

TUSLA REGULATORY INSPECTION REPORT



TUSLA Identifier: TU2015TY033

Name of Service: Lakeside Creche

Address of Service: Lakeside Hotel,
Ballina,
Killaloe,
Co. Tipperary

Email Address: lakesidecreche@yahoo.com

Name of Registered Service Provider: Regina O'Dwyer

Type of Service Registered: **Part-Time** ☒

Date of Inspection: 2 4 0 1 2 0 2 2

No of Pre-School Children present during Inspection: AM 4 PM -

Address of the Early Years Inspectorate: Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary

Inspection undertaken by: L McGeeney and E Friel
Title: Early Years Inspector

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

TUSLA REGULATORY INSPECTION REPORT

Description of Service	This part time service was established to provide care and education to children aged 0 – 6 years old on a sessional, part-time or drop-in basis. The service is open from 9am to 1.15pm, Monday to Friday, including a sessional service operated under the early childhood care and education scheme (ECCE/free pre-school) for eligible children from 9.15am to 12.15pm for 38 weeks of the year. A drop-in service is also available, outside the hours of the ECCE sessional service. During the COVID-19 pandemic the drop-in service is open to regular users who are booked in.
Premises	The service is operated from a room on the lower ground floor of an hotel in the village of Ballina in North Tipperary. The service consists of the early years room, sanitary accommodation area and an enclosed outdoor play area.
Staffing	The registered provider and a member of staff work directly with the children in the service on a daily basis. Both staff hold recognised qualifications in early childhood care and education at level 6 on the national framework of qualification.
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. A sampling process was used to assess compliance under regulation 19 health welfare and development of child and regulation 23 Safeguarding health, safety and welfare of child. As a result the scope of the inspection included the early years room and outdoor play area. 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.
Acknowledgements	The Inspectors wish to acknowledge the cooperation of the registered provider, 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.
- (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."
- (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;
 - (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and
 - (c) these Regulations.

Part III - Management and Staff

Regulation 9 - Management and Recruitment

Compliance Information:	1)(a) The registered provider was the designated person in charge and there was a person who could deputise if she was absent. (b) The designated person in charge or her deputy were present in the service while it was in operation. (2)(a)(b)(c)(d) Not assessed on the day of inspection as there had been no change in staff since the last inspection on 1 April 2019 at which time staff records met the regulatory requirements. (4) Both staff held recognised qualifications in early childhood care and education at level 6 on the national framework of qualifications. (6)(a) Not applicable as neither staff had applied for an exemption to the qualification requirements under the grandfathering clause. (b) Not applicable as neither staff held a letter of exemption from the qualification requirements from the Minister. (6A) Not applicable as none of the staff were employed under the access and inclusion model. (7) The registered provider had developed policies, procedures and statements for the service which were kept up to date and shared with staff. Both staff engaged in online training during the government-initiated lock down for COVID-19 between March and June 2020.
-------------------------	---

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 had developed and documented the policies, procedures and statements for the service, in line with the specifications of Schedule 5. The policies and procedures were reviewed on a regular basis and updated when necessary. Hard copies of the documents were available in the service. Parents were given copies of the relevant policies and procedures when their child was enrolled in the service.
-------------------------	--

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 two staff working directly with the four children aged between 2 and 5 years old who were present in the service on the day of inspection.
- (2) The adult/child ratio was maintained at greater than the minimum recommended requirements of 1:11 for the morning session or 1:8 after that. On the day of inspection the adult/child ratio was 1:2.
- (8)(a) There were two staff present in the service while it was in operation.

HEALTH WELFARE & DEVELOPMENT OF CHILD

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:

Regulation 19 was assessed through direct observation, review of records and discussions with staff:

BASIC NEEDS:

- On arrival the inspectors observed that the children were actively engaged in a planned craft activity, which was detailed in the plan for the week. The children were gluing a jigsaw Humpty Dumpty together, that they had coloured themselves, and were assisted by staff in removing tabs from plasters to fix him.
- The children were observed collecting, opening, and tidying away their snack independently. Staff were available to assist the children and spoke to the children in a supportive and attentive manner.
- During snack time a staff member sat and chatted with the children which helped to create a happy, relaxed atmosphere. The children had their own

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, Welfare and Development of Child

water bottles, and additional individual water bottles were available, if requested, from the fridge.

- Children accessed the toilet unassisted and were observed washing their hands independently at various times: after toileting, before/after snack, upon finishing sticky activities.

Hand-washing facilities, including running water, liquid soap from a wall mounted dispenser and disposable towels were available. Staff stood nearby to help supervise should it be required.

- For the duration of the visit, the children had ample opportunities to choose from a variety of available activities which were fully equipped for example, some children were engaged in imaginative play with animals, while others were completing puzzles and playing in the home corner.
- The staff demonstrated the practices that were used in relation to managing behaviour during the inspection. When one child snatched a toy from another child who was playing with it the staff member knelt down to the child's level and helped the child find a better way to get what they needed or wanted by asking for it.
- The service worked in partnership with parents/guardians. Daily information was exchanged with staff at drop off in the morning with COVID-19 protocols in place. The registered provider informed the inspector that information was also communicated in notes that go home in the children's bags, and in personal phone calls to parents/guardians.
- Parents settling in new children were being facilitated to do so by staff following the latest COVID-19 protocols.
- Staff and children had access to a large two-seater sofa, this enabled one to one time with the children and provided an area where children could take a book and sit on their own or sit with friends and relax. A bean bag was also available to sit on.

SUPPORTING RELATIONSHIPS AROUND CHILDREN

- Each child had an individual scrapbook with photographs, written entries, and samples of their work. The themes explored by the children over the school year included: my family, all about me, friendship, body parts, differences and opposites. The children participated in gluing their own scrapbooks on a weekly basis and these were shared with the parents.
- It was evident from observation of the children that play was child led. The two staff members actively engaged in supporting and extending the children's play in various activities for example, arts and crafts, puzzles, and the home corner.
- One staff member was observed providing emotional support to an anxious child who appeared nervous of the inspector's presence in the room. The staff member sat next to the child and responded to their behavioural clues by smiling, talking to them and engaging them in an activity.

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, Welfare and Development of Child

- Children were observed being supported in group activities, playing alone or in pairs. The two staff members encouraged the children to take the lead in activities for example, at story time one child was invited to choose a story which was Bob the Builder. The story was read aloud by the staff member who asked the children about the story and encouraged the children to participate in the copying of the physical activities described in the book by modelling the movements. At the same time another child chose a jigsaw puzzle and was encouraged and assisted by the other staff member to complete it.
- Each child's sense of identity and belonging was celebrated. The walls of the preschool room displayed pictures the children had made of themselves and their families with their names, likes and dislikes. The children's coats and lunch boxes were stored in clear boxes in a unit with each child's name and picture, and this was replicated for the storage of each child's arts and crafts materials.
- Transitions in the room were communicated by staff calmly to the children, in advance, allowing them time to complete activities and prepare for change.

PHYSICAL AND MATERIAL ENVIRONMENT:

- The room was furnished with child sized chairs, tables, activity stations and shelving. The shelving was at the children's eye level and enabled easy access to the various toys for example, diggers, Noah's ark, farm animals, push-a-long cars and a dolls house. The play areas included: playhouse with dressing up clothes, puzzles, arts and crafts, books, construction, train set with dinosaurs, garage with cars and puppet theatre. There was also a bookcase with hard and soft covered books. The available toys and materials provided learning opportunities for the children to express themselves through a variety of types of play.
- The outdoor play area was located in front of the early years room. It had a concrete surface and was enclosed by a metal fence and gate which was secured when the area was used by the children. Since the last inspection it was noted that a new lean-to shelter had been erected over part of the outdoor area to facilitate increased outdoor play in all weathers.
- Children were encouraged and facilitated to perform self-care skills. This was evidenced in the room by the provision of a children's hygiene station which had a mirror, a box of tissues, a bin and a child friendly poster detailing nose hygiene.

Non-Compliance
Information:

BASIC NEEDS:

1. Practices observed in relation to best practice in healthy eating were not in line with the services policy. For example a child was observed eating a cinnamon swirl bun and biscuits for lunch.

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, Welfare and Development of Child

Corrective & Preventive Action submitted by the Registered Provider	<u>CORRECTIVE ACTION</u> BASIC NEEDS: We have sent out letters to the parents reiterating our healthy eating policy. We have also been teaching the children about healthy eating, as well as doing fruit and vegetable tasting in the pre-school environment. <u>PREVENTIVE ACTION</u> BASIC NEEDS: We will continue to promote healthy eating in the service.
Summary Comment	The above actions meet the requirements of the Child Care Act 1991 (Early Years Services) Regulations 2016.

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 following was observed on the day of inspection which supported the health, safety and welfare of the children attending the service: GENERAL SAFETY: • The service was located on the lower ground floor of the hotel, beside the leisure centre. The corridor used to access the service was accessible to the public. The door of the service was kept secured and opened by staff when a person seeking entrance rang the doorbell. This prevented any unauthorised access to or exit from the service. • Staff accompanied children any time they left the room, primarily to access the outdoor play area or the nappy changing area. • The outdoor play area was enclosed by metal fencing and a gate, which was secured when the children played outside. This prevented the children from accessing the roadway around the hotel. • Hot water for hand washing was thermostatically controlled not to exceed 43°C. The hot water in the sanitary accommodation area was 25.5°C on the day of the inspection. INFECTION CONTROL: • The registered provider had updated and extended the infection prevention and control policy of the service in response to the COVID-19 pandemic. • Good hand hygiene practices were observed in the service. Hand sanitiser gel was available in a wall mounted dispenser at the entrance door for use by the staff before they entered the room. A hand washing sink was available in the children's sanitary accommodation area where the children washed their hands at appropriate times during the day. Additional hand washing sinks
-------------------------	---

Part VI - Safety

Regulation 23 - Safeguarding Health, Safety and Welfare of child

	were available in the staff sanitary accommodation are and nappy changing area in the leisure centre of the hotel. • There was a cleaning schedule for the room detailing the cleaning method and frequency of cleaning for all surfaces, fixtures fittings, toys, equipment and materials used by the service. The completed cleaning record sheets demonstrated that cleaning was carried out in line with the schedule. • Children and staff did not attend the service if they were unwell or a close contact of someone who tested positive to COVID-19. • A section of the window was kept open while the service was in operation to allow for sufficient ventilation of the room. ADMINISTRATION OF MEDICATION: • The service had a medication policy. Medication records demonstrated that written consent of parents was sought before staff administered any medication to children in the service. When medication was given to a child both staff signed that it had been administered and witnessed. SAFE SLEEP: • A sleep room was not required as all of the children were aged over 2 years old and attended for a maximum of four hours each day. Children could rest and relax on the sofa in the room. If a child required a sleep while attending the service, the staff brought sleep mats from a storage area for the children to use. FIRE SAFETY: • Fire escape routes were kept clear of obstruction.
Non-Compliance Information:	GENERAL SAFETY: 1. An area of the ceiling near the window, approximately a metre square, was marked with patches of black mould. INFECTION CONTROL: 2. Two blue sleep mats were frayed and the foam material inside was exposed on both. This made them difficult to clean effectively and a potential source of infection or cross contamination. 3. Perishable food items such as ham sandwiches, fromage frais and cheese, brought in by the children for their lunch, were not stored in the available fridge. Lunch boxes were stored in the children's bags on shelves in the room. Perishable foods must be refrigerated or consumed within 90 minutes of removal from a fridge to prevent potential foodborne illness.

Part VI - Safety

Regulation 23 - Safeguarding Health, Safety and Welfare of child

Corrective & Preventive
Action submitted by the
Registered Provider

CORRECTIVE ACTION

GENERAL SAFETY:

1. The ceiling has been cleaned and repainted with mould resistant paint.
2. The sleep mats have been removed and new ones ordered.
3. We have resumed putting perishable foods in the fridge.

PREVENTIVE ACTION

GENERAL SAFETY:

1. The ceiling will be kept clean and free from mould.
2. Equipment will be inspected regularly and repaired or replaced when required.
3. Perishable foods will be stored in the fridge.

Summary Comment:

The above actions meet the requirements of the Child Care Act 1991 (Early Years Services) Regulations 2016.

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) Both staff held up to date certification in first aid.

(2)(a) There was a portable first aid box hung in a prominent place near the door of the room.

(b) The first aid box was available if required by a child attending 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) There was a written record of the monthly fire drills that were carried out in the service. The most recent drill took place on 21 January 2022. (b) There was a written record of the number, type and maintenance of the fire fighting equipment and smoke alarms. The smoke alarms were serviced throughout the hotel on the day of the inspection. The fire fighting equipment was last serviced in August 2021. (4) A notice of the procedures to be followed in the event of a fire were displayed on the wall in the service.
-------------------------	--

Additional Significant Risk(s) to Children Additional Significant Risk Identified

Regulation 29 Premises and Facilities

Non-Compliance Information:	(29)(c) A significant risk in relation to the safety of the children was identified in relation to the room temperature which was between 13.5 and 15°C on the day of the inspection. The coldest part of the room was beside the open window while the warmest part of the room was beside the wall mounted radiator. An ambient room temperature of 18 - 22°C is required in the service.
Corrective & Preventive Action submitted by the Registered Provider	<u>CORRECTIVE ACTION</u> An electrician has been to assess the premises and made recommendations on what is required to maintain the room temperature within the recommended range. The new radiator has been ordered by has not yet been delivered or installed. <u>PREVENTIVE ACTION</u> When the new radiator is installed, we will monitor and adjust the heat output to ensure that the room temperature is maintained between 18 and 22°C.
Summary Comment	When the above actions are completed, the service will meet the requirements of the Child Care Act 1991 (Early Years Services) Regulations 2016. Until that time, the non-compliance remains outstanding. This will be assessed on the next inspection.