

TUSLA REGULATORY INSPECTION REPORT



TUSLA Identifier:	TU2018GY508
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Name of Service:	Pixie Garden Creche
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Address of Service:	82 Coole Haven, Crowe Street, Gort, Co Galway.
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Email Address:	pixiegardengort@gmail.com
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Name of Registered Service Provider:	Nicola Gavaghan
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Type of Service Registered:	Full Day Care ☒
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Dates of Inspection:	2	5	0	5	2	0	2	2
Regulatory Compliance Meeting	1	4	0	9	2	0	2	2

No of Pre-School Children present during Inspection:	AM	22	PM	15
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Quality Assurance Directorate, Child and Family Agency, Clinical & Administration Building, Block A (1st Floor- Green Corridor), Merlin Park, Galway.
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Inspection undertaken by:	F Kelly and S Meehan
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
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Description of Service	This service was established in 2018. This service operates a full day care early year service for children aged from 2 years to 6 years. The service operates from 8.30am to 6 pm, Monday to Friday and can cater for a maximum of 24 children.
Premises	This service is located in a purpose built creche in a residential housing estate on the outskirts of Gort town in South, Co Galway. The service consists of 2 playrooms, children and adult sanitary area and a well-equipped outdoor play area to the rear of the building.
Staffing	There were 6 staff members working on the day of inspection, the manager of the service facilitated the inspection. The registered provider was not working on the premises on the day.
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	26/05/2022 A referral was submitted to the Fire Safety Officer, with regards to: 1. The corridor leading to the emergency exit was used for storage, a number of large bookshelves which contained a range of books, files and art and craft materials and children coats and bags lined the corridor. 2. The emergency lighting was not working. 09/06/2022 The Fire Safety Officer responded to the referral received, it outlined remedial works that need to be completed following their recent inspection of the service.

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	14/09/2022 A Regulatory Compliance meeting was held with the Inspection and Registration Manager and the registered provider to discuss the non-compliances identified and the actions taken by the registered provider to address same. The outcome is detailed in the body of the report.
Acknowledgements	The Inspectors wish 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.
- (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

Part III - Management and Staff

Regulation 9 - Management and Recruitment

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.

Compliance Information:

(1)(a) The manager of the service was the designated person in charge and there was a named person who was able to deputise as required.

(b) During the period of inspection, the manager was on the premises during the inspection.

Following a review of the service files and discussion with the manager, it was confirmed that there were five new members of staff employed in the service since the last inspection on the 21/07/2021.

These files were reviewed on the day of inspection.

(2)(a) There were two written and appropriately validated references available from their most recent employer for five adults in the service.

(b) Not applicable, as all the references on file were from recent employers.

(c) Garda Vetting disclosures were available for 5 adults.

(d) Police Vetting disclosure was available for two adults working in the service that had lived for a period longer than 6 consecutive months outside the jurisdiction.

(4) All adults working directly with children have obtained an award in Early Childhood Care and Education at level 5 on the National Qualifications Framework.

(6)(a) Not applicable, as the qualification exemption for staff was not required.

(6)(A) Not applicable as the qualification exemption for an adult employed under the Access and Inclusion Model was not required.

(7) The manager on the day confirmed to the inspectors, that they had given a copy of updated policies and procedures for the service to the staff members.

Evidence of additional training that the staff attended (staff induction and return to work training) was also available for 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.*
- (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) The adult /child ratio was correct at all times during the inspection there was an adequate number of children working with the pre-school children. (2) On the morning of the inspection, they were 22 children being cared for by four members of staff. Junior Playroom there were 2 adults caring for 7 preschool children. Senior Playroom, there were 2 adults caring for 15 preschool children. On the afternoon of the inspection, they were 15 preschool children. (8)(a) The registered provider ensured that there were at least 2 adults on the premises at all times.
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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:	BASIC NEEDS: - Children wash their hands before snack time and after outdoor play. - Children were independent with their toileting needs. They were able to use the downstairs sanitary area that was adjacent to the playroom. - There was an area of soft seating in the senior playroom, for the children to sit and relax. - Children had the opportunity to play outside on numerous occasions throughout the inspection.
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Part V - Care of Child in Pre-school Service

Regulation 19 - Health, Welfare and Development of Child

PHYSICAL AND MATERIAL ENVIRONMENT:

Indoor area

- The senior playroom had a soft seating area, adjacent to the book corner where the children could sit and read/look at the selection of books available.
- There was a number of low-level shelves containing a range of Montessori equipment.
- There was a low-level transport play table that the children could play on with cars, wheelers toys etc.
- There was a selection of manipulative toys, such as magnetic blocks, jigsaws and sorters and building blocks. The children also had homemade play dough available to them.

Outdoor play area:

- The outdoor play environment provided activities and opportunities for the children. It was divided into 2 separate areas, which included a sheltered area, which contained sensory areas with equipment such as mud kitchen, white board, planting area, seating area and wall mounted mirrors. The other section had a large activity centre, with climbing, step/bridge, hide out and swings and slides. There were wheelbarrows and another seated area for the children.

Non-Compliance Information:

BASIC NEEDS:

1. Staff did not display a clear understanding of their role and responsibilities in relation to ensuring that adequate, suitable nutritious and varied food was provided to each child.
 - The main meal served to the children was a bowl of plain pasta and small pieces of over cooked meat balls. A bowl of tomato sauce and grated cheese was left on a side counter and the staff members did not to give it the children until prompted to do so by the inspectors. Raw grated carrot and sliced cucumber was offered to the children, to accompany the main meal.
 - At least 2 children were not given an alternative to the meal that they were offered, even though the staff members said that they knew that they didn't like the food given to them.
2. Sleep on demand was not provided in an appropriate environment throughout the day.
 - The children were put down to sleep in the early afternoon in an internal playroom with no natural or mechanical ventilation.
 - During the inspection the manager moved the children for sleep into the senior playroom. The lightning was not reduced, and the area could not be quietened as other children were being feed in the playrooms during sleep

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, Welfare and Development of Child

time and school age children arrived at the playrooms to carry out their homework.

PHYSICAL AND MATERIAL ENVIRONMENT:

Indoor area:

The Toddler room did not provide a range of challenging, diverse, creative and enriching experiences for all children in line with their stages of development.

3. There was a dolls house with no dolls or furniture, a kitchen unit with no accessories.
4. A dress up rail that did not have any clothes hanging on it.
5. Cylindric shaped seating were stored on a high shelving unit out of reach of the children. The lack of toys and experiences for the children in this room was previously highlighted in the inspection report of the 21/07/2021.
6. A range of jigsaws were all stored in mixed up in a box, making it difficult for the children to sort through and to solve the puzzles.
7. There was two units containing plastic trays, these were unlabelled therefore making it difficult for the children to identify the contents.
8. The senior playroom had a large selection of dress up clothes, these were all bundled together on the floor of the wardrobe rail, making it difficult for children to access for imaginary play.
9. The play kitchen was in a poor state of repair, it was missing the oven door and the limited toys to accompany the kitchen were stored away from the kitchen unit.
10. A baby crib that was poorly maintained (required painting) contained 4 unclothed dolls, the doll's clothes and other play accessories were not available to the children.

Outdoor Play area:

11. In the afternoon, there were 15 preschool children were using the outdoor area with 13 school aged children. The preschool children were prevented from using one of the sections (half of the area) as a barrier was put in place preventing the children from freely moving between the 2 spaces.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action and Preventive Action

The registered provider stated the following at a regulatory compliance meeting held in the 14/09/2022

1. Staff training was discussed at a recent staff meeting. The service will liaise with parents in relation to the healthy eating policy and providing extra snacks for children if required. A designated staff member has been assigned to food preparation.

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, Welfare and Development of Child

	2. The school age children are now being cared for in another premises which ensures that preschool children's sleep on demand can be facilitated at any time. A mechanical ventilation system has been installed in the internal playroom/sleep room. 3-10The registered provider will conduct regular checks to ensure that the service has an adequate number of stimulating toys for all children. 11. The school age children have been moved to a new premises and the preschool children now have access to all of the space available EVIDENCE SUBMITTED Evidence in the form of photographs of changes made.
Summary Comment	The non-compliances identified have been addressed by the registered provider. These actions will be reviewed at next 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 front entrance door was secured thus prevented children from exiting the premises unsupervised and prohibiting unauthorised persons from entering the service. - The outdoor play area in the service was securely fenced at all times. INFECTION CONTROL: - Children's hand washing was observed after toileting, after outdoor play and prior to meal / snack times. - There were paper towels provided in the sanitary area hand basins to facilitate hand drying by the children. Dispensers for liquid soap were provided at the wash hand basins. - Tabletops and were cleaned with disposal paper towels and disinfectant spray.
Non-Compliance Information:	GENERAL SAFETY: - Cleaning agents were stored in open shelving in an unsecured staff toilet which children had access to and posed a risk to children. - Toys and play equipment in both playrooms were not maintained in a proper state of repair or in a good condition e.g., the toy kitchens in both rooms and dolls crib. - The door into the kitchen had a safety gate system of security, however this gate was open when the inspectors arrived and remain unsecured at various times thought the inspection, and children had access to the kitchen areas

Part VI - Safety

Regulation 23 - Safeguarding Health, Safety and Welfare of child

and may pose a risk to the children. This was highlighted in a previous report of the 21/07/2021.

4. Personal belongings of the staff were stored in the unsecured kitchen area and with reach of the children in the playrooms which may pose a risk to the children in attendance.

INFECTION CONTROL:

5. Up to date cleaning records were available and were maintained, it detailed all areas and equipment that was cleaned. The cleaning records were displayed in each of the playrooms and sanitary area. However there was no evidence that cleaning took place in the nappy changing area, as the nappy changing table showed evidence of dust and dirt in the corners, the walls around the unit were stained, the air vent was dusty and the light fitting had considerable amount of dust on it.
6. The nappy changing area was used to store a number of items such as arts and crafts models, small brick structures, musical equipment and children personal clothing this posed a risk of cross infection.
7. The staff toilet was used to store cleaning equipment, paper towels cleaning agents and other recently delivery of play equipment and this posed a risk of cross infection.
8. The nappy disposal unit was broken in the nappy changing area which posed a risk of cross infection.
9. A box with an opened unlabelled nappy cream was stored in the nappy changing unit. Which posed a risk of cross infection.

SAFE SLEEP:

10. Safe sleep facilities were not provided for one child aged less than two years of age. A stackable bed rather than a standard cot was used for sleep for this child aged less than two years of age. This was highlighted in a previous report in 19/09/2018.
11. The registered provider did not provide facilities that allowed a child to sleep and rest when they were tired outside the designated rest time. The toddler room could not be used as a sleep room in the afternoon as the service allowed school aged children to use the room. This was previously highlighted in the report of the 19/09/2018.
12. On the day of inspection, 3 children were put down to sleep in the larger playroom as the temperature of the smaller Toddler unventilated room exceeds the temperature of between 16 and 20 ° C.

Part VI - Safety

Regulation 23 - Safeguarding Health, Safety and Welfare of child

Corrective & Preventive
Action submitted by the
Registered Provider

Corrective and Preventive Action

The registered provider stated the following at a regulatory compliance meeting held in the 14/09/20202

1. The staff toilet is now locked at all times and is inaccessible to the children.
2. The toy kitchen in the ECCE room has since been replaced.
3. A new safety gate was installed, kitchen area is now inaccessible to the children.
4. Staff belongings have been removed from the kitchen.
5. The cleaning records for the nappy cleaning area have since been updated and the area has since been cleaned.
6. The nappy changing areas is only used for the purposes of changing nappies.
7. The staff toilet is no longer used as a storage area.
8. The nappy disposal bin has been replaced.
9. All children's nappy creams and belongings are clearly labelled.
10. Children under the age of 2 years of age do not attend the service.
11. A rest area has since been provided by the service provider.
12. The service provider has installed a mechanical ventilation system in the internal playroom/sleep room.

A new storage area has been provided to the side of the building.

EVIDENCE SUBMITTED

Evidence in the form of photographs of changes made.
Copy of new risk assessment policy.
Copy of sleep checks taking place in the service.

Summary Comment:

The actions taken by the registered provider have addressed the non-compliances identified.

The registered provider has also developed a risk assessment policy which details what a risk and a hazard are and when a risk assessment takes place. Evidence of this policies implementation has not been submitted.

Copies of sleep checks have been submitted but It was noted sleep checks were taking place every 15 minutes instead of every 10 minutes.

These actions will be reviewed on next inspection.,

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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) The registered provider had ensured that at least one adult had first aid training for children.

(2)(a) A first aid box was stored in an easily accessible place in if needed.

(b) The first aid box was available to the children attending the service 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 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 record of fire drills that took part in the service.

(b) The firefighting equipment and fire alarms were serviced on an annual basis, most recently in August 2021, and a record was maintained of the number, type and maintenance of the firefighting equipment and the smoke alarms in the premises. The fire alarm system was last serviced 21/02/2022

(4) A notice of the procedures to be followed in the event of a fire was displayed at the fire exit doors.

Additional Significant Risk(s) to Children

Additional Significant Risk Identified

Regulation 8— Notification of change of circumstances

8. (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:

The service is registered and insured to operate from 8.30am to 6.30pm, Monday to Friday for children aged between 2 and 6 years of age.

The total number of children to attend the service is 24 pre-school children and the total number of staff employed is 3.

1. On the day of inspection, the inspectors were informed a young child aged 1 year 9 months was in attendance. The service is registered for aged

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

Regulation 8– Notification of change of circumstances

	between 2 years and 6 years. This was previously highlighted in the report dated 19/09/2018. - The attendance sheet for the children was not consistently completed, so it was not possible to accurately account for the number of children that were in attendance each day. On the 09/05/2022, 30 pre-school children were signed in on the register for that day, which is in excess of the 24 children that the service is registered for. - The incomplete staff roster on display indicated there was a total of 6 staff members which did not include the registered provider, the service is only registered to employ 3 staff members.
Corrective & Preventive Action submitted by the Registered Provider	<u>Corrective and Preventive Action</u> The registered provider stated the following at a regulatory compliance meeting held in the 14/09/20202 - The service no longer cares for children aged less than 2 years of age. The service will no longer care for children aged less than 2 years of age. - A daily attendance record is now being maintained detailing the time of arrival and time of departure of each child attending the service. - A change of circumstances application will be made to change the hours of operation from 08.30 am to 08.00am and to state the number of staff employed. <u>EVIDENCE SUBMITTED</u> A photograph of a completed change in circumstances application.
Summary Comment	While it is acknowledged that the registered provider sent a photograph of a completed application form to change hours of operation and number of staff employed, evidence that this application form has been submitted is not available as this application has not been received by the Registration Office.

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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:

(k) details of attendance by each pre-school child on a daily basis;

(L) details of staff rosters on a daily basis;

Non-Compliance Information:	(k) The service did not maintain an accurate record of the daily attendance of each child attending the service. The time of arrival and departure for each child was not recorded on a daily basis. (l) Details of a staff roster was not maintained on a daily basis. It did not include when staff took their breaks.
Corrective & Preventive Action submitted by the Registered Provider	<u>Corrective and Preventive Action</u> The registered provider stated the following at a regulatory compliance meeting held in the 14/09/20202 1. A daily attendance record is now being maintained detailing the time of arrival and time of departure of each child attending the service. 2. A change of circumstances application will be made to change the hours of operation from 08.30 am to 08.00am and to state the number of staff employed. <u>EVIDENCE SUBMITTED</u> Photograph of the record being maintained.
Summary Comment	The actions taken by the registered provider address the non-compliance identified.

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

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are -

(c) kept adequately lit, heated and ventilated

Non-Compliance Information:	(c) Adequate ventilated was not provided in the Toddler room. There was no means of natural or mechanical ventilation to an external source.
Corrective & Preventive Action submitted by the Registered Provider	<u>Corrective and Preventive Action</u> The registered provider stated the following at a regulatory compliance meeting held in the 14/09/20202

TUSLA REGULATORY INSPECTION REPORT

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

Regulation 29 - Premises

	(c) A mechanical ventilation system has been installed to the internal room/playroom. <u>EVIDENCE SUBMITTED</u> Copy email from the person who installed the mechanical ventilation system who stated that the system install is providing sufficient air flow to the room in line with Building Regulations
Summary Comment	The actions taken by the registered provider address the non-compliance identified.

Part VII, Premises and Space Requirements

Regulation 30 - Minimum Space Requirements

(1) Subject to paragraphs (2) to (6), a registered provider shall ensure that adequate clear floor space is available in the premises for the work, play and movement of children attending the pre-school service.

Non-Compliance Information:	(1) The space available to the pre-school children was compromised by the number of school age children that were in attendance in the service on the day of inspection. The service is registered for a maximum of 24 children at any given time and on the day of inspection at 2:45pm there were 28 children in attendance which included 15 preschool children and 13 school age children in attendance.
Corrective & Preventive Action submitted by the Registered Provider	<u>Corrective and Preventive Action</u> The registered provider stated the following at a regulatory compliance meeting held in the 14/09/20202 The school age children have been moved to a new premises. This allows for a maximum of 24 preschool children to be accommodated in Pixie Garden Creche at any given time.
Summary Comment:	The action taken by the registered provider has addressed the non-compliance identified. This will be reviewed on next inspection.