

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2022WH002
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<b>Name of Service:</b>	Child's Play ABA Ltd
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<b>Address of Service:</b>	Unit 6 Riverview, Kilbeggan, Co. Westmeath
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<b>Eircode:</b>	N91 H5X9
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<b>Name of Registered Provider:</b>	Carole McGuinness
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	28/03/2024
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<b>No of pre-school children:</b>	AM	19	PM	15
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Tusla, Child and Family Agency, Primary Care Unit, St. Loman's Campus, 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 service operates as a full day care service, providing part time and Early Childhood Care and Education places to children. The service opens from 08:00 to 17:30 on a Monday to Friday basis.

The ground floor premises consists of large free playing areas, the village and autism area with a sensory room, a soft playroom and sleep room, a staff kitchen, a reception area, a main kitchen, an office and sanitary accommodation. An indoor/outdoor area is attached to the side of the premises. On-site parking and set down facilities are available. The service is located in Killbeggan, Co. Westmeath.

### Staffing

The designated person in charge and seven adults were working directly with children on the 28 March 2024. Two staff members were employed under the Department of Education home tuition scheme.

The registered provider was working with school age children and was present for the duration of the inspection and the closing meeting.

### 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.

### Acknowledgments

The Inspector wish to acknowledge the cooperation of the registered provider, designated 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*

*(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.*

*(6) Paragraph (4) shall not apply before 1 September 2021 to a person who-*

*(a) has signed a declaration on or before 30 June 2016 to the effect that he or she intends to retire from employment in a pre-school service before 1 September 2021, and*

*(b) is in possession of a letter from the Minister confirming that paragraph (4) shall not apply to him or her before that date.*

*(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 and designated person in charge were present for the duration of the inspection.

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

(2)(a)(b)

Twenty-eight written validated references were available in respect of fourteen staff members and the registered provider.

Three written references were available in respect of two staff members.

(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.

(d)

Police vetting was available for three staff members and the registered provider who had lived outside the state for a period of longer than six consecutive months.

(4)

The staff members working directly with children attending the service and held a major award in Early Childhood Care and Education at Levels 5 to 8 on the National Framework of Qualifications.

(6) (a)

No employee had signed a declaration on or before the 30<sup>th</sup> of June 2016 to the effect that they intended to retire from employment in a pre-school service.

(6A)

Four employees present were working directly with children under the Access and Inclusion Model.

## Non-Compliance Information

(2)(a)(b)

1. Two written validated references were not available in respect of one staff member.
2. A second written reference was not available in respect of a staff member.
3. Recorded validations were not available in respect of two references in respect of one staff member.

## Corrective & Preventive Action submitted by the Registered Provider

## **Corrective and Preventive Action**

(2)(a)(b)

1. Two written references were requested from the staff member in question.
2. A second written reference was requested from the staff member.
3. Telephone validations were made in respect of two written references in regard to one staff member.

Each employee's file now has a staff checklist with a list of requirements, such as written references and phone validations.

Before a staff member starts working for Child's Play ABA Ltd., all staff references, and telephone validations will be completed. This will be the Manager's responsibility.

## **Supporting documentation submitted**

References submitted.

## **Summary Comment**

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

## 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.*

*(4) Subject to paragraph (5), where a registered provider contemporaneously provides-*

*(a) a sessional pre-school service, and*

*(b) a full day care service or a part-time day care service, or both, the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).*

*(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)  
The minimum ratio of adults to children was maintained during the inspection.
- (4)  
There were nineteen pre-school children and two school age children attending the service supervised directly by eight adults.
- (8)(a)  
Documentation reviewed indicated that two adults are on the premises at all times.

### 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)

There was a calm and happy atmosphere in the service. Children enjoyed their healthy lunches provided by the parents and staff assisted the children as required during the snack and meal times. Staff sat and ate their food with children encouraging conversations and interactions. Older children went to the toilet independently supervised by staff. Younger children were observed to explore their environment in the numerous play spaces provided. Younger children slept in a restful atmosphere in the sleep room and were physically checked every ten minutes by staff.

The care practices and routines were child led with the staff following the individual verbal and non-verbal cues of the child. Nappy changing was carried out regularly and as needed. Good communication was observed between the staff member and child during nappy changing.

Children were observed to move between the play spaces enjoying physical play and gross motor activities as well as imaginative and creative play. Children were dressed appropriately with coats and wellington boots for outdoor activities in the indoor/outdoor room located at the rear of the service.

The staff were positive towards children and were familiar with each child, their personalities and their daily routines. Staff were observed to give comfort and reassurance to the children. Staff used individual names, maintained eye contact and conversed with the children during play activities, nappy changing, toileting and mealtimes. Individual educational plans are in place for children additional support and supervision.

Lámh, a manual communication system and the Picture Exchange programme (PECS) is used for children requiring this support. Good teamwork was observed amongst staff.

The pre-school areas were bright and colourful with children’s artwork of the Easter theme depicted. A range of developmentally appropriate experiences to meet children’s learning needs was available in the pre-school areas. Areas of interest included a home area, a shop, an arts and crafts area, a ball pool play area, a large ship and two cosy rest areas were available. Age and stage appropriate toys and materials were accessible to children on low level shelving.

The service works in partnership with parents and guardians. Parents were observed to come to the service and enjoy the Easter party with their children during the inspection. A parent notice board is displayed in the reception area of the service. Each child has their own learning journal depicting their child development observations, play and work activities. The staff member stated the journal is shared with parents on a regular basis and they have the opportunity to comment in the learning journal. One to one meetings are held with parents as required.

The service has made links to the community by going on outings to the local town park, library and the biodiversity garden. The registered provider stated the service is invited to the events organised by the local community.

### 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

A menu plan was in place depicting the main meals provided to children each day by an outside catering company. Parents provide healthy snacks for children.

At approximately 12:30 children enjoyed a chicken curry, with vegetables and rice. A choice of water or milk was offered to the children. Fruit bowls and potable water was available to children to self-serve in the pre-school rooms as required.

## 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 to the pre-school service is accessible via a reception area. Entry to the service is controlled by a person at the reception desk. The Inspector signed the visitor book on arrival. Parents signed the visitors book when attending the Easter party held on the day of the inspection.

The service met the necessary safety requirements in respect of the indoor environment, toys and equipment and the safe storage of cleaning agents with the exception of the non-compliance outlined below.

##### Infection Control:

The nappy changing procedure observed was carried out as per the service nappy changing procedure.

Children were observed to wash their hands before snacks and after using the toilet.

The wash hand basins were plumbed with an instantaneous supply of hot and cold water. The temperature of the water recorded was 38 to 41 degrees Celsius. The sanitary accommodation was stocked with a sufficient supply of liquid soap and paper hand towels. Pedal bins were in place in the sanitary accommodation and in the pre-school rooms for the hygienic disposal of waste materials.

##### Administration of Medication:

Temperature reducing medication was available in the service if a child presented with a high temperature and stored safely in the service.

##### Safe Sleep:

A record of the colour, position and breathing of sleeping children was noted in the service sleep log. Children over two years of age were observed to rest and sleep on low level beds in the sleep room.

##### Fire Safety:

Fire exit routes were unobstructed throughout the service.

##### Outing:

Risk assessments were available and reviewed for local outings from the service to the amenities in the town of Kilbeggan.

## Non-Compliance Information

### Safe Sleep:

- At 11:25 approximately the sleep room was too hot as the temperature recorded on the Inspectors thermopen was 25 degrees Celsius. The services' temperature monitor was not working correctly as the temperature recorded 16 degrees Celsius at this time.  
Upon request of the Inspector a corrective action was taken and the designated person in charge switched off the heater in the room.  
At 12:05 approximately the temperature when rechecked had lowered to 18 degrees Celsius.
- Trailing flexes from a heater and a temperature monitor accessible to children were noted in the sleep room thus posing a potential risk of injury. The designated person in charge stated the heater is removed prior to children sleeping in the room. A corrective action was taken by the designated person in charge and both items were removed promptly.

## Action submitted by the Registered Provider

### Corrective & Preventive Action

#### Safe Sleep:

- Temporary temperature probes were bought and placed in the sleep room to record the room's temperature. This ensured the sleep room was not getting too hot. A contractor is installing infrared heating panels on April 29, 2024. Because of stock availability, this date was the earliest the contractor could install the panels. By doing this, the fan heater in the sleep room won't be needed. Please refer to the picture in the preceding email as it shows the newly acquired digital temperature probes that are used to monitor the temperature in the sleeping area.
- In regard to hanging wires within the sleep room, the lamp was removed immediately, the heater was placed on a high shelf to prevent hanging wires.  
The heater is permanently situated on a shelf in the sleeping area, and both temperature probes are wireless to avoid draping wires throughout the space.

### Supporting documentation submitted

#### Safe Sleep:

Photographic and written evidence submitted.

### Summary Comment

1. The registered provider shall submit the evidence of the installation of the heating panels for the sleep room to TUSLA Early Years Inspectorate upon completion. The practice stated will be assessed on the next TUSLA inspection.
2. The non compliance was addressed.

### 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.*

*(4) A registered provider shall ensure that a record in writing referred to in paragraph (3)(b) is retained for a period of one year from the date to which it relates.*

### Compliance Information

(1)

The records of arrival and departure reviewed verified that each child attending the service was checked in and out of the service by a staff member.

(3)(a)(b)

All entry to the service with the exception of (i), (ii), (iii) and (iv) was approved by a staff member.

A daily record was maintained in the service.

(4)

The visitor log is retained throughout the annual operation of the service.

### 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)  
Seven adults were qualified in First Aid response (FAR) and available on the premises during the hours of operation. Five adults held paediatric first aid qualifications in the service.

(2)(a)  
First aid boxes were located in the pre-school areas and in the reception area in 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 last fire drill was recorded as taking place on the 27 March 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 the firefighting equipment in the premises were serviced on the 20 April 2023 and 12 September 2023.

(4)

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

## 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 supervised by the adults in the pre-school areas, in the indoor/outdoor play area, during nappy changing and when using the sanitary accommodation during the inspection.

## 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 the number of children attending the service. The expiry date noted was 27 March 2025.

## 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:*

*(c) an incident that occurs in the service and that results in the service being closed for any length of time;*

#### Compliance Information

(1)(c)

The registered provider had submitted a notification of incident form to TUSLA registration office on the 24 October 2023 in respect of an incident that required the service to close for a period of time.

## Part IX - Inspection and Enforcement

### Regulation 33 – Furnishing of information to agency

*A registered provider shall furnish the Agency with such information as the Agency may reasonably require for the purpose of enforcing and executing these Regulations and the information shall be in such form, if any, as may be specified by the Agency.*

#### Compliance Information

The registered provider held the specified information required for the inspection process.