

TUSLA REGULATORY INSPECTION REPORT

TUSLA Identifier:	TU2015FL095					
Name of Service:	Funky Kids					
Address of Service:	Back St. Dance Studio Unit 8 Columba House Airside Bus Park Swords Co. Dublin K67R2Y9					
Email Address:	Funkykids333@gmail.com					
Name of Registered Service Provider:	Ms. Michelle Fitzgerald					
Type of Service Registered:	Sessional	☒				
Date of Inspection:	3	1	0	5	2	2
No of Pre-School Children present during Inspection:	AM	11				
Address of the Early Years Inspectorate:	Early Years Inspectorate 180-189 Lakeshore Drive Airside Business Park Swords Co. Dublin					
Inspection undertaken by:	Ms. C. Murrin Early Years Inspector					
Title:						

Areas which were the subject of this Inspection		
Governance	Health Welfare and Development of Child	Safety

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	Funky Kids pre-school is a privately operated sessional service. The service caters for children aged 2.5 – 5 years of age and participates in the Early Childhood Care and Education Scheme (ECCE) over the course of the school year. The service operates from 09.30 -12.30hours each weekday. There are currently 13 children registered in the service.
Premises	The service is located in an urban area The pre-school room is located at the front of the premises on the ground floor of a dance studio. A small, enclosed area is available to the rear of the premises for outdoor play activities.
Staffing	The registered provider does not provide direct care to the pre-school children. There are 4 core staff members and 1 relief staff member who work directly with the pre-school children. All staff members working directly with the children have a major award in Early Childhood Care and Education at Level 5and above on the National Framework of Qualifications (NFQ).
Methodology	Tusla's Early Years Inspectorate (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. 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 areas of Governance, Health, Welfare and Development of Child and Safety. Inspections may also focus on other areas as required. The inspection process has been amended to minimise the amount of time that inspectors spend in the service. 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	At the time of inspection this service had not provided planning permission confirming suitability for its current use to the agency pursuant to Part VII, Regulation 29 of the Child Care Act 1991 (Early Years Services) Regulations 2016. This issue was identified during the renewal of registration process and is currently being addressed by the early years inspectorate registration enforcement office.
Acknowledgements	The Inspector wishes to acknowledge the cooperation of the registered provider, Person in Charge, staff and children who were present on the day of the inspection.

GOVERNANCE

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.

Compliance Information:

- (1)(a) The registered provider had identified a person in charge and a named person to deputise as required.
- (b) The manager was present on arrival of the Inspector and remained throughout the period of inspection.
- (2) Following a review of the staff files and a discussion with the manager, it was confirmed that there were 3 new members of staff employed since the last inspection. In relation to the 3 staff members:
- (a)(b) There were 2 written and appropriately validated references from a past employer and 4 from a reputable source available for the 3 new staff working with the children
 - (c) Garda vetting disclosures were available for the 3 new staff members.
 - (d) International police vetting was not required as none of the new staff members had resided outside of the Irish jurisdiction for more than 6 consecutive months as an adult.
- (4) All of the adults working directly with the children in the in the service held a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications.

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) thereof at that reference number is satisfied.
- (8) Without prejudice to paragraphs (2) to (7)—
- (c) a registered provider of a sessional pre-school service shall ensure that, where the person in charge operates the service single-handedly, a second person familiar with the operation of the service and in a position to provide assistance to the person in charge in operating the service is, at all times, within close distance of the service and available to attend the service to assist the person in charge in the event of an emergency.

Compliance Information:

- (1) There was an adequate number of adults working directly with the children attending the service on the day of inspection.
- (2) The adult to child ratios were correct in the service. There were 2 staff members caring for 11 pre-school children aged 3-5 years.
- (8) The manager stated there were at least two adults always present on the premises which was confirmed by the staff roster.

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

Compliance Information:

BASIC NEEDS:

- A healthy eating policy was in place for the service.
- Staff members accompanied the children when using the sanitary accommodation. All of the children present were toilet trained and assistance was given by the staff with toileting if required.
- The children's behaviour was managed in a positive manner and it was observed that minor problems were handled promptly and appropriately by the adults who were observed to engage respectfully with the children in their care.
- Warm and positive interactions were observed between the adults and children throughout the inspection.

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, Welfare and Development of Child

PHYSICAL AND MATERIAL ENVIRONMENT:

- There was evidence of children's artwork and family photographs on display in the care rooms.
- A rest area was available in the care room should a child require to take a break from activities or rest. A child sized couch and cushions were provided in the reading area.
- The tables and chairs in the service were appropriate to the age and developmental stage of the children.
- The pre-school children had access to an enclosed play area which was covered in a grassy surface. Equipment included a play kitchen, small slides, tyres, sit on and push along toys.
- The children had opportunities to avail of outdoor play at the time of inspection.

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 premises was secured to prevent pre-school children from exiting unsupervised and restrict unauthorised persons from gaining access to the pre-school.
- Play materials, toys and play equipment were observed to be safe and suitable for the developmental age of the pre-school children attending the service.
- Perishable foods from the children's lunchboxes were refrigerated.
- The children were closely supervised by staff members during outdoor play activities.

INFECTION CONTROL:

- The children were encouraged by the staff to wash their hands on arrival, after toileting, messy play and before eating.
- Surfaces were observed to be wiped down before and after snacks.
- The play equipment, toys and materials were maintained in a clean and hygienic condition.
- The premises was visually clean and there were up to date cleaning schedules on display in the premises.

Part VI - Safety

Regulation 23 - Safeguarding Health, Safety and Welfare of child

Non-Compliance Information:	INFECTION CONTROL: A supply of warm water was not available for hand washing at the children's wash hand basin in the sanitary area on the first floor. Cold water only was provided which does not support effective hand hygiene.
Corrective & Preventive Action submitted by the Registered Provider	<u>CORRECTIVE ACTION</u> INFECTION CONTROL: A new under sink water heater is purchased and booked in to be fitted, week of August 8th 2022 (invoice submitted). The sessional service is not due to open until September. <u>PREVENTIVE ACTION:</u> Checking of the water temperature will be included as part of the risk assessment before children arrive on the premises.
Summary Comment:	The registered provider submitted details (including documentary evidence) of corrective and preventive actions undertaken in the service to address the non – compliances in relation to Regulation 23 and that the work will be completed in August 2022. The regulatory requirement for Regulation 23 has therefore been met.

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:	(2)(a) The first aid box was suitably equipped and safely stored in a readily accessible and conspicuous position in the playroom. (b) A first aid box was available in the pre-school service at all times.
Non-Compliance Information:	1. The 4 staff members working directly with the pre-school children did not have First Aid Response (FAR) training which is now the required First Aid course for staff members caring for pre-school children. (All 4 staff members had other recent paediatric First Aid qualifications). A staff member with FAR training must be readily available at all times to the children attending the pre-school service.

Part VI - Safety

Regulation 25 - First Aid

Corrective & Preventive Action submitted by the Registered Provider

CORRECTIVE ACTION

One staff member who will be the person in charge from September has current FAR training (copy of certificate submitted).

PREVENTIVE ACTION

To prevent having no staff member on the premises with FAR due to absence, 4 staff members have been enrolled in FAR courses for 5th, 6th and 13th August 2022. This will insure that at least 2 people on the premises have FAR training.

Summary Comment:

The registered provider submitted documentary evidence of corrective and preventive actions undertaken in the service to address the non – compliances in relation to Regulation 25. Based on this information the Early Years Inspector is satisfied that regulatory compliance has been met.

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 record was maintained of all fire drills which had been completed in the service. Fire drills were carried out monthly. The last recorded fire drill took place on 10/05/2022.

(b) A record was kept of the number, type and maintenance of the fire extinguishers and smoke alarms in the premises, which were last serviced in April 2022 and March 2022 respectively.

(4) A notice of the procedures to be followed in the event of a fire was conspicuously displayed in the premises.