

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2023DS004
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Name of Service:	Little Penguins
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Address of Service:	Firhouse Community Centre, Ballycullen Drive, Tallaght, Dublin 24, Co. Dublin
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Name of Registered Provider:	Brid Devereux
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Service type:	Sessional
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Dates of Inspection:	12/02/2024
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Date 2 of Inspection:	13/02/2024
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No of pre-school children:	AM	45	PM	n/a
Day 2	AM	52	PM	n/a

Address of the Early Years Inspectorate:	Floor 7, Brunel Building, Heuston South Quarter, Kilmainham, Dublin 8
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Inspection undertaken by:	Fiona Carty
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Title:	Early Years Inspector
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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

Little Penguins is a sessional service located in Firhouse Community and Leisure Centre in South County Dublin. It is one of two services operated by the registered provider. Sessional care is offered to children between the ages of 2 and 6 years for 38 weeks of the year. The service offers the Early Childhood Care and Education Scheme (ECCE) and opens Monday to Friday from 9.00am to 12.30pm. There are 3 care rooms in the service and an enclosed outdoor area on the grounds of the Community Centre. The service also has access to a large indoor hall.

Staffing

There are currently ten staff employed in the service. On both days of inspection there were nine staff members working directly with the children. On the first day of inspection the area manager arrived subsequent to the inspector's arrival and was present on the second day of inspection. The registered provider does not work 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, information and records, 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 regulations 9, 11, 16, 19, 23, 25, 26, 28 and 29. These findings are outlined within the relevant regulations within this report.

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings. Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

Additional Information

An Immediate Action Notice was issued on 13th February 2024 in respect of Regulation (9) (2)(c) Garda vetting.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the children, person in charge and staff who were present on the days 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 notify the Agency in writing of changes to the details in relation to the pre-school service at least 60 days before the change would take effect as follows:
- The person in charge was different to the person named on the register.
 - The name of the service was different to the name recorded on the register and the person in charge on the day of inspection confirmed that the name was incorrect.
 - The hours of operation recorded on the register were not in line with the actual hours of opening. The service is registered to open from 9.00am to 12.30pm. There were children attending until 12.45pm and the staff confirmed they opened daily until 12.45pm.
 - The telephone number of the registered provider was not correct, staff gave the inspector the correct telephone number for the registered provider during the feedback meeting.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

A Change in Circumstances Form has been submitted to Tusla to amend the errors brought up.

Supporting documentation submitted

A Change in Circumstance form was submitted to the Registration Office.

Summary Comment

The requirements of Regulation 8 have been met.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(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.

Compliance Information

(2) The inspection focused on the recruitment records for twelve adults including records of the area manager and registered provider.

(a), (b) Twenty four written validated references were provided from a past employer or a source other than a past employer.

(c) Garda vetting disclosures from the National Vetting Bureau of An Garda Síochána were available for eleven adults.

(d) International Police Vetting was available for three adults who required it.

(4)

There was evidence that ten adults who required it had attained at least a major award in Early Childhood Care and Education at Level 5 on the National Framework for Qualifications, or a qualification deemed to be equivalent.

Non-Compliance Information

(2)
(c) A Garda vetting disclosure was not available for one adult who has been employed and working directly with the children since November 2023.

An Immediate Action Notice was issued to the registered provider on the 13th February 2023.

(d) International Police vetting was not available for 1 adult who required it from two States where they resided for a period exceeding 6 months as an adult.

(3)
A review of documentation evidenced that the procedures specified above under Regulation 9(2) had not been completed prior to some adults commencing employment in the service as follows:

- References obtained for six of the adults had not been validated prior to them commencing employment in the service.
- Garda vetting disclosures had not been obtained for eight staff members prior to them working in the service.
- International Police vetting was not considered for one staff member prior to them working in the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)
(c) and (d) The staff member was informed of the fact that she could not work until her Garda and Police Clearance had been received. This process is ongoing as she awaits Garda Vetting clearance. Police Clearance from Moldova has been received. Only when GV is received will she return to work.

Management and staff have all been reminded and informed that they are unable to attend work unless the proper Garda or Police clearance has been received. This is part of our recruitment policy.

(3)
A staff meeting took place on foot of inspection. All staff and management were informed that no staff will be allowed to start until all qualifications, CV and references have been checked. A 'Staff Record Form' for this is in place on every staff file outlining that all checks have been done prior to commencement of employment.

Supporting documentation submitted

No supporting documentation was submitted.

Summary Comment

The corrective and preventive actions submitted by the registered provider will meet the requirements of Regulation 9.

This Regulation will be reviewed on the next inspection.

Part III – Management and Staff

Regulation 11 - Staffing levels

(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.

(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)
There were an adequate number of adults working directly with the children. There were 9 adults working with 45 children on the first day of inspection and 10 adults working directly with 52 children on the second day of inspection.

(3)
The minimum ratio of adults to children was maintained at all times during both days of inspection.

Part IV – Information and Records

Regulation 16 – Record in relation to pre-school service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

Compliance Information

- (1)
- (i) An accurate staffing roster was available in the service detailing hours of work for each staff member on the day of inspection.
 - (j) There was a specific log to record administration of medication, however none has been administered since September 2023.
 - (k) Written records of accidents and incidents which occurred in the service were available on the day of inspection. A sample reviewed on the day of inspection documented all the necessary details.

Non-Compliance Information

- (16)(1)
- (h) A record was not available in each room detailing the attendance of the children. No children were signed into the attendance book for any child attending Room 3.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Staff were informed immediately that all children must be signed in to the register when they arrive and only signed out when they depart the facility.

This process was highlighted again to all staff at subsequent staff meeting and they were reminded of the correct procedure and the importance of adhering to it.

Supporting documentation submitted

No supporting documents were submitted.

Summary Comment

The corrective and preventive actions have addressed the non-compliance of Regulation 16 (1)(h).

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

The parents of the children provided all snacks. The snacks were observed to be healthy in line with the service policy and included fruit, yoghurts and sandwiches. Mealtimes were relaxed and staff sat with children eating their own snack creating a sociable atmosphere. The adults engaged the children in conversation and provided help when needed.

Children who wore nappies had these changed at scheduled times and in between when needed. Older children were supported to use the toilet independently. The inspector observed staff using these times as an opportunity for warm one to one interaction.

All children were provided with the opportunity to play outside and were appropriately dressed to the weather in coats and hats.

The inspector observed children moving freely within their care rooms. The rooms had clearly defined interest areas such as home corner, art area and book corner, with soft mats and cushions to rest as required.

Materials and equipment were stored on low level shelves and had jigsaws, puzzles, small world toys, vehicles, animals, wooden stacking blocks and dinosaurs.

Children's artwork was displayed on the walls.

The room has child sized tables and chairs for children to sit at for mealtimes and tabletop activities. A communal indoor space allows for gross motor activities, namely a large hall within the adjacent Community Centre. An outdoor area was also available with ride on toys, sand and large trucks and cars to play with.

Children were comforted in a timely manner and their feelings were acknowledged when situations arose. Staff made themselves available to the children to scaffold and extend learning as well as be available should a child require support. Children's language development was supported through group discussions, singing and storytelling which was observed in all care rooms on the day of inspection.

Minor disagreements were managed with adults speaking to children at their level and explaining behaviours and comforting as required as per the Behaviour Management Policy.

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

The inspectors found by observation of practice, review of documentation, discussion with staff and inspection of the premises that the registered provider had taken the following steps to safeguard children attending.

General Safety:

Access to the service was secure ensuring no unauthorised access to or from the building. Cleaning materials were stored out of reach of children. Heavy furniture was secured and cables were out of reach of children.

Infection Control:

Thermostatically controlled warm water was available to the children along with liquid soap to assist in effective hand hygiene.

Administration of Medication:

There was written evidence of prior parental consent for the administration of both temperature reducing and prescribed medications, and there were procedures in place to safely administer and document such medication if required, including in the case of an emergency. Staff adequately detailed the procedures for administering medication when required during discussions with the inspectors and had appropriate documentation available to record such administration if required.

Fire Safety:

The designated fire escape routes were clearly indicated and free from obstruction on the day of inspection. Staff members stated that fire drills are practiced regularly on a monthly basis.

Non-Compliance Information

General Safety:

1. The children accessed an enclosed outdoor area adjacent to the service. There was a requirement to cross a communal walkway that lead to the community centre, walk down some steps and pass an open container containing hazardous materials and equipment including paint and tools. The area is accessible to the public. The inspector observed a cigarette lighter on the ground when approaching the outdoor area. The manager had not completed a risk assessment prior to children accessing the area daily and stated there was no risk assessment in place which was at variance with the service Risk Management Policy.

Infection Control:

2. The nappy changing practices observed on the days of inspection were at variance with the service Nappy Changing Policy and Procedures as follows:

- Staff did not wash their hands prior to changing a child's nappy.
- Staff re-dressed the child with soiled gloves.
- The nappy changing mat was not wiped down following each nappy change.

The above practices pose a risk of cross contamination.

3. On the first day of inspection there were no paper towels available in 3 out of 4 sanitary accommodations. Children were observed leaving the toilet with wet hands wiping them on their clothing which is ineffective for infection control purposes.

4. There were large accumulations of dust and dirt in all of the sanitary accommodations around the pipes, toilet bowls, pedestals and walls. A number of different clubs and organisations use the same facilities outside of

preschool hours. There were no cleaning schedules in place. This is at variance with the infection control policy in place.

5. Pedal operated bins were not available in the sanitary accommodations posing a risk of cross contamination.

Fire Safety:

6. The attendance books in Room 1 and 2 were completed during the inspection. All children had been signed in and out of the service during the session. No children had been signed into Room 3. This would pose a risk of safe evacuation in the event of a fire.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Risk Assessment is now in place to be checked daily in advance of use of the outdoor space.

Infection Control:

2. and 3.

Staff reminded of the policy on Infection Control and that it must be complied with. Bathrooms must also be checked first thing to ensure there is an adequate supply of sanitary equipment (soap, towels, nappy changing requirements) in each bathroom at the beginning of the day.

4.

We have requested that the Community Centre put up a cleaning schedule on the door of each bathroom to confirm when cleaning is done and by whom. They have agreed to do this.

5. Pedal bins have been ordered for the bathrooms to replace the existing ones.

Fire Safety:

6. All staff not just Room 3 have been reminded of their obligation to comply with process and procedure around attendance records.

Supporting documentation submitted

General Safety:

No supporting documents were submitted.

Infection Control:

No supporting documents were submitted.

Fire Safety:

No supporting documents were submitted.

Summary Comment

The requirements of Regulation 23 have been met.

This Regulation will be assessed on the next inspection.

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)
There was evidence available to demonstrate that there was a person trained in First Aid Responder available to the children at all times.

(2)
(a) (b) The first aid box was stored in an accessible position within each care room and was available to the children at all times.

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 was available detailing fire drills that had taken place in the service. The last drill had been recorded as undertaken on the 24th January 2024.
 - (b) Records were available detailing the maintenance of the fire detection system in the service. The last date of maintenance recorded was 4th September 2023.
- (4)
- A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the service.

Non-Compliance Information

- (1)(b)
- There was no documented evidence available to show when the firefighting equipment was last serviced.
- It is acknowledged that a photo of an extinguisher was sent to the inspector, however this was not accepted as certification from a fire safety professional is required.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Fire Extinguisher Certification which verified that the extinguishers had been inspected on the dates marked on the extinguishers has been received.

Firhouse Community Centre arrange for all inspections and they have been informed of the requirement to always get a certificate of compliance when inspections are done every year. They have agreed to do this.

Supporting documentation submitted

A copy of the fire certificate was submitted for review.

Summary Comment

The requirements of Regulation 26 have been met.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are-
(e) equipped with adequate and suitable sanitary facilities.

Non-Compliance Information

(e)
The service is not equipped with adequate sanitary facilities based on the number of children and adults attending the service.

There are currently 3 toilets and wash hand basins and one nappy changing unit and wash hand basin available for 61 registered children. Staff stated there are 21 children who require nappy changing and 40 children who use the toilet exclusively. The requirement is one toilet and wash hand basin for 11 children and one nappy changing unit and wash hand basin for 11 nappy wearing children.

An additional toilet and wash hand basin together with an additional nappy changing unit and wash hand basin are required based on the number and needs of the children currently attending the service.

There are 10 adults employed in the service the requirement is 1 toilet and handbasin for every 8 adults. On the first day of inspection staff stated that one of the 4 toilets was used exclusively for staff, however the inspector observed children using this toilet during the inspection.

Following a discussion with the inspector on the second day of inspection the manager stated that staff would now only use the communal toilets available in the adjacent Community Centre.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(e)
It has been agreed with Firhouse Community Centre that works to make the sanitary area compliant with regulations based on the class numbers will take place over the coming months. This process has been started by Firhouse Community Centre.

Supporting documentation submitted

A letter stating same form Firhouse Community centre confirming this was forwarded as part of this response.

Summary Comment

The works proposed once completed will meet the requirements of Regulation 29.

This Regulation will be assessed on the next inspection.