days later and was forwarded. Garda vetting will be on file before staff commence work.

(d)

Staff C.V.s were updated and forwarded. Neither of these staff required police vetting. All C.V.s will have no gaps going forward.

(4)

The registered provider advised that an application was made to the DCEDIY for a letter of Qualification Recognition. However, this could not be provided, as the adult in question was not a current student. Subsequent to this, the registered provider confirmed in writing that the staff member will recommence their studies, in order to complete the remainder of the Bachelor of Arts degree.

Supporting documentation submitted

(2)

(a)(b)

Two written and validated references in respect of the first adult, two written and validated references in respect of the second adult and one record of validation for the third adult.

(c)

A copy of the required Garda vetting.

(d)

The two updated C.V.s were submitted.

(4)

Email correspondence from the DCEDIY regarding the qualification recognition application was forwarded, along with written confirmation of the studies undertaken by the adult, from the relevant college.

Summary Comment

The response and evidence submitted by the registered provider were accepted in meeting the regulatory requirements in relation to parts (2)(a)(b), (c) and (d).

Regarding part (4), the registered provider has provided assurances that the staff member who had partially completed a relevant Bachelor of Arts degree will complete the remaining modules online. This will be reviewed 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) During the period of inspection, it was observed that there was an adequate number of adults working directly with the children.

(2) The adult child ratios were correct and met the requirements of the regulation as follows:

Time:	Age range of children	Number of children present	Number of adults present
10.31am	2 years + months – 4 ½ years	18	5 (including 2 AIM support)
12.28pm	2 years + 10 months – 4 ½ years	21	5
2.13pm	2 years + 10 months – 4 ½ years	12	3

(8)

- (a) The service was operated with a minimum of two adults present at all times, as observed at the time of inspection.

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

Compliance Information

- (h) Daily child attendance records were recorded electronically. Printed copies of previous attendance records were also made available for review.

Non-Compliance Information

- (1)
- (a) Up to date written information was unavailable in relation to the role of the person in charge. The recently appointed person in charge was not recorded as having been allocated this role; the name, photograph and details of the former person in charge were displayed in the entrance area and the service's policies and procedures file did not reference the new person in charge.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider's response stated that the new manager had started the role the day before the inspection. As the service had opened the previous Thursday, staff did not have time to take photographs and alter the information. The role of the person in charge will be visible and displayed.

Supporting documentation submitted

The statement from the registered provider is accepted as evidence.

Summary Comment

Based on the statement submitted by the registered provider, regulatory compliance is determined to have been met.

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:

- A mid-morning and a mid-afternoon snack were observed to be facilitated for the children during their attendance. These mealtimes were noted to be relaxed and unhurried, with sufficient time allocated. Staff members sat with the children and promptly assisted them to open food packaging and containers, as needed.
- Outside of the designated mealtimes, some children were observed to independently retrieve their reusable water bottles from their bags, which were stored at child height in the main care room.
- The children were supervised and supported by the adults, when using the adjoining sanitary facility.
- Within the indoor environment, the children had ample space to explore the various materials on offer and to engage in their chosen activities. Outdoor play was also facilitated, as the children could move freely between the care room and the outdoor area.

Supporting relationships around children:

- The adults demonstrated sensitivity and patience when communicating with the children in their care. For example, children who were new to the setting were promptly comforted and offered reassurance.
- Established daily routines were evident during the morning sessional service, as the children appeared familiar with transitions and recurrent activities, such as meal breaks and preparing to go home. For example, as parents and guardians began to arrive to collect their children, the children sat on the bench near the care room door and chatted with staff members about who they could see through the window.

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.

Compliance Information

- (1)
- (b) The main care room included a generously sized rest area, where children could take time to relax, as needed. This was positioned next to a wooden book unit and consisted of vinyl floor mats and seats, with soft toys and cushions.

Non-Compliance Information

- (1)
- (b) Suitable sleep equipment was unavailable for any child who required sleep while in attendance. When one of the children fell asleep, they were carried to the rest area by a staff member and laid down to continue sleeping on one of the four connecting floor mats. The child was provided with a cushion from the rest area and used their own blanket. During discussion, it was confirmed that said mats were floor mats and were not intended for use as sleep equipment. Other children were observed walking and playing on the same mats earlier in the day, which posed a risk of cross infection and suitable bed linen was also unavailable.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Washable/fold up bedding has been ordered. Suitable sleep equipment will be provided for children who require a nap.

Supporting documentation submitted

A screen shot of the washable sleep mat and bedding was forwarded.

Summary Comment

The non-compliance identified under this regulation has been addressed.

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:

- Entry to the service was via a buzzer system, which minimised the risk of unauthorised persons gaining access. The door that led from the care room to the entrance lobby was controlled by a door release button, which was located at adult height. This reduced the risk of a child exiting, while unsupervised.
- The outdoor play environment was enclosed by high fencing and the wall of the premises.
- There were visibility markings in place on low-level glass panels, which reduced the risk of a collision injury. Bright visibility strips were also provided on the steps from the care room to the outdoor play space.
- The door to the kitchen was maintained secure when not in use, with the key stored on a wall hook, at adult height.
- Firefighting equipment was securely tethered.

Infection Control:

- The children's wash hand basins were adequately equipped with warm running water, liquid soap and disposable paper towelling, which supported hygienic handwashing and drying. The children were observed to wash their hands before snack time. An additional wash hand basin was available in the main care room for this purpose.
- The care room was supplied with fresh air through an open door, which led to the outdoor play area. A combination of natural and mechanical ventilation was provided in the sanitary facilities.
- The care room and sanitary areas were clean and well maintained.
- Individual coat hooks were in use to store the children's bags and coats.

Administration of Medication:

- The administration of medication was not observed. Further to this, the person in charge informed the inspector that none of the children were in receipt of medication.

Outings:

- The inspector was advised that outings were occasionally undertaken as part of the programme of activities and a suitable Outings policy had been devised.

Non-Compliance Information

General Safety:

1. The swing doors on the children's toilet cubicles had a quick, firm recoil, which posed a risk of injury to a child. This was also found at the previous inspection on 24 May 2021. In the CAPA response at the time, the registered provider stated that the recoil of the doors had been fixed and that the doors would be regularly assessed. However, the doors remained a safety issue.

Infection Control:

2. There was no warm running water available at the wash hand basin in the staff toilet facility or at the wash hand basin in the accessible toilet facility. Respective temperature readings of 21.5°C and 19.7°C were recorded. Cold water may impede effective handwashing. The registered provider later advised that the water heater had not been switched on.
3. A cover was unavailable to protect the sand tray in the outdoor play area, while it was not in use. This increased the potential for animals and rodents to access and contaminate the sand, which was regularly used by the children.

Fire Safety:

- The interior of the main entrance door, which was signposted as a fire exit, had a key lock mechanism in place. It was acknowledged that the key was stored in the lock, however, should the key be removed, the locked door may obstruct a clear exit route and may delay or prevent a timely exit in the event of a fire.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

- The spring from the swing toilet doors has been slackened.

Infection Control:

- The switch for the warm running water had been switched off on the day of inspection. Staff will ensure that the water tank is switched on at all times.
- The response from the registered provider outlined that a carpenter is in the process of making a lid to cover the entire area. It will be ensured that all sand is covered.

Fire Safety:

- The registered provider has advised that the locking mechanism on the door has been replaced with a thumb turn lock.

Supporting documentation submitted

General Safety:

- Video evidence to demonstrate that the door opening and closing mechanisms have been adjusted.

Infection Control:

- The statement from the registered provider is accepted as evidence.
- An invoice from the carpenter was forwarded.

Fire Safety:

- Photographic evidence regarding the newly installed thumb turn lock.

Summary Comment

The corrective actions implemented by the registered provider have addressed the non-compliances identified under regulation 23.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

A current insurance certificate was available, with an expiry date of 27 March 2024.

Non-Compliance Information

The insurance certificate provided cover for a part time category of service. However, full day care hours were accommodated on the day of inspection and were noted to have been accommodated previously.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider has responded to confirm that a full-time service is not currently provided. A part time service is operated, as per the insurance certification.

Supporting documentation submitted

The statement from the registered provider is accepted as evidence.

Summary Comment

The response from the registered provider was accepted in meeting the requirements of the regulation.

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,*
- (e) equipped with adequate and suitable sanitary facilities.*

Compliance Information

- (a) From a visual assessment, the premises appeared to be of sound and stable structure.
- (e) The early years children had access to a sanitary facility, which adjoined the main care room and consisted of two toilets and two wash hand basins. There was a separate staff toilet and wash hand basin provided and an accessible toilet facility, with one toilet and one wash hand basin was also available.

Non-Compliance Information

- (e)
1. In the afternoon, the sanitary facilities allocated for use by the early years children were also utilised by the children who attended the school age service. Up to 22 children attended the early years service and as one toilet and one wash hand basin are required for every 11 early years children, separate sanitary facilities should be available for the school age children.
 2. Suitable nappy changing facilities were unavailable for the children who may require same. A changing mat was observed to be stored on the floor of the accessible toilet and during subsequent discussion with a staff member, the inspector was advised that if a child required nappy changing, they would be changed on the changing mat, on the floor. The service's nappy changing policy stated:
As children are over the age of 2 years and 8 months, nappy changing is not required.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (e)
1. A separate sanitary unit is available to facilitate the afterschool children when the pre-school children also attend. As there are two other sanitary facilities available, one of these has now been allocated to the afterschool children.
 2. In response, the registered provider has outlined that while the service does not generally cater for children who are not toilet trained, some new children require nappy changing and the delivery of a nappy unit is awaited.

Supporting documentation submitted

1. The statement from the registered provider is accepted as evidence.
2. Correspondence in relation to the ordering of a nappy changing unit was forwarded.

Summary Comment

The response and evidence submitted by the registered provider were accepted in meeting the regulatory requirements.

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.

Compliance Information

- (1) The available clear floor space was sufficient to accommodate the free movement of children during work and play.
- (2) Following the recent room alterations, the early years care room was measured at 94.62m². This met the space requirements for the number and age range of the children who attended.