

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KK078
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Name of Service:	The Garden Outdoor Preschool
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Address of Service:	Ruthstown, Ballyfoyle, Co. Kilkenny
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Eircode:	R95 WD59
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Name of Registered Provider:	Bridget Dowling
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Service type:	Sessional
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Date of Inspection:	16/10/2024
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No of pre-school children:	AM	16	PM	N/A
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Tusla Child & Family Agency, Athy Road, Carlow.
Inspection undertaken by:	Norma Thornton, Roisin Phillips.
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).

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Description of service

The Garden Outdoor Preschool is a registered sessional outdoor, early childhood care and education (ECCE) service for 2- to 6-year-olds, which operates from 09:30 to 13:00 hours, Monday to Friday, for 38 weeks of the year.

The service operates from a secure natural outdoor space with a purpose-built building onsite which is comprised of two classrooms- workroom 1 and workroom 2, sanitary accommodation, an office area and changing room for outdoor clothing and footwear.

Staffing

There were five staff members employed in the service to work directly with the children in attendance, including the registered provider. All staff members working directly with the children attending the service held qualifications ranging from Level 6 to Level 8 on the national Quality and Qualifications Ireland (QQI) Framework. The registered provider held a Level 9 Master of Arts in Leadership Early Years Education and Care.

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.

A sampling process was used to assess compliance under the following regulations.

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Regulation 10-Policies, Procedures, etc. of Pre-School Service,
Regulation 15- Record of a Preschool Child,
Regulation 21-Equipment and Materials,
Regulation 23 - Safeguarding Health, Safety, and Welfare of child,
Regulation 24- Checking In and Out and Record of Attendance,
Regulation 25 - First Aid,
Regulation 26 - Fire Safety Measures,
Regulation 28 - Insurance.

As a result, the scope of the inspection included the outdoor space, and purpose-built building.

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

(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 inspector observed that the registered provider was the designated person in charge in the service on the day of inspection. There was a named deputy designated person in charge, who was available to deputise when required.

(b) The designated person in charge was on the premises throughout the inspection.

(c) A clear management structure was observed in practice which was clearly displayed in the service building, for parents to see.

(2) Staff files for five staff members were reviewed by the inspector.

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- (a)(b) Two validated references were available on file for each of the staff members, from either a past employer or from a reputable source.
- (c) Garda vetting certificates had been obtained for each staff member employed in the service. 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 each of the five staff members employed in the service, who had lived in a state other than Ireland for a period of longer than six months.
- (4) Certificates of qualification for each staff member, were available for review by the inspector. The documents provided, demonstrated that all staff working directly with the children, held at least Level 6 ranging to Level 9 qualifications in early childhood care and education, on the National Quality and Qualifications Ireland (QQI) Framework.

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

On review of documentation the inspectors observed that the written policies, procedures and statements required under schedule 5 of the Child Care Act 1991 (Early Years Services) Regulations 2016 were available in the service and open for inspection. The service policies were specific to the service and their contents adequate.

Additional policies specific to an outdoor early years childcare and education setting, had been developed by the registered provider and team, in line with the service's practice of decision making with children. These included a Weather policy and Visitor policy.

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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) On review of the staff roster, the registered provider ensured that there was an adequate number of staff working directly with the children in their care.

(3) There were 16 early years children aged 2 to 6 years of age, present with 5 staff members directly supervising them.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*

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(h) record of immunisations, if any, received by the child;

(i) written parental consent for appropriate medical treatment of the child in the event of an emergency.

Compliance Information

(1)(a) to (i) On review of a sample of 12 records of pre-school children in attendance at the service, the inspector observed that records of the particulars (a) to (i) were maintained for each preschool child.

Part V - Care of Child in Pre-school Service

Regulation 21 – Equipment and materials

A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.

Compliance Information

The inspector observed that suitable furniture, play and work environments, equipment and materials were provided in all areas of the service, in the spacious outdoor area and in the purpose-built building where children had a variety of equipment to choose to bring outside.

Outdoors, children had access to age appropriate, clear identifiable areas of interest, which included a large mud kitchen area, three sheltered areas in the three large poly tunnels provided, which provided rest and reading areas, growing areas, and storage for children's bags. Additional interest areas included two sandpits, a construction area, obstacle area, a large, elevated tree house which was comprised of a playhouse, lookout tower and slide.

The children showed the inspectors the large natural areas available to them to explore such as their "Jungle" a natural area of Beech and Willow trees in which the children and staff had manipulated the growing willow into a shelter formation and where the children had created different sections with log seats. Several child sized picnic benches were provided for snack times.

In both classrooms indoors, workroom 1 and work room 2, the inspectors identified areas of interest which included kitchen/ home areas and library reading rest areas. The children were observed to go indoors to obtain equipment once they had developed plans to use it in their outdoor play.

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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 service had a weather policy in place which outlined prohibitive weather conditions for the service to operate in, such as storms, lightening, extreme low temperatures (the ground is required to be safe to walk on with no extreme ice hazards) and wind exceeding a Beaufort Scale of 6 / 25 to 31 miles / 39 to 49 km per hour. The inspector observed records of daily risk assessments of the outdoor area carried out and documented.

The perimeter of the outdoor service was secured with a natural boundary and a six-foot wooden fence which secured both the building and the outdoor area.

Access to the service could only be permitted by staff members opening the wooden entrance gate therefore preventing any unauthorised persons from entering the service and reducing the risk of a child exiting the service unsupervised.

Cleaning materials and maintenance equipment was observed to be securely stored away from the children in designated storage areas.

Infection Control:

The inspector observed that the children and staff frequently entered the building to wash their hands intermittently throughout the session and specifically after messy play, toileting and attending to nose hygiene but also prior to the two snack times that took place in the service.

The sanitary areas in the building which were comprised of four children's toilets and handwash basins and one designated staff toilet were well maintained with cleaning schedules recorded.

Administration of Medication:

Medications were not generally administered in the service, however there was an adequate administration of medication policy in place, if a child required administration of an anti-febrile medication or in the instance of emergency medication being required to be administered.

Where a child in attendance at the service required a child centred medication plan, for the administration of a specific medication, staff explained that a child centred medical plan would be developed in conjunction with the child's parents/ guardians.

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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.

Compliance Information

(1) The inspector observed that the registered provider and staff ensured that each child attending the service was checked in and out by a staff member, recording the time of entry and exit to the service.

(3)(a) The registered provider and staff were observed to ensure that no person other than the children attending the service, person dropping or collecting a child, employee or unpaid employee could enter the premises without their entry being approved by the registered provider or staff member.

(b) A record of any authorised visitors to the service was maintained and the inspectors were requested to complete the visitor log upon entry to the service.

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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) On review of staff files the inspector observed that there was one staff member employed in the service with current first aid responder (FAR) training. This staff member was rostered to be present daily with the children in attendance in the service. A second staff member was enrolled for a FAR training course.

(2)(a)(b) A suitably equipped first aid box was available in the building and was always available to the children in attendance in the 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 firefighting 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) On review of fire drill records maintained, the inspector observed that fire drills were carried out monthly in the service. The last fire drill was carried out in September.

(b) Records were also available demonstrating that the firefighting equipment in the service was last serviced in October 2024 and the last maintenance check for the service's fire alarm was recorded as having taken place on the 03 September 2024.

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(4) A notice of the procedures to be followed in the event of a fire was displayed on the wall of the service building.

Part VI - Safety

Regulation 28 - Insurance

A registered provider shall ensure that the pre-school service is adequately insured.

Compliance Information

On review of the service's current insurance certificate, the inspector observed that the insurance certificate detailed cover for a sessional childcare service for 33 children which was active until the 27 March 2025.