

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2022FL001

Name of Service: By Your Side Early Intervention Preschool

Address of Service: Mulhuddart Community Centre, Church Road, Mulhuddart, Dublin 15.

Eircode: D15 R2VF

Name of Registered Provider: Fatima Abbes

Service type: Part Time

Date of Inspection: 25/03/2025

No of pre-school children:	AM	5	PM	N/A
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Address of the Early Years Inspectorate:	Early Years Inspectorate 2 nd Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15 D15 CF9K
Inspection undertaken by:	C. Harte
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	Not applicable
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Description of service

By Your Side Early Intervention Pre-School provides an early care and education service to children with autism spectrum disorder. The service operates on a part-time basis offering two sessions 9.00am to 1.00pm and 1.30pm to 5.30pm. The service operates Monday to Friday and caters for a maximum of 6 children. The service is located in Mulhuddart Community Centre with sanitary facilities in the main reception area. The service has access to an enclosed outdoor play area at the rear of the building.

Staffing

The registered provider employs eight staff and also works in the service. Other staff include the deputy person in charge known as the preschool manager and a second deputy person in charge referred to as the head teacher and six staff working directly with the children.

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 and premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under:

- Regulation 9 (1)(a)(b)(c), (2), (4) Management and Recruitment

- Regulation 11 (1), (2) Staffing Levels
- Regulation 21 Equipment and Materials
- Regulation 22 Food and Drink
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child
- Regulation 25 (1), (2)(a)(b) First Aid

However, on inspection additional non-compliances which posed a risk were identified under Regulation 8 Notification of Change in Circumstances. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under Regulation 21 Equipment and Materials, Regulation 22 Food and Drink, Regulation 23 Safeguarding the Health, Safety and Welfare of the Child as a result the scope of the inspection included the morning session care room.

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

Following the inspection a referral was made to the Tusla department Services Operating Outside of Registration. Further details are available under Regulation 8 Notification of change in Circumstances.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, preschool manager, 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

(1) The registered provider failed to correctly identify a room which would be used to facilitate an afternoon session in a change in circumstance request submitted and approved in 2022. It was established on inspection that the room used to facilitate the afternoon session is in a separate building than the registered service. This posed a potential risk to the children attending.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1) A change of circumstance form was submitted and a fit for purpose inspection has been completed.

Supporting documentation submitted

- A change in circumstance application was received to the relevant office.

Summary Comment

The registered provider has attempted to address the non-compliance under Regulation 8. However, this will remain outstanding until the change in circumstance process is complete and the change is approved.

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
- (c) 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,
- (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)(b) The service had a designated person in charge and named persons to deputise as required. One of the deputy persons in charge was present in the service when the inspector arrived. The registered provider and deputy person in charge also attended the service on the day of the inspection. A designated person in charge was rostered to be on the premises at all times.

(c) There was a clear management structure in place and staff were aware of their roles and responsibilities

(2) A review of available documents and conversation with the registered provider confirmed there are currently nine staff working in the service. The files of all staff including the registered provider were reviewed. The registered provider had completed the following checks:

(a) Eleven written references were available ten of which were validated by the registered provider.

- (b) Seven written references were available six of which had been validated by the registered provider.
 - (c) Garda vetting disclosures had been obtained for nine staff members. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
 - (d) Police vetting was available for seven adults who had lived in a country other than Ireland for a period of six months or more as an adult.
- (4) Evidence was available to show that two adults held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children and Youth Affairs.

Non-Compliance Information

- (4) Evidence was not available to show that seven adults employed as tutors; four of which were observed working directly with the children in the morning session held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children and Youth Affairs.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (4) The tutors completed a course which was understood to be sufficient. The registered provider is in the process of contact with the DCEDIY to address this. Staff have emailed the DCEDIY for an exemption and awaiting a response. In future the registered provider will ensure newly employed staff have a qualification to meet the requirement.

Supporting documentation submitted

- Documentary evidence.
- Photographic evidence.

Summary Comment

It is acknowledged that the service is engaged in correspondence with the Department of Children, Equality, Disability, Integration, and Youth regarding the qualification requirement for staff however compliance under Regulation 9 (4) remains outstanding as evidence has not been provided to show that the qualifications are accepted.

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.

Compliance Information

- (1) There were 5 preschool children being cared for by 3 adults. Three additional adults were available to provide support as needed.
- (2) The adult child ratios were correct when the inspector arrived unannounced to the service and throughout the inspection.

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

- The furniture and equipment in the room was observed to be adequate for the number of children in the room, it was appropriate for the age range and stage of development of the children in the room, and was well maintained, durable and easy to clean.
- In the care room the toys and equipment were laid out on low level shelving, visible to the children.
- There was a rest area within the care room which included soft mats and pillows. This provided a space for children to rest or engage in quiet activities.
- There was a variety of play materials and equipment available to the children, which facilitated a range of play experiences including creative, construction and language play.
- Additional resources were available in the storage cupboard within the care room. Staff were observed to bring children to the cupboard and assist them to select materials based on their own interests for one-to-one time.

- The outdoor environment was located at the back of the building and is fully fenced with a flooring of soft matting and tarmacadam. Resources included swings, a seesaw, a roundabout, climbing frames and slides supporting gross motor movements.

Part V - Care of Child in Pre-school Service

Regulation 22 – Food and drink

A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.

Compliance Information

The service ensured there was adequate and suitable food and drinks available. For example:

- The service had a healthy eating policy.
- In line with the service policy, children’s lunch and snacks were supplied by the parents.
- Children’s individual drinks were freely available in the care room throughout the day, staff were observed encouraging the children to drink regularly.
- Children’s mealtimes were included in the daily routine displayed clearly on the wall.

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 care room entrance door was secure when the inspector arrived, and staff attended the door to allow entry.
- Cleaning products were stored safely out of children’s reach.
- Staff were observed completing a risk assessment of the outdoor area before children were brought outside.
- Staff were observed to bring the first aid bag and attendance book to the outdoor area.
- Storage facilities were inaccessible to children.

Infection Control:

- Children were supported to wash their hands before mealtimes.

Fire Safety:

- The emergency exit was clear of obstruction.
- The fire exit route was clearly displayed.

Non-Compliance Information

General Safety:

1. A child was observed to eat uncut grapes brought from home at snack time. This presented a choking hazard. HSE and Tusla guidelines state that fruit served to young children must be quartered or halved.
2. Trailing flexes were observed present in the care room from a television, phone and tablet. These flexes were accessible to the children and posed a risk of injury.

Infection Control:

3. A single hand towel was brought to the sanitary area to be used for hand drying following toileting by multiple children. The same hand towel was also observed to be used during a water play activity in the care room after being present in the sanitary area. This posed an infection control risk and is not in line with HPSC guidance.
4. On the day of the inspection children's lunches containing perishable food items were stored in their bags and not refrigerated. Perishable food must be stored in a refrigerator or cool place at temperatures between 0-5°C as there is a risk of contamination.

Fire Safety:

5. Attendance records were not maintained in a timely manner to reflect the children present in the service. At 9.50am a review of available attendance records demonstrated that three of the five children present had not yet been signed. This posed a potential risk of hindering safe evacuation of the premises in the event of an emergency. The record was updated by staff when brought to their attention by the inspector.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. A staff meeting was held, and staff were reminded to ensure they thoroughly check the children's lunchboxes and make sure food is prepared safely. A reminder was sent to parents about children's lunches.

- This forms part of the service risk assessment, staff will ensure to check before ticking off. Management spoke with the community centre management to fix the wire cable and prevent it from dropping down. Management will ensure the room is reviewed often as it is a shared space.

Infection Control:

- The towel was removed immediately. Children are now using single use paper towels. Management will ensure to remind staff of policies in place.
- All staff were reminded that perishables must be taken to the fridge in the community centre staff room.

Fire Safety:

- Staff were reminded of the importance of signing the children in in time. The register will be kept near the entrance to remind the teachers to sign children in.

Supporting documentation submitted

General Safety:

- Staff meeting minutes.
- Photographic evidence.

Infection Control:

- Staff meeting minutes.
- Photographic evidence.
- Daily checklist.

Fire Safety:

- Staff meeting minutes.

Summary Comment

The corrective and preventative actions proposed by the registered provider are sufficient to address the non-compliance under Regulation 23

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) The registered provider ensured that an adequate number of staff were trained in First Aid Response (FAR) and that a staff member trained in FAR was available on the premises throughout the opening hours of the service.

- (2) (a)(b) An adequately stocked first aid box was observed in the service. This was stored out of reach of the children but available to staff as needed.