

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2021OY001
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<b>Name of Service:</b>	Rainbows and Butterflies Early Learning Centre
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<b>Address of Service:</b>	Garran an Chaisleain, 43 Heather Grove, Clara, Offaly, Co. Offaly
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<b>Eircode:</b>	R35 X953
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<b>Name of Registered Provider:</b>	Avril Foran
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<b>Service type:</b>	Sessional
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<b>Date of Inspection:</b>	06/06/2024
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<b>No of pre-school children:</b>	AM	23	PM	NA
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Tusla, Child and Family Agency, SAP Office, St. Loman's Campus, Springfield, Mullingar, Co. Westmeath.
<b>Inspection undertaken by:</b>	C O' Connor Hughes
<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

This sessional service provides an Early Childhood Care and Education programme to children aged 2 to 6 years from 09:30-13:00. The service operates on a Monday to Friday basis.

The premises is located within a single storey building and consists of two pre-school rooms and a kitchen. One pre-school room was in operation at the time of the inspection. An outdoor play area is located to the rear of the premises. On-site parking and set down facilities are available. The service is urban in its location in a community centre in Clara, Co. Offaly.

### Staffing

The registered provider and two staff members were working directly with children on the 6 June 2024. Two support staff were available in the service.

### Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child/ safety/ premises and facilities. The inspection may also focus on other areas as required.

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 found to be operating outside it's TUSLA registration of 22 children registered in the service on the 6 June 2024. The service was referred to the TUSLA registration department.

## Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, 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.*

#### Compliance Information

A change in circumstance was submitted to TUSLA registration office on the 29 September 2023 in respect of the opening hours of the service. This change was accepted by the registration office.

#### Non-Compliance Information

The registered provider did not submit a change in circumstance in respect of opening a second room and an increase of children attending the service to 25 children. The service is registered with TUSLA registration office to accommodate 22 children in the service. There were 23 children in attendance on the 6 June 2024.

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

##### Corrective and Preventive Action

The registered provider has submitted a change in circumstance form to Tusla changing the number of children we can accommodate from 22 to 30 children.

The registered provider will ensure that a change of circumstance form is submitted anytime there is a change from what is on the register.

##### Supporting documentation submitted

A change in circumstance was submitted.

#### Summary Comment

A change in circumstance form was submitted and is being processed by the TUSLA registration office.

### 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.*

*(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.*

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

*(6A) is inserted by S.I. No.632 of 2016 CHILD CARE ACT 1991 (EARLY YEARS SERVICES) (AMENDMENT) REGULATIONS 2016 which states; Regulation 9 of the Child Care Act 1991 (Early Years Services) Regulations (S.I. No. 221 of 2016) is amended - in paragraph (4), by the substitution of “paragraphs (5), (6) and (6A)” for “paragraphs (5) and (6)”, and (b) by the insertion of the following paragraph after paragraph (6): “*

*(6A) Paragraph (4) shall not apply to an employee of a registered provider where - (a) the registered provider receives funding for the employment of the employee pursuant to a scheme funded by the Minister and known as the Access and Inclusion Model, and (b) the employment of the employee is for the purpose of providing support, pursuant to the scheme referred to in subparagraph (a), for a child attending the service to enable the child to participate in the programme known as the Early Childhood Care and Education (ECCE) funding Programme.”*

### Compliance Information

(1)(a)

The designated person in charge and a named person to deputise were available as required.

(b)

The registered provider was present for the duration of the inspection.

Five staff files including the registered provider were reviewed and the following was noted:

(2)(a)(b)

Two written validated references were available in respect of the staff members.

Two written references were available in respect of the registered provider.

(c)

A Garda Vetting disclosure was available in respect of the staff members and the registered provider.

The service demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(3)

The registered provider ensured employees were vetted prior to commencing employment in the service.

(d)

Police vetting was available for the one adult who had lived outside the state for a period of longer than six consecutive months.

(4)

The adults working directly with children attending the service held a major award in Early Childhood Care and Education at Level 5 and 6 on the National Framework of Qualifications.

(6)

An adult was employed to work with children under the Access and Inclusion model (AIM).

## 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.*

*(3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 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) therefore at that reference number is satisfied.*

### Compliance Information

- (1)  
The minimum ratio of adults to children was maintained during the inspection.
- (3)  
There were twenty-three children attending the service supervised directly by the registered provider and two staff members. Two support staff members were present also.

## 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)  
The Caterpillar room and Butterfly room were inspected and the following was noted.  
  
Children enjoyed the various play experiences in the pre-school rooms and outdoor play area during the morning session supported by staff. Children enjoyed preparing for the upcoming graduation ceremony at the end of the pre-school term.

Children enjoyed a lunch provided by their parents consisting of sandwiches, fruit and yoghurt with water to drink. Children who were toilet trained were encouraged to use the toilet independently. Staff provided verbal prompts to the children and assistance as required.

Nappy changing was carried out per the child's individual needs. Good communication was observed between the staff member and child during nappy changing.

Staff were positive towards children using their individual names and maintaining eye contact during conversation and play activities. Children requiring extra support were attended to by staff in a calm and caring manner. Good teamwork was observed amongst staff.

Partnership with parents was noted in the service as a verbal handover was given to parents on collection of the children. Information and daily activities are shared with parents through a short messaging system (SMS). Children's learning journals depicting play activities and child development observations are shared with parents at the end of the pre-school term.

The service had made links to the community as the Garda and Fire Brigade visited the children in the service recently.

### 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 19 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.*

*(4) Where outdoor space to which the pre-school children attending the service have access is provided on the premises of a sessional pre-school service other than such a service to which paragraph (2) applies, a temporary pre-school service or a pre-school service in a drop-in centre, the registered provider shall ensure that such outdoor space is suitable, safe and secure.*

### Compliance Information

(1)(a)

Suitable play equipment was provided indoors and outdoors which included toys and equipment for tabletop activities, creative, imaginary play and physical play. Interest areas included a home area, hair salon, dress up and construction area in the Butterfly and Caterpillar rooms.

(b)

Soft furnishings were in place for children's rest and relaxation.

(4)

The outdoor play area has been further developed since the last inspection on the 15 November 2022. An outdoor play area was attached to the rear of the service. The perimeter was secured with a high-level wall and large gates. Toys and equipment include a playhouse, two large wooden frames with climbing frame and swings, a play kitchen, water funnels and sand play. A smaller play area equipped with play experiences was in place for younger children attending the service.

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

### Regulation 21 – Equipment and materials

*A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.*

### Compliance Information

Adequate and suitable play and work equipment were available for children and staff use in the service. Materials for fine motor skills and gross motor skills were available to children on low level shelving in the pre-school rooms.

## 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 front door to the service was locked and secure to keep the children safe within. A bell system was in place for access to the service.

The service met the necessary safety requirements in respect of the indoor environment, toys and equipment and the safe storage of cleaning agents.

##### Infection Control:

Toys and materials were easily cleanable and cleaning records were available and reviewed.

Warm running water, soap and hand towels stored in dispensers were available in the sanitary accommodation. The water temperature at wash hand basins was recorded at 30 degrees Celsius.

Children were observed to wash their hands before snacks.

The nappy changing procedure observed was carried out correctly.

Natural ventilation was noted in the sanitary accommodation and in the pre-school rooms.

Foot operated pedal bins were available for the hygienic disposal of waste materials.

A refrigerator was available for the storage of perishable goods.

##### Administration of Medication:

No medication was given at the time of the inspection. Temperature reducing medication was stored safely in the service if a child presented with a high temperature.

##### Fire Safety:

Emergency exits were unobstructed from the pre-school rooms in the service. The fire assembly point was noted to the front of the service.

## Part VI - Safety

### Regulation 24 - Checking in and out and record of attendance

*(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.*

*(3) A registered provider shall ensure that-*

*(a) no person other than-*

*(i) pre-school child attending the service,*

*(ii) a person dropping or collecting such a child,*

*(iii) an employee, or*

*(iv) an unpaid worker, can enter the premises without his or her entry being approved by an employee, and*

*(b) a daily record in writing is kept of the entry on the premises of any such person.*

### Compliance Information

(1)

A child attendance record was maintained checking children in and out of the service on a daily basis.

### Non-Compliance Information

(3)(a)(b)

The visitor log did not have the following details recorded.

- Date.
- Person's name.
- Contact number.
- Reason for entry.
- The name of person who approved access.
- The check in and out times.

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

#### Corrective and Preventive Action

The sign in book now has the appropriate headings,

Date, persons name, contact no, reason for entry, name of person who approved entry and checked in and out times. The registered provider will purchase an official visitor log to have at the front door.

## Supporting documentation submitted

Documentation submitted.

## Summary Comment

Evidence submitted and reviewed by the Early Years Inspector met the regulatory requirement.

## 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)

Three adults were qualified in First Aid response (FAR) and available on the premises.

(2)(a)

A first aid box was located in the kitchen of the service.

(b)

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

### 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 for the completed monthly fire drills was available on the premises. The fire drill was recorded as taking place on the 7 May 2024.

(b)

A record was available demonstrating the number, type and maintenance of the firefighting equipment and smoke alarms on the premises. The smoke alarms and firefighting equipment in the premises were serviced in March 2024 and in April 2024 respectively.

(4)

A notice of the procedures to be followed in the event of a fire was displayed in conspicuous positions in the premises.

### 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

Children were under staff supervision at all times in the pre-school rooms, when using the sanitary accommodation and in the outdoor play area during the inspection.

At 12:30 approximately staff were observed to hand the children over to the parents at the entrance to the service.

### Part VI - Safety

#### Regulation 28 - Insurance

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

#### Compliance Information

There was evidence of current insurance cover for 25 children attending on a sessional basis. The expiry date noted was 27 March 2025.