

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2022KE004			
Name of Service:	Shining Stars Academy Ltd			
Address of Service:	Glebelands, Athy, Kildare, Co. Kildare			
Eircode:	R14 TK25			
Name of Registered Provider:	Christine Bowden			
Service type:	Full Day, Part Time, Sessional			
Date of Inspection:	06/06/2024			
No of pre-school children:	AM	45	PM	31
Address of the Early Years Inspectorate:	Early Years Inspectorate, Child & Family Agency, Suite 7, Vista Primary Care, Ballymore Eustace road, Naas, Co. Kildare, W91 X38W.			
Inspection undertaken by:	F. Maher, T. Duignan			
Title:	Early Years Inspectors			

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

Shining Stars Academy Ltd,. is one of three services operated by the registered provider in Athy and offers full day care, part time and sessional care to children aged 0-6 years old. Opening hours are from 07:30am-18:30pm, Monday-Friday. The service operates from a purpose-built premises located in a private residential housing estate on the outskirts of Athy. Three pre-school rooms, a sleep room and kitchen are provided along with a staff room which is located in a standalone unit to the rear of the premises. Play areas are located to the rear and side of the building and carparking is available outside the service.

Staffing

There were fifteen adults present in the service on the day of the inspection. Eleven of the adults present, were working directly with the children. The person in charge was supernumerary and available to assist in the rooms as necessary, the registered provider arrived to the service at 10:10am and remained for the duration of the inspection. The cook and maintenance person were also present during the inspection.

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.

The inspection focused on an examination of compliance under,
Regulation 9(2)(a)(b)(c)(d),(3),(4),(7)(a) - Management and Recruitment
Regulation 11(1),(2),(8)(a)- Staffing Levels
Regulation 16(1)(i) - Record in Relation to Pre-school Service
Regulation 23 - Safeguarding Health, Safety and Welfare of Child
Regulation 28 - Insurance
Regulation 29(b) - Premises
Regulation 31 - Notification of Incidents
Regulation 32 - Complaints

However, on inspection additional non-compliance which posed a risk was identified under,
Regulation 19(1)(a) - Health Welfare and Development of Child.
Regulation 8- Notification of Change in Circumstances

A sampling process was used to assess compliance under
Regulation 16(1)(h)(k) - Record in Relation to Pre-school Service
Regulation 27 - Supervision

As a result, the scope of the inspection included the Caterpillar 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

5 June 2024 - Information was received by the Feedback and Concerns department. The content of the information received, when assessed, triggered an inspection.

11 July 2024 - A regulatory compliance meeting was conducted by the Inspection and Registration Manager with the Registered Provider and manager of the service.

11 July 2024 – A referral was sent to the registration office.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, 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

(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.

(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.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

(a) the policies, procedures and statements of the service specified in Schedule 5;

Compliance Information

(1)(a), (b)

There was a designated person in charge and a named person to deputise as required. The designated deputy person was in charge on the day of inspection.

(c) There was a clear management structure in the service that identified the lines of authority and accountability.

The records of two staff members, employed since the last inspection, were reviewed regarding, (2)(a)(b),(d) and (4), however, all staff files in relation to (2)(c) were reviewed.

(2)(a)(b)

Four written references, two of which were verified, from a past employer or from a reputable source in the absence of a past employer reference, were available in respect of two staff members whose records were reviewed.

(c)

Garda Vetting disclosures were available for all employed staff members.

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

(d)

Police vetting was in place for one adult employed who had lived in a state other than the State for a period of longer than 6 consecutive months.

(4)

Two recently employed adults working directly with the children held qualifications in Early Childhood Care and Education at Level 5 or higher on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

(7)(a)

Staff members working in the service advised they had received the policies of the service during their induction process; this was documented in the staff file record. Regular team meetings had taken place and included a formal structured approach as evidenced by the minutes retained on file. Supporting documentation indicated staff support and appraisal meetings had taken place.

Non-Compliance Information

(2)(a),(b)

1. There was no documentary evidence available that two written references on file for one staff member had been verified.

(3)

2. The procedures specified in paragraph (2) were not carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service as the references of one staff member had not been verified.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1/2. Two phone verifications were conducted. Assistant manager is now checking the staff files. No staff member will be able to start until this is checked by manager and assistant manager.

Supporting documentation submitted

Documents x 2

Summary Comment

The requirement for Regulation 9 (2)(a)(b), (3) has been met.

Part III – Management and Staff

Regulation 10 - Policies, procedures etc. of pre-school service

A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.

Compliance Information

The registered provider ensured that the required written policies, procedures, and statements specified in schedule 5 were in place in the service. The content of the following policies was reviewed and met the requirement of the regulations:

- Critical Incident policy
- Staff Training and Induction policy
- Staff Supervision and Appraisal policy
- Policy on accidents and incidents
- Outdoor Play policy
- Supervision of Children - indoors and outdoors policy
- Complaints policy
- Risk Management policy

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)

There were forty-five children attending the service being supervised directly by eleven adults.

(2)

The minimum ratio of adults to children was adhered to during the day.

(8)(a)

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

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;

(k) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance Information

(1)(h)

The attendance record in Caterpillar room recorded each child's time of arrival and departure from the service in real time.

(i)

The staff roster was displayed and included the relevant details outlining each staff members' allocated room, hours of work, relief cover for breaks and the staff members trained in first aid response (FAR). There was also documentary evidence of a daily staff sign in and out sheet that was maintained up to date.

(k)

A sample size of 29 accident and incident reports recorded between May - June 2024 for Caterpillar room had been completed with the correct details and a copy given to parents.

Non-Compliance Information

(k)

The procedures outlined in the accident and incident policy for the service had not been followed; three accident/incident forms had not been completed for parents to sign following an incident that occurred in the service on 4 June 2024.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

A meeting was held with three families to ensure they were informed, and the accident reports signed.

Preventive Action

Manager will now check all the accident and incident forms are properly filled up and signed and also is on the manager check list.

Supporting documentation submitted

Documents x 4

Summary Comment

The written response and documentary evidence submitted by the person in charge on behalf of the registered provider has been assessed by the Early Years Inspectorate. Regulatory compliance is met for Regulation 16(1)(k).

Part VI - Safety

Regulation 23 - Safeguarding health, safety and welfare of child

A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.

Compliance Information

General Safety:

The entrance door to the service was secure and was controlled by the staff members to prevent children from exiting the service unsupervised and to restrict unauthorised persons from gaining access the premises.

The exit gates from the outdoor play area were secured with carabiner lock mechanisms.

The person in charge ensured the inspectors visit to the service was documented in the visitor's book on arrival.

There was a risk management policy for the service.

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

Non-Compliance Information

General Safety:

1. It is acknowledged daily indoor and outdoor risk assessment had been/are completed, however, the outdoor risk assessment completed on 4 June 2024 did not identify the security risk to the service when a notifiable incident occurred.

2. A new door had been installed to the rear of the premises leading to the outdoor play area, two areas of jagged cement were left exposed on either side of the door, this posed a risk of potential injury to a child should they fall against the exposed edges when playing in the vicinity of the door; the edges were at child height.

Action submitted by the Registered Provider

General Safety:

Corrective Action

1. Extra layer of security added as manager checks the gates in the morning before any room goes to the garden. Manager had a conversation with the staff members in the rooms to ensure there is a risk assessment completed every time they go outside.
2. The wall has been repaired around the door.

Preventive Action

1. A copy of the Risk assessment policy has been given to all the staff. A morning and evening check from management is completed to ensure gates are closed and spot checks will be carried out randomly by management. Magnet locks installed on the gates.
2. Going forward any structural changes will have appropriate risk assessment.

Supporting documentation submitted

General Safety:

Document x 1

Photographs x 6

Summary Comment

The written response and documentary evidence submitted by the person in charge on behalf of the registered provider has been assessed by the Early Years Inspectorate. Regulatory compliance is met for Regulation 23.

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 from Caterpillar room were observed being supervised at all times when playing in the outdoor area. Staff were observed to position themselves at either end of the play area where two low level gates that were secured with carabiner locks were located and two further staff were positioned around the centre of the play area.

Children from Butterfly and Sunflower rooms were observed being supervised by the staff caring for them when both indoors and in the outdoor play area.

Non-Compliance Information

- The supervision of 14 children, when returning to the Caterpillar room following outdoor play at 12:30pm was observed to be disorganised and chaotic as observed by the following:
 - There was no staff member positioned inside the room or in front of the children to guide and supervise as they were coming in from outdoors, as a result, the children coming into the room proceeded to run about and climb onto the low-level sink and table while the staff members followed the children. Three of the children who ran ahead into the room were observed to turn a corner within the room and could not be seen by the staff.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

Management has had conversation with staff in the classroom to ensure the transition to meals times are calm to allow the children to close and finish their games and tidy up. The following procedure is now implemented for children coming in from the garden:

- One staff at the front of the line, and one staff to the back of the line.
- When children come inside, they have different options of play available.
- Children do not sit down until the meal is ready in the classroom.

The Transition policy was provided to all the staff. An external agency will provide training on transitions, date booked, 12th of August 2024.

Preventive Action

Manager will spot check on transition times to spot potential issues on transition and offer support at those times.

Supporting documentation submitted

Document x 1

Summary Comment

The written response and documentary evidence submitted by the person in charge on behalf of the registered provider has been assessed by the Early Years Inspectorate. Regulatory compliance is met for Regulation 27.

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 valid until 27 March 2025. The insurance provided cover for 66 children.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are-
(b) safe and secure,

Compliance Information

The main entrance door to the service was secured with a magnetic lock that could only be released from the inside; this was controlled by staff to prevent unauthorised access and to prevent a child leaving the service unnoticed.

The outdoor play area was surrounded by a high level wall to one side and at the rear and by high level metal fencing to the remaining perimeter. Two high level metal gates, one on the right and left were secure with high-level slide bolt locking mechanisms that also had a secondary carabiner locking device in place as a further security measure. Two low level metal gates at either end of the side play area, used by the Caterpillar room, were also secured with slide bolt locking mechanisms and carabiner devices. The fire escape gate, located in this area, was also observed secured with a high level slide bolt and carabiner locking device.

The registered provider advised new security measures were being implemented at the weekend with the fixing of magnetic locks and keypads to both high level side gates. A further security measure was being implemented at the front gate, an electromagnetic release system was being installed; this would be controlled by staff to prevent unauthorised entry and to prevent a child leaving the premises un-noticed.

Part VIII - Notifications and Complaints

Regulation 31 - Notification of incidents

A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:

(e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.

Compliance Information

(e)

The registered provider notified the Agency on 7 June 2024 in writing with details of an incident which had occurred on 4 June 2024.

Part VIII - Notifications and Complaints

Regulation 32 – Complaints

(1) A registered provider shall ensure that the complaints policy of the service specifies-

- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,*
- (b) the manner in which such a complaint shall be dealt with, and*
- (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.*

(2) A registered provider shall ensure that-

- (a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and*
- (b) the complaint is duly dealt with in accordance with the provider's complaints policy.*

(3) A record in writing referred to in paragraph (2)(a) shall-

- (a) include the nature of the complaint and the manner in which the complaint was dealt with, and*

(b) be open to inspection on the premises by an authorised person.

(4) A registered provider shall ensure that a record in writing referred to in paragraph (2)(a) is retained for a period of 2 years from the date on which the complaint has been dealt with.

Compliance Information

(1) (a),(b),(c)

The complaints policy referred to the procedures outlined in (1)(a),(b),(c).

(2)(a),(b)

Following review of a previous complaint made to the service, the details, outlined in (2)(a),(b) of the regulation were observed to have been followed and recorded.

(3)(a)

The details as required were documented; this was evidenced by the review of a previous complaint made to the service.

(b) The complaints record was open and available for inspection by the authorised persons.

(4)

The registered provider ensured that a record in writing of any complaint made will be retained for a period of 2 years. This is stated in the complaints policy for the service.

Additional Risk Identified

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 registered provider had failed to notify the registration office in advance of making internal material alterations to one pre-school room and the sleep room of the service.

11 July 2024 a referral was sent to the registration office.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Change of circumstances sent to Tusla on Friday 12th of July 2024.

The company will not make any structural changes prior sending the change of circumstances. We will ensure to have all documentation ready prior making the changes.

Supporting documentation submitted

None received.

Summary Comment

It is acknowledged written assurance has been given that the change in circumstances form has been submitted to the registration team.

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,

Non-Compliance Information

Physical and Material Environment

1. The indoor environment in the Caterpillar room was not constructively planned with areas of interest to provide a stimulating, challenging and imaginative surrounding for the children present. There were limited materials and equipment available to the children as observed by the following:

- There were no areas of interest such as home/kitchen corner, dress up, construction or small world.
- Two shelving units, with miscellaneous boxes of play items, were pushed haphazardly up against the large wooden climbing structure thus preventing the children access to the unit.
- There was no evidence of a mark making area with easily accessible paper, crayons, easel and paint.
- There was no dedicated area with sensorial play such as sand, water or play dough with associated props; this limited the children's ability to experience sensory play and learning.

As a result of the limited resources available, the children were observed bored and wandering around the room and climbing on the furniture.

Supporting Relationships Around Children

2. The transition to dinner time in the Caterpillar room was lengthy and drawn out as children were observed seated at the table from 12:35pm-12:55pm until dinner arrived. One staff member was reading a story; however, the children became fidgety and bored and proceeded to get up from the table and move about the room which was not prepared with areas of interest to distract the children while they waited for dinner.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. Classroom layout has changed with different areas for children to play and new materials have been added to the classrooms.
2. Children do not sit at the table until the meal is in the room.

Preventive Action

1. The manager will be in the classroom to support this transition until the children are ready.
2. The classroom is prepared for the children when they come back from the garden.

Supporting documentation submitted

Photographs x 4

Document x 1

Summary Comment

The written response and documentary evidence submitted by the person in charge on behalf of the registered provider has been assessed by the Early Years Inspectorate. Regulatory compliance is met for Regulation 19(1)(a).