

Early Years Inspectorate Regulatory Report

Pre School

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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Eircode:	H91 P6D6
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Name of Registered Provider:	Nicola Gavaghan
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Service type:	Full Day, Sessional
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Day 1 of Inspection:	25/06/2024
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Day 2 of Inspection:	14/10/2024
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Day 1: No of pre-school children:	AM	17	PM	4
Day 2: No of pre-school children:		0		0

Address of the Early Years Inspectorate:	Early Years Inspectorate, Child and Family Agency, Clinical & Administration Building, Block A (1st Floor- Green Corridor), Merlin Park, Galway.
Inspection undertaken by:	Day 1: F Kelly and P Magner. Day 2: F Kelly and S Meehan
Title:	Early Years Inspector and Inspection Registration Manager.

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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

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. 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 who worked in the service at different times 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 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

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This inspection was announced and focused on the area of governance, safety/ premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 11, 15, 16 & 23, however, on inspection additional non-compliance which posed a risk was identified under Regulation 8. These findings are outlined within the relevant regulations within this report.

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.

Additional Information

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This inspection was triggered by information received to the Early Years Inspectorate.

15/07/2024

The service was written to by the Early Years Inspectorate as it was operating outside of its registration status. The registered provider was caring for more preschool children than the service was registered for. Please refer to Regulation 8 in the body of the inspection report.

22/07/2024

The registered provider responded that she will not be operating as a full day care from the 26th of July 2024 and would be complying by her new registration status of a sessional service and maintaining the number of children allowed to a maximum of 24 children at any given time.

24/07/2024

The draft inspection report was issued, and the registered provider was requested to respond through the Corrective Action and Preventive Action (CAPA) process by the 08/08/2024.

30/08/2024

As no response had been received from the registered provider to outline what actions had been taken to address the non-compliances identified in the report, a second CAPA request was issued. A response was requested by the 06/09/2024.

09/09/2024

The registered provider was contacted via email as no CAPA response had been received. A CAPA response was received following this contact.

11/09/2024

The registered provider was contacted via e mail and informed that an insufficient response had been received and evidence was required to support the actions as stated in the CAPA response.

19/09/2024

The registered provider informed the early years inspector via email that she was closing her early years service on 23/09/2024 and that she would submit a cessation form.

14/10/2024

A visit to the service was undertaken as a cessation form had not been received and an adequate response to the non-compliances identified in the report had been received. The service was closed at 11am and no children present.

22/10/2024

A cessation form was received from the registered provider who she stated she had closed her preschool service, and no preschool children were attending this service. The service would officially be closed on the 31/12/2024.

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Acknowledgments

The inspectors wish to acknowledge the cooperation of the person in charge, 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

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- (1)(a) The service had a designated person in charge and there was a named person who was able to deputise as required.
- (2)(a) There were two written and appropriately validated references available from their most recent employer for 2 adults in the service.
- (c) Garda Vetting disclosures were available for 8 adults working in the service.
- (4) Evidence of a childcare award in Early Childhood Care and Education at level 5 on the National Qualifications Framework was available for 4 of the 7 adults working directly with children.

Non-Compliance Information

(1)(b)

There was no person in charge when the inspection team arrived at the service. The person in charge which was the manager or the deputy person in charge which was the registered provider were not on the premises.

The staff members present stated they were unsure as to who was in charge in the absence of the named persons above. A staff member contacted the manager of the service and she arrived to facilitate the inspection, within 15 minutes.

(c)

The service did not clearly set out the roles of authority and accountability in the service. On the day of inspection, the registered provider had not appointed an alternative person in charge in the absence of both the designated person and the deputy.

On the day of inspection, the registered provider did not ensure that there was a staff file for all staff members working on the premises. Only 2 of the 8 staff files required were available. The registered provider submitted a copy of the 6 outstanding staff files via email on the 27th of June 2024.

- (2) (a)(b) Two written and appropriately validated references from their most recent employer or a reputable source were not available for six adults working in the service
- (d) While police vetting was available for 2 adults that had lived in a state outside of Ireland for more than 6 months, a certified copy from a reputable source was not provided in english. Vetting documents provided in a language other than english or Irish must be translated by a reputable source of translation.

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(4) Evidence of a childcare award in Early Childhood Care and Education at level 5 on the National Qualifications Framework was not available for 3 of the 7 adults working directly with children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

09/09/2024

The registered provider's response did not contain any corrective or preventive actions to address the findings.

Supporting documentation submitted

None submitted.

Summary Comment

14/10/2024

A visit to the service took place by the early years inspectorate and the service was closed and no preschool children present.

22/10/2024

A cessation form was received to state the service to state the service was closed from the 31/12/2024 and the registered provider stated that she would not be operating a preschool service from the premises.

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.

Compliance Information

(1) During the period of inspection there were adequate numbers of adults working with the pre-school children attending the service.

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(2) On the morning of inspection, there were 2 adults caring for the 17 pre-school children attending the session.

Non-Compliance Information

(1)

The inspection team were unable to determine if the adult child ratio was maintained at all times during the operation of the service as a staff roster was not maintained on a daily basis.

There was a roster was available for the week of 3rd June 2024.

However, an incomplete roster was presented for the week of the 10th of June 2024 and no roster was available for the weeks commencing 17th June and 24th June. Therefore, it cannot be determined if the adult child ratio was adhered to for these weeks.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

09/09/2024

The registered provider's response did not contain any corrective or preventive actions to address the findings.

Supporting documentation submitted

None submitted.

Summary Comment

14/10/2024

A visit to the service took place by the early years inspectorate and the service was closed and no preschool children present.

22/10/2024

A cessation form was received to state the service to state the service was closed from the 31/12/2024 and the registered provider stated that she would not be operating a preschool service from the premises

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;

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- (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;*
- (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.*

(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-

- (a) a parent or guardian of a pre-school child but only in respect of the record relating to that child,*
- (b) an employee who is authorised in that behalf by the registered provider, and*
- (c) an authorised person.*

(4) A registered provider shall ensure that a record in writing referred to in paragraph (1) is retained for a period of 2 years from the date on which the child to whom it relates ceases to attend the service.

Non-Compliance Information

(1) A record in writing (registration form) for each child attending the service was not maintained by the registered provider. This posed a risk to the health and safety of the children attending in the event of an emerging.

- There were 28 preschool children recorded as attending the service on the children's attendance roster during the week of the inspection and only 13 of the 28 registration records were available in the service.
- Of the 17 children present on the day of inspection, records were not available for 7 of the 17 children in attendance.

Of 13 records available, the following was noted:

- (a) The name and date of birth of the child was incorrectly recorded for one child, the date recorded stated the child was 4 months old, when the child was older. The manager was aware of this error but had not corrected the mistake.

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- (b) The date on which the child first attended the service; was not recorded on 8 of the 13 registers reviewed.
- (c) The date on which the child ceased to attend the service; was only available on 1 form reviewed, this question was not an option on the other 12 form reviewed.
- (e) Who had authorisation for the collection of a child was not recorded in 11 of the 13 forms available.
- (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 was not recorded in 1 form.
- (g) The name and telephone number of the child's registered medical practitioner was not recorded in 5 forms.
- (h) Record of immunisations, if any, received by the child was not recorded in 4 forms.
- (i) Written parental consent for appropriate medical treatment of the child in the event of an emergency was not recorded in 12 of the 13 forms.

(3)(a)(b)(c)

Records were not available for each child attending the service and therefore not available:

- to parents for their own child.
- not available to staff who were caring for these children.
- not available to the inspection team during the inspection

(4) All records were not retained for the required period of 2 years from the date on which the child ceases to attends the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

09/09/2024

The registered provider's response did not contain any corrective or preventive actions to address the findings.

Supporting documentation submitted

None submitted.

Summary Comment

14/10/2024

A visit to the service took place by the early years inspectorate and the service was closed and no preschool children present.

22/10/2024

A cessation form was received to state the service to state the service was closed from the 31/12/2024 and the registered provider stated that she would not be operating a preschool service from the premises.

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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.

Non-Compliance Information

Infection Control:

1. The nappy changing area was used to store items such as children's personal items and folders and books ,this posed a risk of cross infection.
2. The nappy changing table and mat had evidence of dirt and dust , which posed a risk if cross infection.
3. The staff toilet was used to store cleaning equipment (mop and bucket) and library books on a window ledge and this posed a risk of cross infection.
4. The nappy disposal unit in the nappy changing area was foot pedalled but it was not air tight or sealable which posed a risk of cross infection.
5. Nappy cream in use was not labelled for individual children. Which posed a risk of cross infection.
6. The air vents in the nappy changing area and the room that was used as a rest area were noted to have a buildup of dust and particles and posed a risk of infection.

All of the above non compliances were highlighted in the previous inspection report dated the 25/05/22. The registered provider stated in their response that they had addressed the non-compliances. However, the actions taken had not addressed these issues.

Action submitted by the Registered Provider

Corrective & Preventive Action

Infection Control:

09/09/2024

The registered provider's response did not contain any corrective or preventive actions to address this findings.

Supporting documentation submitted

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None submitted.

Summary Comment

14/10/2024

A visit to the service took place by the early years inspectorate and the service was closed and no preschool children present.

22/10/2024

A cessation form was received to state the service to state the service was closed from the 31/12/2024 and the registered provider stated that she would not be operating a preschool service from the premises.

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

(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

(1)

The registered provider had not informed the Early Years Inspectorate that they were operating outside of their registration status.

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 with a maximum of 24 children at any given time and the total number of staff employed is 3.

- Following a review of the children attendance records for the weeks commencing 20th and 27th May 2024, it was noted that up to 32 children were attending the service on both weeks, which was in excess of the maximum of 24 children allowed.

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2. It was noted that the service was operating from 08.00am rather than its registered opening time of 08.30am.

It is noted that the service was not in compliance with its registration status on last inspection dated 25/05/2022. A Regulatory Compliance meeting was held following this inspection to discuss the requirement to comply and operate as per the service registration status.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

09/09/2024

The registered provider's response did not contain any corrective or preventive actions to address this finding.

Supporting documentation submitted

None submitted.

Summary Comment

14/10/2024

A visit to the service took place by the early years inspectorate and the service was closed and no preschool children present.

22/10/2024

A cessation form was received to state the service to state the service was closed from the 31/12/2024 and the registered provider stated that she would not be operating a preschool service from the premises.

Part IV – Information and Records

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:

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

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

Non-Compliance Information

(h)

While it is acknowledged that daily attendance records were available, the information being recorded was not clear and accurate at times.

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1. Children's full name were not accurately recorded on 7 occasions, only the child's first name was recorded on the daily attendance sheet.
2. The date in which a child was proposed to cease attending the service had been pre recorded into the daily attendance book. The record had not been amended for children who left prior to this date.
3. Four children were noted to have a line through their name in the attendance book, which indicated that they had left the service, but their attendance was being recorded on a daily basis.

(i)

A staff roster was not maintained on a daily basis.

There was a roster was available for the week of 3rd June 2024.

However, an incomplete roster was presented for the week of the 10th of June 2024 and no roster was available for the 2 weeks commencing the 17th of June and 24th June. Therefore, it cannot be determined if the adult child ratio was adhered to for these weeks.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

09/09/2024

The registered provider's response did not contain any corrective or preventive actions to address this findings.

Supporting documentation submitted

None submitted.

Summary Comment

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