

TUSLA REGULATORY INSPECTION REPORT



TUSLA Identifier: TU2015TY122

Name of Service: Little Orchard Playschool

Address of Service: 23 Kilonerry Close,
Carrick-on-Suir,
Tipperary,
E32HY18

Email Address: isabelcambie@stdc.ie

Name of Registered Service Provider: Simon Ryan

Type of Service Registered: Sessional ☒

Date of Inspection: 1 1 0 5 2 0 2 2

No of Pre-School Children present during Inspection: AM 8 PM NA

Address of the Early Years Inspectorate: Early Years Inspectorate,
Tusla Child and Family Agency,
Ferryhouse,
Clonmel,
Tipperary.

Inspection undertaken by: E Cullen C Ryan
Title: Early Years Inspector Early Years Inspector

Areas which were the subject of this Inspection

Governance	Health Welfare and Development of Child	Safety
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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 Orchard Playschool is a non-profit community-based service operating under South Tipperary Development Company CLG. This sessional play-based service operates from 09:15 to 12:45 each day. The service caters for a maximum of 14 children aged 2 to 6 years.
Premises	The early years service is located in a housing development in the town of Carrick-on-Suir. It consists of two interconnecting rooms and an enclosed outdoor play area.
Staffing	There were three adults working directly with the children on the day of inspection. One adult worked in a supernumerary capacity. The registered provider does not work directly in the early years services. The staff all held qualifications in Early Childhood Care and Education at level five and above on the National Qualifications Framework.
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 time spent in both the indoor and outdoor areas. 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 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.
- (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) There was a designated person in charge daily on the premises and a second named staff was available to deputise as required. (1)(b) The designated person in charge was on the premises when the inspectors arrived and remained on the premises for the duration of the inspection. On review of staff files in the service, the inspector observed the following: (2)(a)(b) Three references out of eight references required, were available for inspection on the day. (c) Garda vetting was available on file for each of the staff working in the service. (4) Certificates of qualifications for staff working directly with children were available on file, demonstrating that they held a qualification at the minimum level five and above on the National Qualification Framework or qualification. (6)(a)(b) Not applicable as no staff had availed of this declaration. (6)(A) Not applicable as the registered provider was not availing of the scheme known as the Access and Inclusion Model. (7)(a)(b)(c) The inspectors observed that there was additional evidence of certificates of continuous professional development in the staff files reviewed.
Non-Compliance Information:	(2)(a)(b) Two validated references were not available for two staff members working in the service. A second written validated reference was not available for one staff member working in the service. Three of the references on file did not provide confirmation that they were validated. (d) Police vetting disclosure was not available on file for one staff member who had lived in a state other than Ireland for a period of longer than six months.
Corrective & Preventive Action submitted by the Registered Provider	The registered provider has submitted the following response. <u>CORRECTIVE ACTION</u> (2)(a)(b) All staff have had their references checked and validated. (d) The staff member completed Police vetting from a state other than Ireland. <u>PREVENTIVE ACTION</u> (2)(a)(b)(d) Staff files will be reviewed on an annual basis to ensure that the necessary documents as required are held on file.

Part III - Management and Staff

Regulation 9 - Management and Recruitment

	<u>EVIDENCE SUBMITTED</u> Copy of validated references and police vetting documentation.
Summary Comment:	All evidence submitted meets the requirements Child Care Act 1991 (Early Years Services) Regulations 2016.

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) On the day of inspection there were adequate numbers of staff working directly with the children. (3) During the morning session there were eight children being directly cared for by two staff and a third adult was present in a supernumerary capacity. (8)(c) Not applicable as the service did not operate as a single-handed provider.
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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:

The following observations were made by the inspectors on the day of inspection:

BASIC NEEDS:

On arrival to the service the children engaged in a range of free play activities in the playrooms. These included puzzles, role play and construction. The children made their own choices of what and who they played with. Some children played in small groups and others were supported by a staff member to engage in play. At 10:30am the staff set up a group painting activity linked to their current theme of "under the sea".

Indoors the staff supported turn taking and sharing, during the group activity and snack. A poster displayed the "steps to resolving conflict" which informed conflict resolution in the service.

Snack was a pleasant social experience, children chatted freely with each other and staff. A nominated child handed each of their peers a plate to place their food upon. Children ate a range of food including fruits, sandwiches, yogurts and cold meats. All food eaten by the children in the service was supplied by parents. Children had access to their drinks throughout the morning.

The staff were observed assisting and supervising the children washing their hands after toileting and before eating. Children independently used the toilet and were observed washing their hands after.

The service communicated verbally with parents at drop off and collection. Additionally, a mobile messaging application and monthly newsletters were used to build partnership with parents. Evidence of the children's learning was documented in learning journals.

PHYSICAL AND MATERIAL ENVIRONMENT:

Across both playrooms, a variety of defined areas of interest were provided for the children to play with. These included a construction area, kitchen area, reading area, and craft area. Low-level shelving provided a wide selection of tabletop activities which the children could access independently. Adequate space was available for children to engage in both floor and table play independently and in groups.

A rest area was available to the children in the front playroom, this consisted of soft child-sized couches and beanbags. The children moved freely between both playrooms on the day of inspection. Recent projects were displayed on the wall at the

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Regulation 19 - Health, Welfare and Development of Child

	children's level, which included their community and family walls, and displays linked to their "under the sea" theme. The outdoor play area to the side of the building consisted of a tarmac area, grass and covered shelter. Messy play such as sand and water was facilitated in the outdoor area. A sink with hot and cold running water was accessible to the children. The children had recently planted vegetables and flowers and were observed to fill vessels with water and water the plants. A wide range of wooden loose parts were available for the children to use in their play.
Non-Compliance Information:	BASIC NEEDS: A number of the children were observed to drink juice/juice drinks on the day of inspection. This was not in line with best practice document "Food and Nutrition Guidelines for Pre-School Services" (Department of Health and Children, 2004).
Corrective & Preventive Action submitted by the Registered Provider	<u>CORRECTIVE ACTION</u> The children have access to water throughout the morning and only have water during their breaktime. Juices are not allowed in the service. <u>PREVENTIVE ACTION</u> Parents have been informed verbally and by the services newsletter of this change. <u>EVIDENCE SUBMITTED</u> Communication issued to parents.
Summary Comment	All evidence submitted meets the requirements 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:	GENERAL SAFETY: A one-way system was in operation in the early years service for the drop off and collection of children. Both entrance and exit doors were fully secured, with a doorbell and electronic keypad system. The internal door from the playroom leading to the front door was also secured. Low level windows were fitted with restrictive opening devices. INFECTION CONTROL: Children were observed washing their hands before snack at the hand wash basin in the classroom which had warm running water, liquid soap and paper hand towels for hand drying. There was a designated children's toilet available off the playroom. A designated staff toilet was also provided. Hand washing facilities were adequately
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Regulation 23 - Safeguarding Health, Safety and Welfare of child

	stocked with paper hand towels and liquid soap. There was documented evidence of routine cleaning of the early years environment and equipment. ADMINISTRATION OF MEDICATION: On review of the services medication policy, it was observed that an adequate policy was on file. Signed parental consent was sought where medication was administered to a child attending the service.
Non-Compliance Information:	GENERAL SAFETY: 1. A blind cord was observed to be unsecured on a window in the front playroom, posing a potential risk of strangulation should a child become entangled in it. 2. Refuse bins were accessible to children in the outdoor area posing a potential risk of cross infection. 3. A corner of the outdoor play area was used for storage of an assortment of items and was accessible to children. Sections of an unused playhouse which were leaning against a wall could potentially fall and injure a child. Tins of toxic paint tins were also accessible to children, and these posed a risk of injury to a child. 4. The classroom spaces were observed to be warm and stuffy. During the morning the room temperature of the front playroom was recorded at 22°C, with a window open. At 11:00am the back playroom was recorded at 23°C. On recheck, it had reduced to 22.5°C at 11:30am, after an external door was opened. This exceeded the recommended temperature for a classroom of 18-22°C. INFECTION CONTROL: 1. Warm water was not available in the children's hand wash basin. This posed a potential risk of cross contamination, as adequate handwashing could not be facilitated. 2. The nappy changing mat was observed to be torn. This posed a risk of cross contamination as the exposed foam could not be adequately cleaned.
Corrective & Preventive Action submitted by the Registered Provider	<u>CORRECTIVE ACTION</u> GENERAL SAFETY: 1. Blind cord on front window was replaced and secured. 2. Refuse bin shed has been purchased to house our three refuse bins. 3. Corner of the outdoor play area has been cleared to make it safe and assessable for the children. 4. Designated staff member open all windows on the premises in the morning. The service purchased two CO2 monitors to measure the airflow in the room. INFECTION CONTROL:

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Regulation 23 - Safeguarding Health, Safety and Welfare of child

	1. Warm water now available in the children's wash basin. (See Plumber Invoice) 2. The nappy changing mat was replaced. <u>PREVENTIVE ACTION</u> GENERAL SAFETY: 1. A designated staff member will check blinds daily. 2. Refuse bins are secure and are not accessible to the children playing outdoors. 3. The items in the corner of the garden have now been removed. 4. Staff open all windows and back door in the morning. Designated staff member will check the two CO2 monitors regularly throughout the morning. INFECTION CONTROL: 1. A nominated staff member will check the temperature of the water in children's wash basin daily. <u>EVIDENCE SUBMITTED</u> GENERAL SAFETY: 1. Photographic evidence of secured blind cord. 2. Photographic evidence of new refuse bin shed. 3. Photographic evidence of cleared corner of outdoor area. 4. Photographic evidence of CO2 monitor. INFECTION CONTROL: 1. Invoice for works completed by competent professional. 2. Photographic evidence of new nappy changing mat.
Summary Comment:	All evidence submitted meets the requirements 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:	(1) There was a person trained in first aid for children immediately available to the children attending the early years service. (2)(a)(b) There was a suitably equipped first aid box stored in an easily accessible position on the premises and was available to the children attending the early years 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) There was a record of fire drills that had taken place in the service. The last fire drill was recorded as having taken place 26 April 2022 and staff advised that monthly fire drills were completed. (b) There was a record available demonstrating that the smoke alarm system as last serviced on 26 April 2021 and the firefighting equipment was last serviced on 10 May 2022. (4) There was a notice of the procedures to be followed in the event of a fire displayed in a conspicuous position on the premises.
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Additional Significant Risk(s) to Children

Additional Significant Risk Identified

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:
- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;

Non-Compliance Information:	On review of staff records, the inspectors observed that there was no evidence of photographic identification or record of past employment history, on file for each of two staff members.
Corrective & Preventive Action submitted by the Registered Provider:	<u>CORRECTIVE ACTION</u> Photographic Identification and record of past employment history for two staff members are now on file. <u>PREVENTIVE ACTION</u> Staff member will check all staff records yearly. <u>EVIDENCE SUBMITTED</u> Copy of photographic identification and of past employed history submitted.
Summary Comment	All evidence submitted meets the requirements Child Care Act 1991 (Early Years Services) Regulations 2016.