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Report on the Process of Pre-school Inspection Practices as documented in inspection reports



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Tusla, Child and Family Agency

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This report has been prepared by **Dr. Sinéad Hanafin** of **Research Matters Ltd.** on behalf of Tusla, Child and Family Agency.



The report should be cited as follows:

Hanafin, S. (2014) *Report on the Process of Pre-school Inspection Practices as documented in inspection reports*. Dublin: Tusla, Child and Family Agency.

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Published by Tusla, Child and Family Agency

ISBN 978-0-9574-3663-3

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Foreword



Ireland's strong commitment to supporting children and young people is reflected in the investment it has made in a new State agency dedicated to improving well-being and outcomes for children. Tusla, the Child and Family Agency, which was formed on 1st January 2014, represents the most comprehensive reform of child protection, early intervention and family support services ever undertaken in Ireland. It is an ambitious move, which brings together some 4,000 staff and an operational budget of approximately €609 million.

As Chief Executive of this Agency, I am acutely aware of the overwhelming evidence that investment in early childhood care and education produces lasting benefits across a range of outcomes.

I commissioned this analysis of inspection reports spanning 17 months to determine the key learning areas for strategic attention. The benefits of this learning will accrue for children, communities and society at large, and they are important for each one of us.

We know from the *Growing Up in Ireland* study that at 9 months, just under 40% of infants were in regular non-parental childcare. Provision has also been made for each child in Ireland under the Early Childhood Care and Education Programme to avail of one year of free access to early years learning. The regulation of this area is, therefore, critically important to make sure that good quality services are consistently provided to children in their formative years of development.

I welcome the findings of this *Report on the Process of Pre-school Inspection Practices*. They have implications for everybody – for Tusla, for the Early Years Inspectors, for childcare providers, but most of all for the children availing of these services. Significantly, they confirm the importance of ongoing investment in the areas of education, training and other supports for early years services. It is re-assuring to note that, overall, the process of inspection is comprehensive, wide-ranging and forensic. The reports also identify what improvements can be made and the learning is currently informing our practice development.

Early years care and education can have specific economic benefits and have the potential to play a key role in the overall education of Ireland's children. It is a common good that should be cherished and developed as Ireland pursues its aspiration to world-class childhood for all.

Finally, I wish to thank Dr. Sinéad Hanafin, Research Matters Ltd., author of this report, for her excellent work. This report represents an important contribution to the debate about best practice in the vital early years of childhood development.

A handwritten signature in black ink that reads "Gordon Jeyes." The signature is written in a cursive, slightly slanted style.

Gordon Jeyes
Chief Executive
Tusla, Child and Family Agency

1. Introduction

The Health Service Executive (HSE) is responsible for inspecting the quality of pre-schools, play groups, nurseries, crèches, day-care and similar services that cater for children aged 0-6 under the *Child Care (Pre-School Services) Regulations 2006*. The inspections are carried out by Pre-School Inspectors who are professionals with expertise in children's development and environmental health. There are 33 regulations, set out under 6 parts, and 27 of these regulations (from Regulation 5 to Regulation 31 inclusive) are inspected by Pre-School Inspectors. Under Section 32 of the regulations, the HSE must furnish a report in writing to the person carrying on the pre-school service.

The present report focuses on key issues arising in respect of the *process and technical aspects* of pre-school inspection practices and is complementary to a second report that focuses on the key issues relating to the *quality of pre-school services* as documented through pre-school inspection reports.

The study was commissioned by the HSE in June 2013 to provide an analysis of reports on inspections carried out over a period of 17 months, from January 2012 to May 2013. The objectives of this analysis were:

1. to provide an overall description of the reporting process by the Pre-School Inspectorate;
2. to describe differences, commonalities and consistencies in the reporting process;
3. to assess the threshold of evidence being applied in the reports;
4. to present a written report outlining key findings.

2. Methodology

This section presents information on the main methods used in inputting data, analyses conducted and limitations of the study.

Methods

At the time this report was commissioned, there were 44 Pre-School Inspectors (37.8 whole time equivalents) operating nationally. Prior to the commissioning of this analysis, completed inspection reports were held by individual inspectors at their local health office. In June 2013, the National Pre-School Office contacted each individual local health office and asked them to submit reports completed between January 2012 and May 2013. The absence of a central repository, along with staff vacancies and leave, resulted in the process of collating reports for inclusion in the analysis being both time-consuming and complex. In order to meet submission deadlines, a cut-off date was set for 31st August 2013 and all reports submitted prior to that time (n=3,007) have been included in the analysis. A comparison between the numbers of inspections conducted over the same period of time suggests that reports on approximately 80% of inspections carried out between January 2012 and May 2013 have been included in the analysis.

The reports provided were in the format of a standardised inspection tool used by HSE Pre-School Inspectors. This tool reports on the findings of 26 different regulations using 8 broad headings¹, with each heading covering 1-8 regulations. Each regulation is presented

¹ Broad areas: Food and drink; General information; Health, welfare and development of the child; Information on the pre-school setting; Management and staffing; Premises and facilities; Records; and Safety.

individually, with space for an overall judgment of compliance status and information on compliance, non-compliance and action required.

Preparation of reports for analysis

Although the tool is presented in a standard format for each regulation, significant differences arose in reports in respect of the sequencing of regulations and broad heading areas, as well as the amount of information presented. This meant that transferring information from individual reports into a format that would allow for analysis had the potential to be compromised through human error. In addition, reports were provided in two separate formats (PDF and MS Word), which added an additional layer of complexity to the process.

Following much consideration, an Information Technology expert was engaged to write a tailored computer program which automated the process of extracting information from these two formats into ones that allowed for both qualitative and quantitative analysis. This work was successfully completed in September 2013 and the process adopted has ensured that transcription errors did not compromise the quality of the information included in the analysis.

Analysis

Both quantitative and qualitative analyses were conducted. Just over 3,000 reports (n=3,007) were included in the overall analysis and a coding frame was created to facilitate this. A descriptive analysis, using the Statistical Package for the Social Sciences (SPSS), Version 20, was carried out on key quantitative variables. In addition to the quantitative analysis, a random sample of 500 reports was extracted and prepared for input into the N-Vivo software package, which facilitates a structured approach to the analysis of qualitative information. An overarching coding frame based on individual regulations was developed and issues emerging under each individual regulation were collated. This was followed by a cross-regulation thematic analysis and identification of common issues arising.

In order to assess thresholds of compliance and non-compliance, these themes were used to identify examples of compliance and non-compliance in the overall 3,007 reports. These examples are used to illustrate areas where a regulation may be deemed compliant or non-compliant, as well as those where there is a strong probability of being judged non-compliant.

Ethical considerations

Ethical consideration was given to two key areas in respect of the utilisation of this secondary data source and these are anonymity and adherence to good practices in data protection, including appropriate storage. All necessary steps have been taken to ensure the findings from this report are anonymous and where dates, names of individual parts of services (e.g. room names) or other identifiable features are present, these have been removed. The reports provided for this analysis have been stored and maintained in a way that is coherent with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003.

Limitations of the study

The analysis is based on the information provided in the standardised reporting tool used by Pre-School Inspectors for the purpose of conducting and reporting on the quality of services assessed during the inspection process. As with all secondary data sources, the information presented may not incorporate all aspects relevant to the analysis. In this case, information was not available on the level of education qualifications of the service providers (which can be a strong predictor of service quality) or on whether the service was operating on a 'for profit' or 'not-for-profit' basis. The short time period available for this analysis and report has meant that potential additional data sources have not been explored.

As indicated earlier, approximately 80% of reports of inspections from the period January 2012 to May 2013 are included in the analysis. Although this is a limitation, the information provided in the reports was of sufficient extent and detail to give a rich insight into the operation of the pre-school services. In addition, the number of reports lends itself to sub-analysis by various categories and the findings are, therefore, likely to be generalisable to the overall reporting process.

Overview of report

The main focus of the analyses presented here is on inspection practices as documented in inspection reports. Findings are presented on the extent to which explanatory or additional commentary is provided according to compliance, non-compliance and actions required, and to the relationship between these. The extent of information provided is explored using a count of the words under each section as a broad indicator of the volume of material presented. This is followed by a consideration of differences, commonalities and consistencies in providing information and includes issues relating to the approach adopted, extent of the detail provided, measures of objectivity and overall tone of the reports.

An overview of key findings emerging in respect of each of the 8 broad areas under which the quality of the service is inspected according to individual regulations is presented. These broad areas are: food and drink; general information; health, welfare and development of the child; information on the pre-school setting; management and staffing; premises and facilities; records; and safety. Issues in respect of the threshold of compliance and non-compliance are then highlighted for each of these 8 areas, with information provided about situations liable to be considered either compliant or non-compliant and areas that are highly likely to be considered non-compliant. The report concludes by highlighting a number of key issues arising and areas for further consideration.

3. Description of reporting process

A common reporting tool is used by Pre-School Inspectors to report on the quality of individual services. The first page of the tool is used to provide demographic and other information about the service being inspected (e.g. type of service, number of places) and the inspection itself (e.g. type of inspection, date of inspection, date report issued and HSE local health office area) (see Figure 1).

Figure 1: First page of reporting template used by Pre-School Inspectors

INSPECTION OUTCOME REPORT		Ref: I05a	
Information on Service			
Name of Service:	<input type="text"/>		
Address of Service:	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		
Date of Issue of Report:	<input type="text"/>		
Service Provider: (person carrying on Pre-school)	<input type="text"/>		
Type of Service as per Notification Form:	<input type="text"/>		
	<input type="text"/>		
Type of Inspection:	<input type="checkbox"/> Initial	<input type="checkbox"/> Annual	<input type="checkbox"/> Follow-Up
	<input type="checkbox"/> Review		
Date of Inspection:	Day <input type="text"/>	Month <input type="text"/>	Year <input type="text"/>
Number of places as per Notification Form:	<input type="text"/>		
HSE Local Health Office Area:	<input type="text"/>		
	<input type="text"/>		
<input checked="" type="checkbox"/> For electronic use copy and paste the tick provided to indicate compliance/non-compliance in the relevant column.			

The remaining parts of the reporting tool are structured around the **27 individual regulations** and for each regulation (Regulation 5 to Regulation 31) a template is provided which includes 3 tick box options (Compliant, Non-compliant, Not applicable), as illustrated in Figure 2. Provision is also made for commentary to be provided on compliance, non-compliance and actions required for each individual regulation.

Figure 2: Example of information in respect of each individual regulation in reporting template used by Pre-School Inspectors

Information on Pre-School Setting		
Regulation 10 (Notice to be Given by Person Proposing to Carry on a Pre-School Service)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Breadth of areas assessed at individual inspections

There is a consistency in the breadth of areas assessed during the course of an inspection and in general, the vast majority of regulations are assessed at each inspection. The analysis shows that, on average, between 23 and 24 regulations (mean average 23.69) out of the total 27 regulations (87.7%) are assessed as either compliant or non-compliant during the course of an inspection. The remainder are reported as ‘not applicable’ (mean average 2.10), ‘not assessed’ (mean average 0.31) or ‘not found’ (mean average 0.78) (see Table 1).

Table 1: Average number of regulations assessed and not assessed during course of inspection

	Compliant	Non-compliant	Not applicable	Not assessed	Not found
Mean	19.98	3.71	2.10	0.31	0.78
Mode	24 ^a	0	2	0	0
Standard deviation	5.614	3.713	3.046	1.590	3.168
Minimum	0	0	0	0	0
Maximum	27	20	26	16	27
Total (N)	81,189	81,189	81,189	81,189	81,189

Number and percentage of reports according to compliance status of not applicable, not assessed or not found

Overall, the 3 categories of ‘not applicable’, ‘not assessed’ and ‘not found’ account for about 12.2% of the overall 81,189 regulations analysed and the extent to which this takes place is presented in Table 2.

Table 2: Number and percentage of reports by number of regulations identified as ‘not applicable’, ‘not assessed’ and ‘not found’

No. of regulations	% Not applicable	No. of reports	% Not assessed	No. of reports	% Not found	No. of reports
None	23.6	710	95.5	2,869	79.9	2,403
1	25.6	769	0.5	14	13	390
2	29.4	884	0	1	2.2	67
3	12.8	385	0	1	0.8	25
4	2.6	77	1	29	0.1	4
5	0.5	14	0.5	14	0.1	2
>5	5.5	168	2.5	79	3.8	116
Total	100	3,007	100	3,007	100	3,007

Not applicable

The mean average number of regulations identified in individual reports as ‘not applicable’ was 2.10, with a range of 0–26 and a high standard deviation (SD) of 3.047 (see Table 2). At least one regulation was identified as ‘not applicable’ in two-thirds of reports (67.8%), although the vast majority of reports identified only 1 (25.6%), 2 (29.4%) or 3 (12.8%) regulations in this category. About 5.5% of reports had 6 or more regulations assessed as ‘not applicable’ and about 4% of these reported 13-14 regulations in that category.

Not assessed

The mean average number of regulations identified in individual reports as 'not assessed' was less than 1 (0.31; SD = 1,590) and more than 95% of reports recorded no instance of a regulation with a status of 'not assessed' (see Table 2). While the highest number of regulations reported to be 'not assessed' was 16, this referred to one report only.

Not found

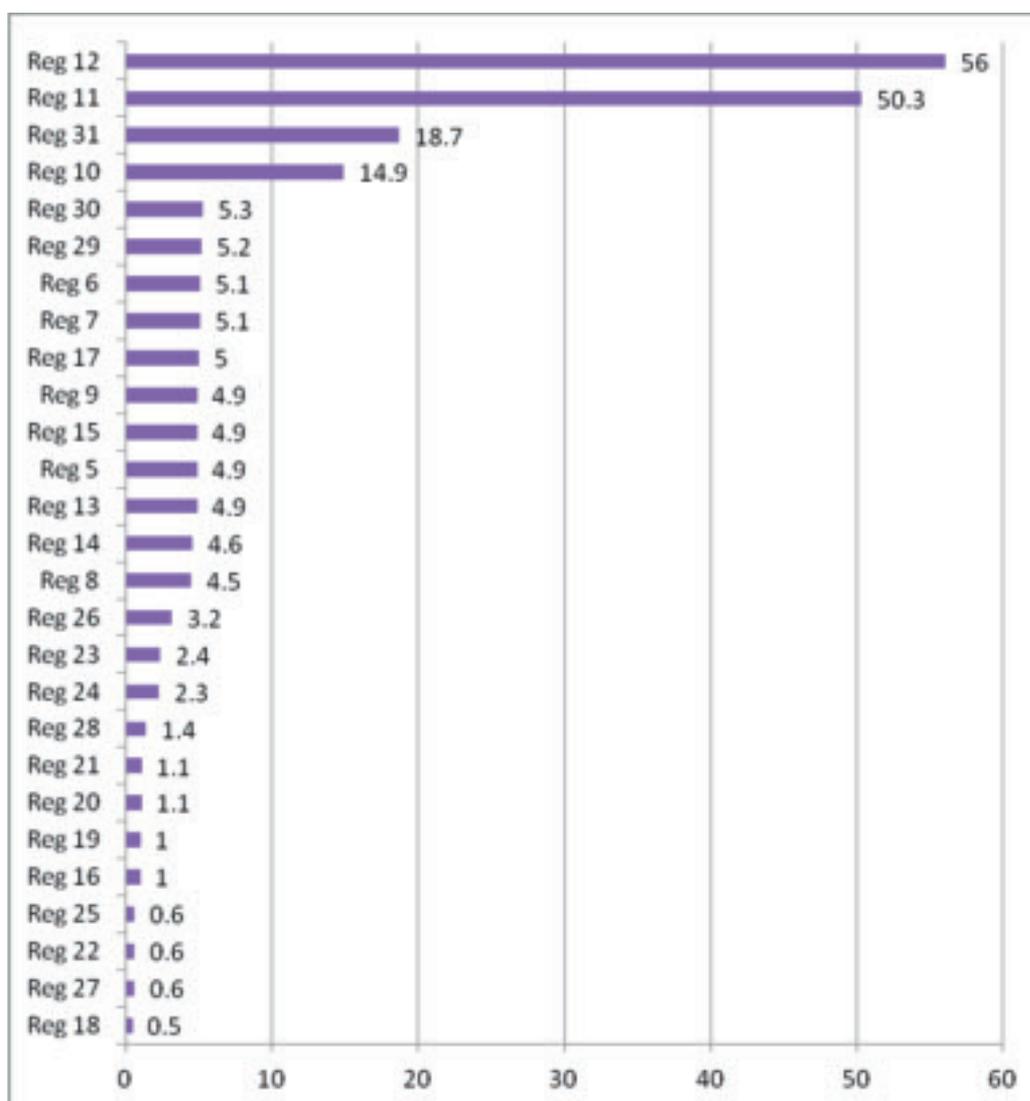
Approximately 80% (79.9%; n=2,403) of reports did not contain any instance of a regulation being identified as 'not found' and in a further 13% of reports (n=390) only one regulation was identified as 'not found' (see Table 2). Only 116 reports were identified as not recording the compliance status of 6 or more regulations.

'Not applicable' levels by individual regulation

The overall levels of 'not applicable' are low. As illustrated in Figure 3, only 4 regulations were identified as 'not applicable' in more than 5.5% of reports. These were *Regulation 10* (Notice to be given by person proposing to carry on pre-school service – 14.9%), *Regulation 31* (Annual fees – 18.7%), *Regulation 11* (Notification of change in circumstances – 50.3%) and *Regulation 12* (Number of pre-school children who may be catered for – 56%). It is perhaps to be expected that these would not change in many instances between inspections.

Six regulations were reported as 'not applicable' in 1% or less of reports and these were *Regulation 18* (Premises and facilities), *Regulation 25* (Equipment and materials), *Regulation 22* (Sanitary accommodation), *Regulation 27* (Safety measures), *Regulation 19* (Heating) and *Regulation 16* (Fire safety measures).

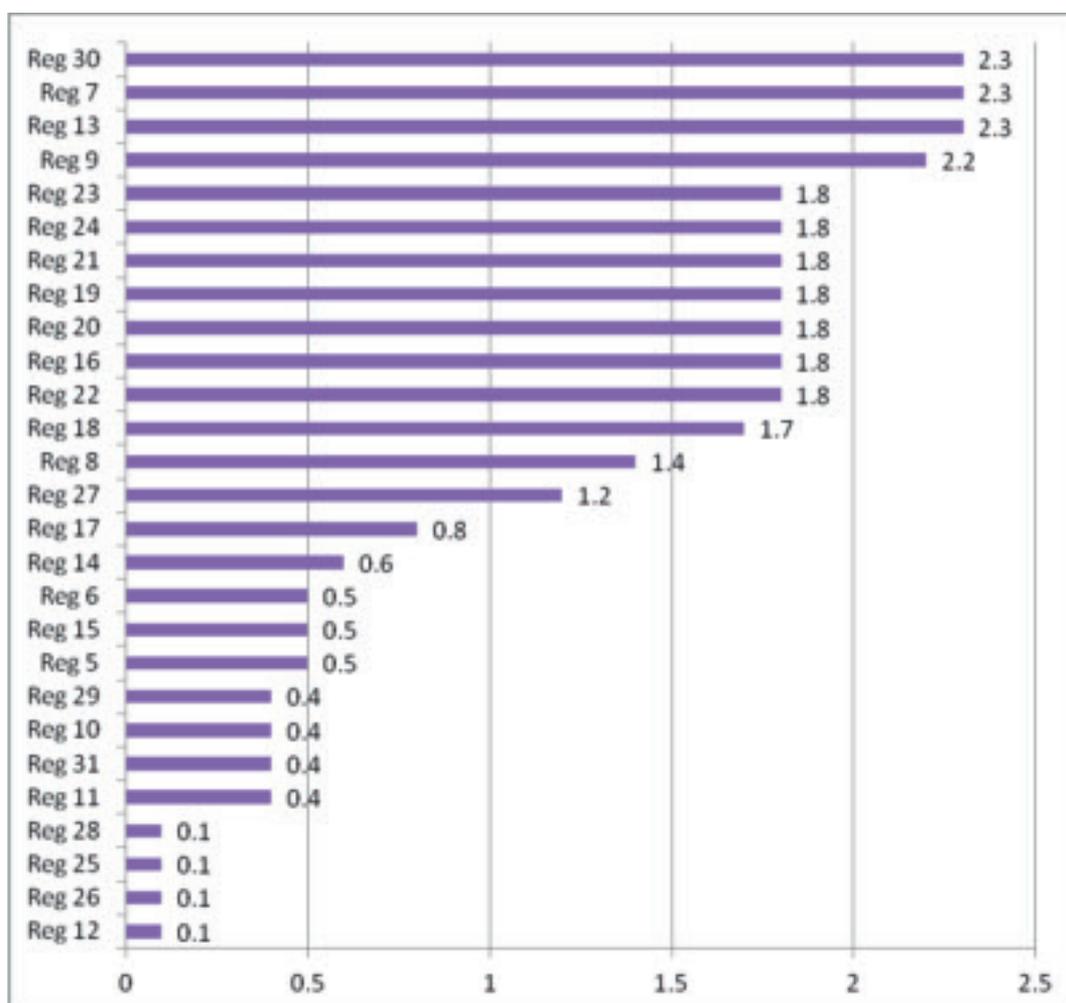
Figure 3: Percentage of individual regulations assessed as ‘not applicable’ in reports



Individual regulations recorded as ‘not assessed’ in reports

Similar to the category ‘not applicable’ (*see above*), the percentage of reports indicating that regulations were ‘not assessed’ was very low and in this case the range was much smaller (*see Figure 4*). The percentages ranged from 0.1% to 2.3%. Only 4 regulations were over 2% and these were *Regulation 9* (Behaviour management – 2.2%), *Regulation 13* (Register of pre-school children – 2.3%), *Regulation 7* (Medical assistance – 2.3%) and *Regulation 30* (Insurance – 2.3%). Reasons for non-assessment were rarely recorded.

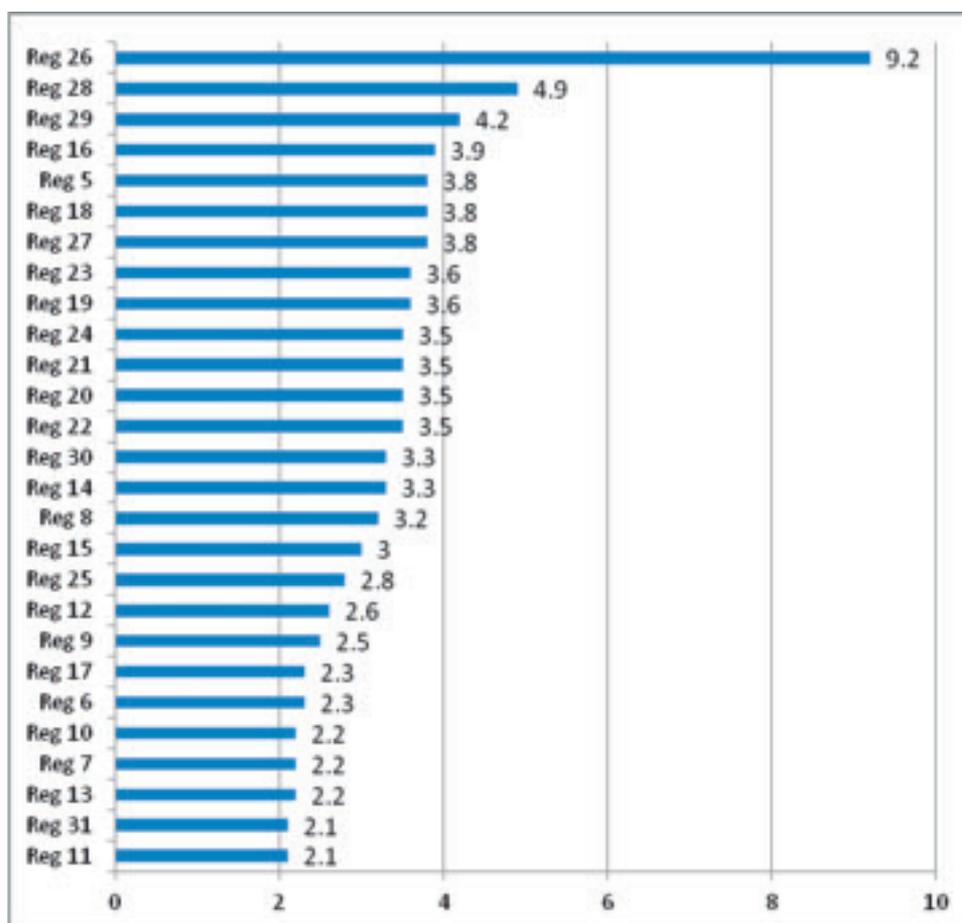
Figure 4: Percentage of individual regulations assessed as ‘not assessed’ in reports



Percentage of reports where compliance status of individual regulations was not identified (‘not found’)

The final area examined reports where no indication of the status of the individual regulation was provided – the ‘not found’ category. The percentages of ‘not found’ ranged from 2.1% (*Regulation 31: Annual fees*) to 9.2% (*Regulation 26: Food and drink*). With the exception of *Regulation 26* (where ‘not found’ was identified in 9.2% of reports), the percentage of ‘not found’ by individual regulation was less than 5%, as seen in Figure 5.

Figure 5: Percentage of individual regulations where compliance status not identified in reports ('not found')



Approaches to providing commentary in respect of regulations

In general, the reports tend to be of a business-like nature, with an 'official type' approach, and on the whole reports were written in an articulate and professional manner. The focus of the commentary provided was for each of the three areas, i.e. compliance, non-compliance and actions required. Throughout the commentary, detailed information was provided and this was the case in respect of both compliance and non-compliance. This information was often preceded by a statement such as 'on the day of the inspection'. This commentary was then followed by the specific evidence of what had been 'observed', 'experienced', 'studied', 'witnessed' or 'examined'. The following text highlights these type of approaches:

'Two child record forms for emergency medical treatment were not signed by the parent.'

'At the time of the inspection, there was no evidence of written records of key observations on the children's learning, development and well-being.'

Specific observations were also recorded, along with judgements made about the quality of the service, such as:

Basic needs of the children: Both staff members demonstrated sensitivity and positive regard for all the pre-school children present at both sessions.

Relationships around the children: Effective and appropriate communication skills were observed between both staff members and the children during the

inspection of both sessions. **Programme of activities and its implementation:** Children were observed to be fully absorbed, enthusiastic and happy in the various activities engaged in throughout both sessions ...’

Tone

The tone adopted in the reports was varied. This was particularly the case in terms of commentary about actions required, which varied considerably in the tone of instruction used. In some regulations, the requirement was presented as a recommendation (‘It is recommended ...’) or a request, such as:

‘When the parent handbook is being reviewed, please ensure that the commentary referred to in Regulation (14)(1)(a), (c), (d), (e), (f), (g), (h) and (i) of the *Childcare (Pre-School Services) (No. 2) Regulations 2006* is included. Any revised parent handbook can be forwarded to the offices of the HSE Early Years Service upon completion.’

At the other end of the spectrum, language such as ‘You shall ...’ or ‘The following actions must be implemented’ or, as illustrated in the quote below (generally, but not always referring to issues around safety):

‘(b) Hot water provided for use by pre-school children must be thermostatically controlled to a safe temperature. (c) Doors and gates must be secured to prevent pre-school children gaining unsupervised access to a source of danger. All electrical sockets accessible to a pre-school child must be fitted with safety covers. The heavy storage unit behind the TV must be securely anchored to the wall to reduce the risk of it falling onto a child.’

In some cases, a specific incident was used to draw attention to areas that had to be addressed by the provider, such as the following:

‘(a) In the interest of children’s safety, the provision of the hop-up step in front of the white box covering the water boiler in the toilet should be reviewed. A child was observed standing on the hop-up step to kneel on the narrow box. You must ensure a secure footing for children is provided at the sink to prevent them losing their balance while washing their hands.’

In other cases, a time limit was emphasized and the immediacy of an issue was brought to the attention of the provider, particularly if it was felt that children’s safety was at risk, as in the following quote:

‘The baby walker must be permanently and immediately removed from the pre-school service.’

Commentary in respect of a number of regulations identified actions that had to be followed up by the provider and either notified to the Inspectorate with or without proof that the action had been carried out. The following quote draws attention to this aspect of the commentary provided:

‘I have not received the Parent Commentary Booklet to date. I request you forward same over the coming weeks so I can ensure it has all detail as required under Regulation 15 for new intake in September.’

There were a number of comments where it was clear that problems identified on previous occasions had not been followed up by the service provider, such as:

‘There was inadequate ventilation in many of the rooms throughout the main building. This matter has been brought to your attention on previous occasions.’

Supplementary information for providers

Commentary in respect of a number of reports drew attention to sources of support or information available to the service that might be considered useful or that had been discussed during the course of the inspection:

‘Advised the provider on the briefing sessions which will be organised for Autumn. Details of same will be sent in due course.’

Sometimes a report enclosed a copy of the information with the report. In other cases, information was identified for the provider in the report under the relevant area, including booklets, courses, examples of documents, templates, times and dates of courses, names of individuals in the local support services (e.g. County Childcare Committee) and suggestions as to where other sources of support might be accessed.

Type, extent and variation in commentary provided

Four broad approaches were adopted in respect of compliance and non-compliance, namely:

- No commentary provided.
- A single broad statement, usually referring to compliance, that states the service was compliant or non-compliant with the regulation, such as ‘All written records were maintained and available’.
- Identification of the specific sub-clause under which compliance was achieved. An example of this in respect of Regulation 13 was ‘(a), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m)’. In this case, the service was found to be non-compliant in respect of 13(b) and consequently (b) is not included in the list of sub-clauses where the regulation was found to be compliant.
- Elaboration on the commentary by specifying the individual areas where the service was compliant or non-compliant. This was particularly prevalent in respect of Regulation 14, such as that below:

‘The following records are maintained: (a) Name/Position/Qualification/Experience of staff working in the service. (c) Details of the number of places of pre-school children catered for at any one time. (d) Details of the type of service and age range group. (f) Details of the type of care or programme provided. (g) Details of facilities available. (h) Details of the opening hours and fees. (i) Details of the policies and procedures in the service. (j) Details of attendance by the pre-school child on a daily basis. (k) Details of staff rosters on a daily basis. (l) Details of all medicine administered to the pre-school children attending the service with signed parental consent must be recorded. (m) Details of any accident, injury or incident involving a pre-school child attending the service.’

Extent of commentary

As noted, different approaches to providing commentary emerged throughout the analysis and consequently there was considerable variation in the amount of commentary presented. This was particularly noticeable across different regulations.

The number of words written under each area – compliance, non-compliance and actions required – gives a sense of the extent of commentary provided in reports in respect of individual regulations. The total number of words written about compliance, for example, ranges from less than 5,000 for one regulation to more than half a million for another. Some indication of the extent to which these differences took place is presented in Tables 3, 4 and 5, where a measure of the average number of words according to individual regulations assessed as either compliant or non-compliant is presented. This measure is indicative only and should be interpreted as such.

Compliance commentary is provided for about one-third of regulations. Regulations with the least amount of words written in respect of compliance across all 3,007 reports analysed are Regulation 12 (Number of pre-school children who may be catered for), Regulation 21 (Lighting) and Regulation 20 (Ventilation), each of which have less than 7,000 words (*see Table 3*).

Regulations with the highest levels of commentary provided are Regulation 5 (Health, welfare and development of the child), Regulation 8 (Management and staffing), Regulation 13 (Register of pre-school children) and Regulation 14 (Records), each of which had more than 70,000 words.

The amount of compliance commentary provided under Regulation 5, however, far exceeds all other areas and more than half a million words (536,907 words) were written under this regulation in respect of compliance (*see Table 3*).

Table 3: Number and mean average number of compliance words by regulation

Regulation No.	Short title of regulation	Number of compliance words	Mean average number of words about compliance by total number of regulations assessed as compliant or non-compliant
5	Health, welfare and development of the child	536,907	196.0
14	Records	89,499	32.5
13	Register of pre-school children	89,225	32.7
8	Management and staffing	77,350	28.3
15	Information for parents	40,809	14.8
18	Premises and facilities	38,468	13.2
9	Behaviour management	36,828	15.5
16	Fire safety measures	27,868	9.9
26	Food and drink	26,462	10
28	Facilities for rest and play	25,259	9.0
25	Equipment and materials	19,671	6.8
27	Safety measures	19,659	6.9
7	Medical assistance	15,819	5.8
19	Heating	15,459	5.4
17	Copy of Act and Regulations	14,610	5.2
6	First aid	14,093	5.0
31	Annual fees	13,146	5.5
10	Notice to be given by person proposing to carry on pre-school service	11,899	2.1
29	Furnishing of information to the HSE	11,588	4.3
22	Sanitary accommodation	10,740	3.8

24	Waste storage and disposal	10,283	3.7
30	Insurance	9,998	3.7
11	Notification of change in circumstances	8,436	5.9
23	Drainage and sewage disposal	7,508	2.7
20	Ventilation	6,611	2.3
21	Lighting	5,922	2.1
12	Number of pre-school children who may be catered for	4,596	3.7

The extent of **non-compliance commentary** shows a similar pattern to that of compliance (*see above*), with more words written in respect of Regulation 5 on the health, welfare and development of the child (127,788 words) than for any other regulation, although the extent of the difference between Regulation 5 and other regulations is much less than that identified for compliance cases (*see Table 4*). Regulation 27, for example, has almost the same total number of words (120,542) as Regulation 5, although the mean average varies. Regulation 8 (Management and staffing) also has a high number of words written in respect of non-compliance, at 102,864 words. All the remaining regulations have less than 100,000 words each in respect of non-compliance. Certain regulations – Regulation 10 (Notice to be given by person proposing to carry on pre-school service = 302 words), Regulation 23 (Drainage and sewage disposal = 1,007 words) and Regulation 12 (Number of pre-school children who may be catered for = 1,086 words) – have less than 2,000 words in total across all 3,007 reports analysed. The mean average number of words varied from less than 1 word (Regulations 10, 23 and 24) to more than 40 words (Regulations 5 and 27) depending on the regulation.

Table 4: Number and mean average number of non-compliance words by regulation

Regulation No.	Short title of regulation	Number of non-compliance words	Mean average number of words about non-compliance by total number of regulations assessed as compliant or non-compliant
5	Health, welfare and development of the child	127,788	46.7
27	Safety measures	120,542	42.5
8	Management and staffing	102,864	37.6
18	Premises and facilities	74,161	26.2
14	Records	71,703	26
13	Register of pre-school children	38,799	14.2
22	Sanitary accommodation	34,388	12.1
25	Equipment and materials	29,690	10.2
16	Fire safety measures	24,045	8.5
28	Facilities for rest and play	20,475	7.2
26	Food and drink	16,669	6.3

9	Behaviour management	16,502	6.1
15	Information for parents	15,216	5.5
11	Notification of change in circumstances	7,587	5.3
20	Ventilation	11,960	4.2
19	Heating	11,234	4.0
6	First aid	10,121	3.6
7	Medical assistance	9,390	3.4
31	Annual fees	3,948	1.7
17	Copy of Act and Regulations	4,097	1.5
30	Insurance	4,090	1.5
21	Lighting	4,017	1.4
29	Furnishing of information to the HSE	3,270	1.2
12	Number of pre-school children who may be catered for	1,086	0.87
23	Drainage and sewage disposal	1,007	0.36
24	Waste storage and disposal	4,940	0.25
10	Notice to be given by person proposing to carry on pre-school service	302	0.12

The number of words written in respect of **actions required** differs from that of compliance and non-compliance (*see Table 5*). More words were written in respect of actions required under Regulation 8 (164,768 words) than for any other regulation, including Regulation 5 (146,353 words). Those regulations with the lowest number of words are Regulation 10 (Notice to be given by person proposing to carry on pre-school service = 312 words), Regulation 23 (Drainage and sewage disposal = 1,037 words) and Regulation 24 (Waste storage and disposal = 2,655 words).

Table 5: Number and mean average number of ‘actions required’ words by regulation

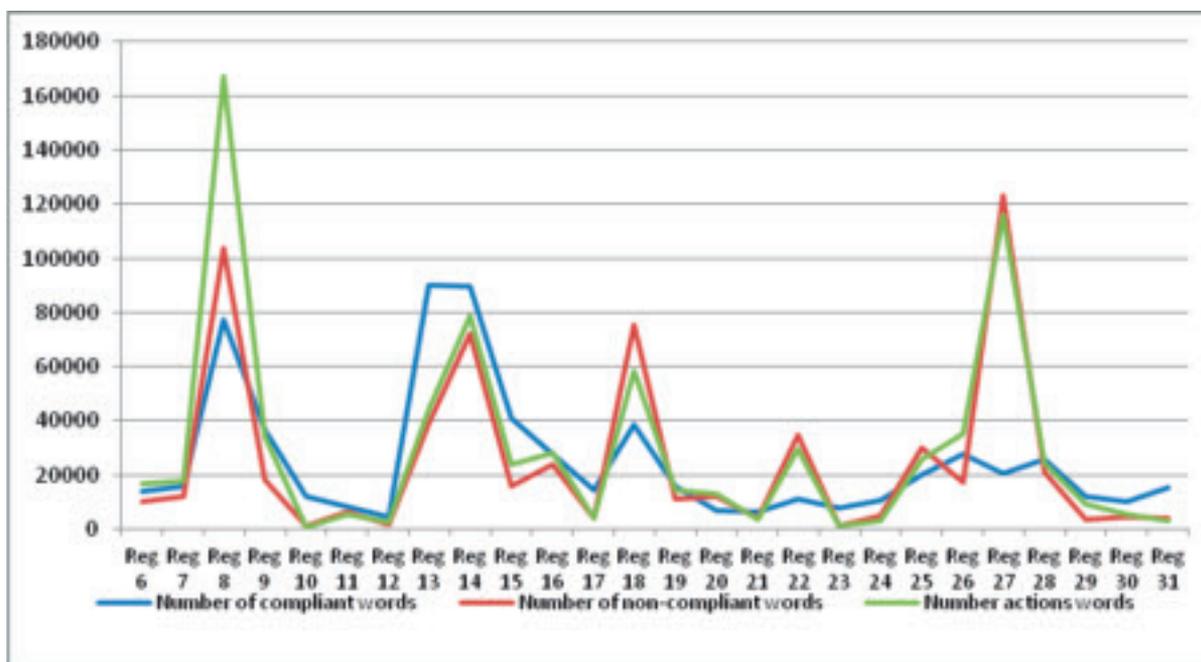
Regulation No.	Short title of regulation	Number of words under actions required	Mean average number of words about actions required by total number of regulations assessed as compliant or non-compliant
8	Management and staffing	164,768	60.2
5	Health, welfare and development of the child	146,353	52.7
27	Safety measures	112,479	39.6
14	Records	78,142	28.4

18	Premises and facilities	56,634	20
13	Register of pre-school children	43,409	15.9
26	Food and drink	33,128	12.6
22	Sanitary accommodation	29,239	10.3
16	Fire safety measures	27,876	9.9
25	Equipment and materials	25,267	8.7
28	Facilities for rest and play	24,145	8.6
15	Information for parents	23,404	8.5
9	Behaviour management	19,559	7.1
7	Medical assistance	17,638	6.5
6	First aid	16,433	5.9
19	Heating	13,955	4.9
20	Ventilation	12,813	4.5
11	Notification of change in circumstances	4,647	3.3
29	Furnishing of information to the HSE	5,213	1.9
30	Insurance	4,097	1.5
17	Copy of Act and Regulations	3,968	1.4
31	Annual fees	2,817	1.2
12	Number of pre-school children who may be catered for	1,324	1.1
21	Lighting	3,220	1.1
24	Waste storage and disposal	2,655	0.95
23	Drainage and sewage disposal	1,037	0.37
10	Notice to be given by person proposing to carry on pre-school service	312	0.12

Relationship between extent of commentary about compliance, non-compliance and actions required

As identified earlier, there are substantial differences between Regulation 5 and all other regulations in respect of compliance commentary where the number of words exceeded half a million. For that reason, Regulation 5 is excluded from further comparison at this point and this will be explored separately. For all other regulations, the number of words shows a broadly similar pattern under each category (compliance, non-compliance and actions required). The relationship is again closest between non-compliance and actions, indicating that where commentary is provided in respect of non-compliance, it also tends to be provided in relation to actions required. Figure 6 clearly highlights this close relationship and also highlights similar peaks in the number of words for most regulations, irrespective of whether these words relate to compliance, non-compliance or actions.

Figure 6: Extent of commentary (number of words) according to compliance, non-compliance and actions required (excluding Regulation 5)



Commentary in respect of Regulation 5 (Health, welfare and development of the child)

As identified earlier, the total amount of commentary provided under Regulation 5 far exceeds that of any other regulation and this was particularly the case in respect of the information provided about compliance. There was, however, considerable variation across reports in terms of how Regulation 5 was reported upon. In some cases, the commentary simply stated that the service was compliant or non-compliant, and no further information was provided. In other cases, minimal information was presented that identified the main headings of areas where a service was compliant, such as that below:

‘Section 1 – Extent to which the personal care provided meets basic needs of the infants and children. Section 2 – Extent to which relationships around children are supported.’

In other cases, however, substantial commentary was provided and each element of compliance or non-compliance of the regulation was dealt with in a detailed way, as the following example illustrates:

‘Relationships around children are supported: There was an insufficient number of competent adults (i.e. 1 adult working directly with the 12 children in the pre-school room on [date]). **Programme of activities and implementation:** Records of key observations maintained for children, e.g. from [date 1] and [date 2], were similar for all children. **Physical and material environment:** On [date], the air temperature in the sleep room serving the baby room was recording at 13°C on the wall thermometer. This was brought to the immediate attention of the staff member working in the baby room, who immediately turned up the heating. On [date], the air temperature of the children’s sanitary accommodation/nappy-changing area serving the playschool room was cold. There was no wall thermometer in this area. This was brought to the immediate attention of [person’s name], who agreed that the air temperature was cold and turned up the heating in the area. Some toys were not in working order (e.g. Toddler room: toy telephone; Pre-school room: green cash register,

shopping trolley), some books were torn (e.g. Pre-school room : Peppa Pig). The two-seater couch was torn. The single purple/yellow chair was torn. The single orange/yellow chair was torn.'

Commentary provided under Regulation 5 (and this was also the case in respect of a small number of other regulations) was sometimes cross-referenced to other regulations as follows:

'However, on day of inspection, the indoor environment provided for the care of children on ground floor [name of room] was disorganised, untidy and overcrowded. See Non-compliances outlined under Regulation 18, 27, 25, 28.'

The extent of the information provided under Regulation 5, irrespective of whether the overall assessment was one of compliance or non-compliance, is considerable. This is understandable since children's health, welfare and development is influenced by all of the different aspects of a service being provided. A consequence of this, however, is that there can be some overlap and duplication between the information provided under Regulation 5 and that provided elsewhere, and this is something that needs to be given further consideration.

Summary on process of reporting

In summary, there is some consistency in respect of the breadth of areas assessed as compliant or non-compliant during the course of individual inspections and, on average, between 23 and 24 regulations are reported on in inspection reports. Overall, the 3 categories of 'not applicable', 'not assessed' and 'not found' account for about 12.2% of the overall 81,189 regulations analysed. An average of 2 regulations are deemed to be not applicable in the course of inspections and these most commonly are *Regulation 10* (Notice to be given by person proposing to carry on pre-school service – 14.9%), *Regulation 31* (Annual fees – 18.7%), *Regulation 11* (Notification of change in circumstances – 50.3%) and *Regulation 12* (Number of pre-school children who may be catered for – 56%). It is perhaps to be expected that these would not change in many instances between inspections and a finding of 'not applicable' is therefore understandable.

The mean average number of regulations identified in individual reports as 'not assessed' was less than 1 (0.31; SD = 1,590) and more than 95% of reports recorded no instance of a regulation with a status of 'not assessed'. Only 4 regulations were identified in over 2% of reports and these were *Regulation 9* (Behaviour management – 2.2%), *Regulation 13* (Register of pre-school children – 2.3%), *Regulation 7* (Medical assistance – 2.3%) and *Regulation 30* (Insurance – 2.3%). Reasons for non-assessment were rarely recorded.

The final area, 'not found', refers to those regulations where no indication was given about the overall status of the regulation. The percentages of 'not found' ranged from 2.1% (*Regulation 31*: Annual fees) to 9.2% (*Regulation 26*: Food and drink). The finding for *Regulation 26* should be understood in the context of a separate report issuing from the Environmental Health Officer Section in respect of this area.

In general, reports tend to be of a business-like nature, with an 'official type' approach, and on the whole reports were written in an articulate and professional manner, with a focus on each of the three areas of compliance, non-compliance and actions required. Throughout the commentary, detailed information was provided and specific observations recorded.

There was considerable variation in the tone adopted and this was particularly the case in terms of commentary about actions required, which varied from recommendations to the issuing of time-bound instructions. There were a surprising number of comments where it

was clear that problems identified on previous occasions had not been followed up by the service provider. Some reports included information for providers about courses being organised, copies of templates, documents, names of individuals and local national support organisations.

There are 4 broad approaches adopted in respect of commentary on compliance and non-compliance, namely: (a) no commentary is provided; (b) a single broad statement that the service was or was not compliant on the specific regulation; (c) the identification of the specific sub-clause under which compliance or non-compliance was found; and (d) an elaboration of commentary, which ranged from a couple of sentences to extensive information being provided. Regulations where the least amount of commentary was provided were *Regulation 12* (Number of pre-school children who may be catered for), *Regulation 21* (Lighting) and *Regulation 20* (Ventilation), while those with the highest levels of commentary are *Regulation 5* (Health, welfare and development of the child), *Regulation 8* (Management and staffing), *Regulation 13* (Register of pre-school children) and *Regulation 14* (Records). The amount of commentary provided under Regulation 5, however, far exceeds all other areas and this is the case for both compliant and non-compliant commentary.

A close relationship has been found, however, in the extent of the commentary about non-compliance and actions required, suggesting that where non-compliance is identified, specific actions are likely to be required.

Consideration is now given to the substance of the commentary.

4. Threshold of compliance/non-compliance

The findings from individual reports and services are presented in detail in a separate report (entitled *Report on the Quality of Pre-school Services: Analysis of pre-school inspection reports*). The information provided here is for the purposes of illustrating decisions about the threshold for compliance and non-compliance.

The reporting template, as noted earlier, includes a separate section for each individual regulation and each of the 27 regulations reported on are categorised under one of 8 broad areas. These broad areas are: food and drink; general information; health, welfare and development of the child; information on the pre-school setting; management and staffing; premises and facilities; records; and safety. The relationship between these broad areas and individual regulations is presented in Table 6.

Table 6: Structure of reporting template used by Pre-School Inspectors according to broad area, regulation number and regulation title

Broad area	Regulation No.	Short title of regulation
Food and drink	26	Food and drink
General information	29	Furnishing of information to the HSE
Health, welfare and development of the child	5	Health, welfare and development of the child
	9	Behaviour management
Information on the pre-school setting	10	Notice to be given by person proposing to carry on pre-school service
	11	Notification of change in circumstances
	31	Annual fees
Management and staffing	8	Management and staffing
	12	Number of pre-school children who may be catered for
Premises and facilities	18	Premises and facilities
	19	Heating
	20	Ventilation
	21	Lighting
	22	Sanitary accommodation
	23	Drainage and sewage disposal
	24	Waste storage and disposal
	25	Equipment and materials
	28	Facilities for rest and play
Records	13	Register of pre-school children
	14	Records
	15	Information for parents
	17	Copy of Act and Regulations
	30	Insurance
Safety	6	First aid
	7	Medical assistance

	16	Fire safety measures
	27	Safety measures

While these broad areas are useful in providing a general framework for the reports by inspectors, there is some cross-over and repetition of commentary. As noted earlier, this cross-over is particularly evident in respect of Regulation 5. Nevertheless, in order to facilitate coherence between the reporting structure and the analysis, these 8 broad areas are used to present an understanding of the key issues arising in respect of compliance, non-compliance and actions required to be carried out. Where issues arise in two separate areas, the analysis is presented in the area where most commentary is presented.

Threshold of evidence applied

A judgement that a service is compliant in respect of a particular regulation can be made even in situations where specific aspects are identified as non-compliant and this is reflected in the number of regulations where non-compliance commentary is provided despite the status of the regulation being judged as compliant. Similarly, a judgement of non-compliance may be accompanied by both commentary on compliance and non-compliance. The provision of compliance commentary appears to be a mechanism through which good practices relating to that regulation are supported and encouraged by the inspector.

A judgement of non-compliance can also be made based on a deficiency in one aspect of a regulation and this is particularly the case if the deficiency identified is considered to be of a serious nature or if the non-compliance is in respect of the building and facilities where the service is provided. More commonly, however, where a judgement of non-compliance is made, the commentary refers to deficiencies on more than one aspect. Consequently, in respect of each regulation, issues relating to non-compliance range across a continuum and some insight is provided into this according to themes arising under each regulation (see *Threshold of Evidence, Tables 7-12*).

Broad area	Regulation No.	Short title of regulation	% assessed as non-compliant
Food and drink	26	Food and drink	12.4%

REGULATION 26

The broad area of food and drink is dealt with explicitly under Regulation 26. However, a number of comments made under Regulation 5 are also relevant and are included in this section. Several comments under Regulation 26 noted that a separate report would issue from the Environmental Health Officer in respect of non-compliance, but these reports were not available for this analysis. Relevant references were written as follows:

‘A separate report will be issued to you by the Environmental Health Officer in relation to non-compliance with the EC Hygiene of Foodstuffs Regulations 2006 and Regulation 852/2004 on the hygiene of foodstuffs.’

Commentary in respect of Regulation 5 focused on the following areas:

- the presence of a healthy eating policy and the extent to which it was being implemented;
- observations and examples of how the policy was being implemented;
- how the food was provided, including the self-care, choice and enjoyment;
- storage of food.

While similar issues arose in the commentary provided under Regulation 26, in general, the focus was to a greater extent on:

- whether food was cooked/prepared on the premises, whether it was supplied by parents or whether it was provided by an external caterer;
- the storage of food, particularly perishables.

The thresholds for deciding compliance or non-compliance under the food and drink heading are summarised below in Table 7, but the nature of comments is explored first.

Presence of a healthy eating policy and the extent to which it was being implemented

Where compliance commentary was provided, references were made to the availability of a healthy eating policy and several comments were made similar to the following: ‘a healthy eating policy in place’; ‘nutritious lunches provided or brought from home’; ‘suitable and nutritious snacks’; ‘varied food provided’; ‘special dietary needs noted’; ‘freshly cooked dinners’. A small number of reports noted that ‘no food is supplied or consumed’ on the premises. Having a menu in place was considered positive and some reports noted that having a 3-week menu is in line with the *HSE Healthy Food and Nutritional Guidelines for Pre-School Services (2004)*. Ensuring children had access to ‘potable water’ (drinkable) throughout the day was identified as an important issue, with references made in a number of reports. Several reports included observations on how healthy eating policies were being implemented. One report, for example, noted that ‘healthy eating is evidenced by the healthy lunches the children took from home with them and the food the service provided for the full day care children’. Non-compliance commentary in this area generally focused on the absence of a menu, poor nutritional value of food being provided and a lack of drinking water for children.

Provision of food

Food is provided in a range of different ways for children in pre-school services, with the method often reflecting the type of service provided. In general, the commentary suggests that hot meals are only required in full day care services and comments drew attention to whether food was cooked on the premises, or whether it was provided by external caterers or parents. While there was a focus on the provider of the food, the only concern in general arising here was about ensuring that children had hot meals if they were in a full day care service and that the sessional services provided appropriately nutritious food, although some commentary noted that parents sometimes sent in non-nutritional food.

A number of reports made reference to the way in which food was provided and when this was done in a ‘patient’, ‘unhurried’ and ‘relaxed’ manner it was deemed to be positive. Enjoying the experience of eating was also deemed to be a positive aspect of the service: children having enough time to enjoy the ‘whole food experience’ was considered important. Non-compliance was also identified in respect of this area, with comments drawing attention to inadequate engagement of staff when feeding children. Other comments were made about children being ‘encouraged to feed themselves’ and this was not generally an area of non-compliance. However, the issue of plating food did emerge as problematic: in some services, children are asked to eat food, usually snacks, directly from the table without having individual plates and this was considered inappropriate.

Storage and preparation of food

The storage of food was identified as an issue of non-compliance and a number of reports, particularly under Regulation 26, focused on this element. In general where this issue arose, the commentary was negative, drawing attention to the temperature of fridges being too high, to perishable food not being stored in a fridge or to the temperature in fridges not being cold enough. Reports noted that perishable foodstuffs must be stored between 0°C and +5°C.

Other issues related to food hygiene were also highlighted, including issues about hand-washing prior to preparing foods and plating meals. A small number of comments drew attention to the preparation of infant formula.

Table 7: Threshold of evidence – Food and drink

Thematic area	Possibility of being judged non-compliant	Strong probability of being judged non-compliant	Example of service being judged non-compliant
Healthy eating policy	A healthy eating policy not in place (but may have menus). Menu contains too little variation. A small number of non-nutritious items on the menu.	A menu not in place. Non-nutritious food documented on the menu.	‘Menus were heavily dependent on processed foods, which are generally high in fat and salt content.’
Healthy eating implementation	Some non-nutritious foodstuffs being given to children (e.g. sugary treats such as biscuits, crisps).	Children not provided with sufficient food on the day of the inspection.	‘Only one child was provided with a hot nutritious meal. One other child was given a banana as the main meal. One child stated four times that she was hungry and was not offered anything.’
		Children observed to be eating non-nutritious food on the day.	‘It was noted during the inspection that much high sugar/fat content foods are provided for the children’s snacks, including chocolate spread, jam, doughnuts and biscuits.’
	Source of drinking water not confirmed. Potable water not being made available in individual rooms.	Suitable drinking water not generally made accessible to children during the day.	‘Children were observed to obtain water for drinking from the wash hand basin in the toilet. Water to wash hand basins is not potable and, as discussed, this practice is totally unacceptable and you were instructed to cease this immediately.’
How food is provided		Food not plated.	‘Sandwiches were served to children in the playschool room in the afternoon without plates and were eaten directly from the tables.’

Hygiene, storage and preparation of food		Incorrect fridge temperatures.	‘An air temperature of 10.9°C was recorded in the refrigerator that is used to store the children’s lunches. There were lunches in this unit at the time of my inspection.’
	Children’s lunches containing perishable items, such as yoghurts or meat sandwiches, not stored in the fridge.	Inappropriate storage of foods.	‘A raw whole chicken was found stored on the top shelf of the refrigerator, next to two bottles of Coca Cola and a lunch box containing cooked potato and vegetables.’

Actions required

In general, the actions required by inspectors in respect of food and drink focused on:

- the creation and implementation, in association with parents, of a healthy eating policy;
- the development and availability of a menu with a particular focus on the HSE 3-week menu plan to ensure the children have access to healthy and nutritious food;
- incorporating key element of the *HSE Healthy Food and Nutritional Guidelines for Pre-School Services*, with a particular focus on the following:
 - food pyramid;
 - meal and food groups;
 - salt and processed food;
 - fat and processed food;
 - use of food as a reward or treat.
- ensuring the availability of sufficient snacks, water and food for all age groups in attendance;
- ensuring children attending full day care are provided with at least two meals, one of which should be hot;
- ensuring adequate and appropriate storage facilities, particularly in relation to perishable food, which should be stored at 5°C or less;
- ensuring all food, including snacks, is plated;
- encouraging self-care in nutrition through the provision of appropriate feeding cups, appropriate seating and table furniture;
- securing the kitchen area so that children do not have unsupervised access;
- food hygiene training.

Broad area	Regulation No.	Short title of regulation	% assessed as non-compliant
General information	29	Furnishing of information to the HSE	5.1%

REGULATION 29

Only Regulation 29 is reported on under this broad area of general information. This regulation states that:

A person carrying on a pre-school service shall furnish the Health Service Executive with such information as the Executive may reasonably require for the purpose of enforcing and executing these Regulations and the information shall be in such form (if any) as may be specified by the Executive.

Commentary relating to compliance noted that: ‘All relevant information was supplied to the HSE inspector during this inspection’; the ‘service provider’, ‘provider of the pre-school service’ ‘facilitated the inspection’ and ‘has updated the HSE Pre-School Inspection Service on a regular basis in relation to its operation’; staff details including new staff employed have been ‘submitted at time of inspection’. Some reports named the person or people who provided the information to them and facilitated the inspection.

Only three references were made to non-compliance. These referred to not having ‘service records on site to indicate when the heating system was serviced’; not having ‘an up-to-date service record for your gas heating system’ and ‘staff changes that have occurred since previous annual inspection not being brought to the attention of the HSE’. Actions required referred to submitting copies of the various reports to the HSE office. The thresholds for compliance/non-compliance require little elaboration.

Broad area	Regulation No.	Short title of regulation	% assessed as non-compliant
Information on the pre-school setting	10	Notice to be given by person proposing to carry on pre-school service	0.7%
	11	Notification of change in circumstances	4.6%
	31	Annual fees	4.7%

The broad area of information on the pre-school setting incorporates 3 regulations: Regulation 10, Regulation 11 and Regulation 31. Reports provided very little commentary in respect of these and in general, Regulation 31 accounts for the highest number of non-compliance commentary.

REGULATION 10

Regulation 10 refers to notice to be given by a person proposing to carry on a pre-school service. Compliant comments noted that the service had been notified to the HSE and that sufficient notice had been given ‘regarding the operation of the pre-school service’. There were no non-compliant comments and no actions to be taken.

REGULATION 11

Regulation 11 refers to a notification of change in circumstances. Specifically, it notes that:

- 11(1) A person carrying on a pre-school service shall, within 28 days, notify in writing the Health Service Executive of any change in the particulars contained in the notice given by that person in the Schedule to these Regulations or in a form to the like effect.*
- 11(2) A person who ceases to carry on a pre-school service shall, within 14 days of the cessation of the service, give notice in writing to the Health Service Executive.*

There was very little commentary in respect of this regulation, with a small number of compliance comments noting that there had been ‘no change in the particulars contained in the notification form’ or that ‘notification was received in respect of changes made’.

A small number of comments were made in respect of non-compliance, with one report indicating we ‘were informed during our inspection’ about a change; others noting that various changes (e.g. in the chairperson, centre manager, status of service to Limited Company, type of service) had not been notified. In general, where these comments were identified in the report, reference was also made to an enclosed notification form to be completed and returned to the HSE office.

REGULATION 31

Regulation 31(Annual fees) states that:

31(1) Subject to sub-article 4 of this article, a person carrying on a pre-school service shall pay to the Health Service Executive an annual fee towards the cost of inspections under Part VII of the Act and the amount of such fee shall be: (a) where the service provided does not exceed 3.5 hours in the day – €40.00; (b) childminding service – €40.00; (c) in all other cases – € 80.00.

Compliance commentary on this regulation noted that ‘the annual fee had been paid’ or ‘there were no outstanding fees due’. A small number of comments in the compliance commentary noted that ‘the annual fee is now due’, with instructions of where to send the cheque. Others noted that the ‘the annual fee of €80 for 2013 will be due on the anniversary of your notification date’.

Non-compliance commentary set out in this section deals mainly with fees not being paid, with comments such as ‘fees are outstanding for 2008, 2009, 2010, 2011 and 2012’; ‘fees were not paid for 2011 or 2012’; ‘the annual fee towards the cost of inspection or a request for a waiver has not been forwarded to the HSE’.

Actions required relate to payment of outstanding fees, with such comments as ‘Either the annual fee or the waiver request must be forwarded to the HSE’ and ‘All outstanding fees must be paid’.

Broad area	Regulation No.	Short title of regulation	% assessed as non-compliant
Management and staffing	8	Management and staffing	46.2%
	12	Number of pre-school children who may be catered for	0.7%

There are 2 regulations reported on under the broad area of management and staffing, and these are Regulation 8 (Management and staffing) and Regulation 12 (Number of pre-school children who may be catered for).

REGULATION 8

As noted above, Regulation 8 (Management and staffing), which has 3 parts and 7 sub-clauses, had the highest percentage of non-compliance across all regulations and almost all commentary relating to the broad area of management and staffing is presented under this regulation. Part 1 of Regulation 8 refers to the **staff-child ratio**; the **designated person in charge** and a deputy; and the person in charge **being on the premises**; Part 2 refers to

appropriate vetting of all staff, students and volunteers through references to past employers, reputable sources and An Garda Síochána; Part 3 refers to ensuring **vetting procedures take place prior** to a person being appointed or assigned. Understandably, these are the specific areas around which information on inspections is provided

Compliance commentary

Similar to other regulations, some reports identified the relevant parts and sub-clauses under which the regulation was compliant, for example, '8(1)a, b, c' or '8(1)b, c; 8(2)d' or '(1), (2), (3)'. Others provided more details and in respect of staff–child ratio, the commentary referred to a 'sufficient' or 'adequate' number of 'suitable' or 'competent' adults working directly with the pre-school children. The second issue dealt with under compliance part of this regulation referred to the designated person and most commentary noted that 'a designated person in charge' and 'a named deputy' had been 'assigned' and is 'available' or available 'at all times in the service'. Other comments noted that there was a 'named person' available to deputise 'as required' or in the 'absence of the designated person'.

The area around which the most commentary arose referred to Part 3 – Garda vetting and staff references. Commentary provided under the compliance section noted that 'Garda vetting and staff references are in place for all permanent members of staff in the pre-school' or for 'all staff members'.

Non-compliance commentary

There were 4 key themes emerging in respect of non-compliance with Regulation 8:

- Garda vetting and references;
- the ratio of adults to children;
- critical times where adequate child–adult ratios may not be maintained;
- the accuracy of records kept;
- the availability of a designated person;
- training.

The area of Garda vetting and references for staff generated the highest level of comment under this broad area. Several reports noted that 'no Garda vetting' or 'appropriate police clearance' had not taken place for some or all staff in the service. This issue was identified as particularly problematic in respect of 'students', 'relief members', 'FÁS workers', 'agency staff', 'temporary staff' and 'new staff members'. Other reports noted that 'appropriate vetting' had not take place on all staff and this was especially problematic for staff members who had lived or worked outside the Irish jurisdiction. In some cases, the report made reference to the records not being available.

Reports also identified members of staff for whom references were not available, noting that two validated references are required for each staff member. Other reports indicated that the staff files were unavailable on the day of the inspection and access to staff vetting documents were not possible. Others noted that the names of referees and their details were not recorded in staff files.

The commentary on non-compliance also referred to breaches in staff–child ratios and the lack of a designated person. Several reports referred to non-compliance in respect of the staff–child ratio, with a number of reports providing specific details (e.g. 'one adult was present with 14 children on arrival to the centre'). Providing adequate cover for breaks, mealtimes and rest periods for staff were identified as critical periods for non-compliance with the regulation, with some reports noting that there were risks to children from inadequate supervision due to breaches in the adult–child ratios at these times. In a small number of cases, queries were raised about the accuracy of records. The final area dealt with in respect of non-compliance under Part 1 refers to the absence of a designated person who can deputise in the event of an emergency. In respect of childminders, it was noted that a

service should have a second person ‘available to cope with emergencies’. Other comments noted that while there was a designated person in charge, there was ‘no named person’ or ‘a person was not on the premises’ to deputise as required. The level of detail provided suggests in-depth examination of the records held in respect of the staff–child ratio, as well as taking into account observations on the day of the inspection. A small number of comments drew attention to training that had been undertaken by staff.

There are an extensive number of records required under Regulation 8(2) and this requirement is assessed under Regulation 14. Issues arising will be discussed there.

REGULATION 12

Regulation 12 refers to the number of pre-school children who may be catered for on the premises and the number calculated is based on the size of the accommodation. There were only a small number of comments under this regulation, although some related comments were made across other regulation areas. Comments in respect of compliance under this regulation were generally in respect of whether the number of places were fixed or not. For example, one report noted that ‘there were no number of places fixed in this service’, while another noted that ‘following the inspection, it is now proposed to fix the number of places of pre-school children who may be catered for at the same time’. Other reports contained commentary based on the size of the room, the age of the children, the staff–child ratios and the number of rooms available; specific measurements were provided and a number then calculated. A small number of reports made reference to the adequacy of the space for the number of children on the premises.

Actions required were only presented in one case, where the associated comment was that the situation was currently under review and, on completion, the provider was asked to advise the HSE of proposals for the service.

Table 8: Threshold of evidence – Management and staffing

Thematic area	Possibility of being judged non-compliant	Strong probability of being judged non-compliant	Example of service being judged non-compliant
Staff–child ratio	A written policy detailing arrangements in the event of staff absences was not available.	The staff–child ratio not correct on the day of the inspection. Staff breaks and other absences not appropriately covered.	‘It was noted on the daily attendance record for [date] that between 7.30am and 9.30am there was only one staff member on the premises supervising 9 children signed in on the attendance record before 9.30am – 2 were under one year of age, one was 21-months old, 3 were 2 years old and 3 were 4 years old, all attending on a part-time/full day care basis. This is not in line with HSE guidelines ... It was also noted that 6 older children in the

			outdoor play area were unsupervised for periods during the inspection.’
Garda clearance	The Garda vetting and police vetting from another jurisdiction was not available for one member of staff, but Garda vetting for the time in Ireland was available.	Garda clearance not in place.	‘Garda vetting was not available for 3 adults working in the service and there was no record available to confirm an application had been made.’
References	All staff did not have 2 references on file and available for inspection.	Written references not in place for 2 or more members of staff. Qualification details not available.	‘References were not available for 4 adults working in the service and one person who provides relief cover. 4 staff members had only one reference on file, one of which was not from an independent source.’
Designated person	The service did not have a named person who is able to deputise as required.		‘The designated person in charge or the named person to deputise was not available when the inspection began, consequently a member of staff had to facilitate the inspection.’

Actions required

Actions required under broad area of management and staffing related to:

- ensuring appropriate and complete vetting is carried out on all staff/students/volunteers who have access to children within the service, and that this takes place prior to a person being appointed. Where staff without Garda clearance are in situ, they must not be left alone with children;
- submitting documentation to the offices of the Early Years Inspectorate within a specified timeframe, including, for example, Garda vetting, staff references;
- receiving 2 written validated references from previous employment, or in the event of work experience from 2 reputable sources, for each person working in the service;
- ensuring that there are a sufficient number of suitable and competent staff working directly with children at all times within the service by ‘adhering to the correct adult–child ratio at all times’;
- ensuring the staff roster is in place, is accurate and takes account of ‘early arrivals, late collections, nappy-changing, staff breaks, holidays, sick leave, school runs and kitchen duties, and contingency plans should be put in place for unscheduled staff absences’.
- ensuring that child attendance registers are fully completed daily for each individual room so that they accurately account for the children attending in each room at all times;
- making certain that the designated person in charge or the named person who is able to deputise are on the premises at all times;

- identifying and addressing the ongoing training needs of staff and maintaining a record of this;
- maintaining up-to-date personnel files;
- ensuring the Service Manager has the necessary experience, skills, attributes and competencies to be responsible for all aspects of the service.

Broad area	Regulation No.	Short title of regulation	% assessed as non-compliant
Records	13	Register of pre-school children	20.2%
	14	Records	35.0%
	15	Information for parents	12.5%
	17	Copy of Act and Regulations	3.5%
	30	Insurance	4.5%

Records form a key focus for inspection and 5 regulations deal specifically with this area (Regulations 13, 14, 15, 17 and 30). The level of commentary required, and written, about each of these regulations varies considerably. Both Regulation 13 and Regulation 14 have several sub-clauses, while Regulation 17 and Regulation 30 have none (Regulation 17 simply requires providers to have a copy of the Act and regulations on the premises). Five broad themes emerge in respect of records:

- availability of records;
- comprehensive and complete records;
- up-to-date records;
- accuracy of records;
- storing records appropriately.

REGULATION 13

Regulation 13 (register of pre-school children) sets out very detailed information to be provided by a service in respect of each individual pre-school child attending the service. The first part of the regulation states:

- 13.(1) Subject to paragraph (3) of this Regulation, a person carrying on a pre-school service shall keep a register and shall enter in the register the following particulars in respect of each pre-school child attending the service –*
- (a) the name and date of birth of the pre-school child,*
 - (b) the date on which the pre-school child first attended the service,*
 - (c) the date on which the pre-school child ceased to attend the service,*
 - (d) the name and address of a parent or guardian of the pre-school child and a telephone number where that parent or guardian or a relative or friend of such child can be contacted during the hours of operation,*
 - (e) authorisation for the collection of the pre-school child,*
 - (f) details of any illness, disability, allergy or special need of a pre-school child, together with all the notes relevant to the provision of special care or attention,*
 - (g) the name and telephone number of the pre-school child’s general practitioner,*
 - (h) record of immunisations, if any, received by the pre-school child, and*
 - (i) written parental consent for appropriate medical treatment in the event of an emergency.*

Commentary in respect of compliance for this regulation was provided in three main ways. First, statements were written such as ‘All information required on each child’s registration form has been completed’ or ‘Registration Forms were made available’. A second approach

was to note the exact section for which information was available by documenting the specific paragraph and sub-clauses, for example, ‘13(1)a, c, d, e, f, g, h, i’; in adopting this approach, it was clear that for this particular service, records in respect of sub-clause 13(1)b (i.e. date of birth for children attending the service) was missing. Other reports recorded non-compliance commentary in the compliance section as follows: ‘Some information had not been completed on some of the children’s registration forms.’

Similar to the compliance section, commentary provided on non-compliance was also reported using the different sub-clauses. Some reports, for example, listed the information required and then identified clauses where non-compliance occurred, such as:

‘13(1) A person carrying on a pre-school service shall keep a register and shall enter in the register the following particulars in respect of each pre-school child attending the service: (b) the date on which the pre-school child first attended the service. These details were not completed on four of the records.’

Others simply noted the section that was non-compliant, such as ‘13(1)h, i’.

Some reports listed the specific information that was missing without reference to the sub-clause and examples included:

- information about immunisations;
- date children first attend the service;
- surnames of children;
- parental consent for appropriate medical treatment in the event of an emergency;
- the name and telephone of each pre-school child’s general practitioner;
- date on which the pre-school child ceased to attend the service;
- details of illness, disability, allergy or special needs of a pre-school child.

On a small number of reports, it was noted that the register was not up to date.

Finally, reference was made to the storing of registration forms in a particular way (such as in the room children attend).

Actions required

Actions required under Regulation 13 referred explicitly to the area of information to be completed or that certain information be verified and completed by parents, including immunisation records.

REGULATION 14

Regulation 14 (Records) is similar to Regulation 13 (*see above*) and has 13 sub-clauses. The first part of the regulation states:

- 14.(1) *A person carrying on a pre-school service shall keep a record in writing 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 person, including volunteers and students, working in the service,*
 - (b) All information generated under Regulation 8(2),*
 - (c) details of the maximum number of pre-school children catered for at any one time,*
 - (d) details of the type of service and age range group,*
 - (e) details of the staff/child ratios in the service,*
 - (f) the type of care or programme provided in the service,*
 - (g) the facilities available,*
 - (h) the opening hours and fees,*

- (i) policies and procedures of the service,
- (j) details of attendance by a pre-school child on a daily basis,
- (k) details of staff rosters on a daily basis,
- (l) details of any medicine administered to a pre-school child attending the service with signed parental consent, and
- (m) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance commentary presented was similar to that identified under Regulation 13 (see above) and some reports include a broad statement of compliance (e.g. 'All written records were maintained and available'), while others identify the specific sub-clauses where the regulation was compliant. A more elaborate approach identified the specific details of the information required under the regulation.

Non-compliance commentary was presented using the same type of approach, although greater detail tended to be provided. Some reports contained substantial commentary about information that was not available or sometimes not accurate.

While there were examples of absent records from each of the sub-clauses under this regulation, the requirements relating to staff records generated under Regulation 8(2) emerged more commonly than others; these records relate to personal details of staff (particularly Garda clearance and rotas). A second area to emerge frequently related to the attendance of children in the pre-school and the availability of all information required in the regulations.

Actions required

A number of reports identified actions that required to be taken for Regulation 14 and these varied in terms of the amount of information given to providers. Some reports named the general regulation area (Regulation 8(2) and Regulation 14) were most commonly identified or standard (most commonly National Standard 5.14) to be 'developed', 'maintained', 'made accessible' and 'documented'.

Other actions identified the specific details of all the records to be kept in respect of staff and children and re-stated the sub-clauses identified in Regulation 14 itself. Some actions set out the level of detail expected in respect of a particular record, such as the following example relating to staff rosters:

"The staff roster needs to be revised so that it indicates the staff who are on duty at all times in the various rooms. The roster should demonstrate that there is sufficient cover for early arrivals, late collections, nappy-changing, staff breaks, holidays, sick leave, school runs and kitchen duties, and contingency plans should be put in place for unscheduled staff absences."

Some actions referred to the storage of records and it was generally noted that while the records should be easily accessible for inspection, this documentation should be stored in a secure manner such as in a 'locked cabinet'.

In addition to information to be held under Regulation 8(a) and Regulation 14, it was also noted that all policies should be maintained in writing and be available for inspection.

A small number of actions referred to the need for the provider to forward copies of specific documentation and these were mainly about Garda clearance and references for staff members that had not been available on the day of inspection.

REGULATION 15

Regulation 15 (Information for parents) requires that information detailed in Regulation 14 be provided to parents. The focus of the regulation is information about the staff (set out under Regulation 8(2)); the service; the children; and the policies and procedures. Some reports noted that the information was [‘provided verbally’](#) or set out in a [‘hand book’](#), [‘well-presented brochure’](#) or was displayed on a [‘notice board’](#) or at the [‘entrance door’](#).

Compliance commentary varied. Some reports noted the service provides the parent or guardian of each pre-school child with [‘all written information as required’](#), while others noted the specific information required or the individual sub-clauses where the service was compliant.

Non-compliance commentary again ranged from single comments (e.g. [‘all written staff records were not available on the premises’](#)) or an indication of the specific part of the regulation that was not compliant (e.g. [‘14\(1\)\(a\), \(c\), \(d\), \(e\), \(f\), \(g\), \(h\)’](#)) to more extensive detail on each specific area not available for parents.

Actions required

Actions required under Regulation 15 related to:

- providing parents with the specific information identified as missing;
- submitting [‘samples of up-to-date information to the Inspectorate’](#);
- ensuring all staff records are available on the premises;
- updating current information to take account of revised regulations.

REGULATION 17

Regulation 17 (Copy of Act and Regulations) is very straightforward and requires that a service have a copy of two documents on the premises and available for inspection by a range of people, including parents/guardians or a pre-school child attending or proposing to attend the service; every person working in the service; and an authorised person. The documents referred to are: (1) a copy of Part VII of the Child Care Act 1991; and (2) a copy of the Child Care (Pre-School Services) (No. 2) Regulations 2006.

Compliance commentary in respect of this regulation was provided in a small number of reports, simply stating that [‘A copy of the Child Care \(Pre-School Services\) \(No. 2\) Regulations, 2006 and the Child Care Act 1991, Part V11 are available on the premises’](#). Non-compliance commentary noted that there was no copy on the premises and actions required a copy to be held.

REGULATION 30

Regulation 30 (Insurance) notes that:

A person carrying on a pre-school service shall ensure that the pre-school children attending the service are adequately insured against injury while attending the service.

Compliance commentary in respect of this regulation documented the presence of adequate insurance and the availability of the certificate. A number of reports noted that [‘the service provider has adequate insurance cover for the number of pre-school children attending the service’](#) and that [‘all children attending the pre-school are adequately insured against injury’](#). Some reports drew attention to the availability of a certificate of insurance, such as [‘a current certificate of insurance was observed at the time of inspection’](#) or [‘a copy of the insurance certificate was available on the day of the inspection’](#). One report documented that insurance was in place, but certification was not on the premises.

Non-compliance was documented in respect of services not having a current copy of insurance available for inspection (e.g. ‘Insurance certificate or evidence of current insurance cover was not provided at time of inspection’; ‘There was no current insurance certificate’). Another report noted that the insurance cover provided was inadequate since the number of children in pre-school and after school services exceeded the total number for which insurance had been provided.

Actions required

Actions reflect the non-compliance area and focused mainly on providing evidence of the insurance available and of keeping the insurance certificate on the premises.

Table 9: Threshold of evidence – Records

Thematic area	Possibility of being judged non-compliant	Strong probability of being judged non-compliant	Example of service being judged non-compliant
Availability of records	Details or information about a single area or a small number of areas not available for inspection.	Details relating to specific records not available or recorded.	‘There was no written information in relation to the service maintained and available for inspection.’
Accuracy of records		Staff rosters do not detail accurately staff breaks and cover provided for breaks. Inaccurate information provided.	‘You knowingly impeded the inspection process by not informing the inspection team of the type of service you have been operating, by inaccurately answering questions and by providing false information and records to the inspection team.’
Ensuring information is up to date	Policies were available for the service; however, the policies to be reviewed and updated.	No up-to-date register for all the children attending the service.	‘13(1)(h) The immunisation records being maintained are not up to date.’
Providing comprehensive and complete information	A small number of records not in place.	Incomplete records on a number of children or staff. No information provided to parents.	‘The register has Christian names of the children only and no date of birth recorded. Some records of children's immunisations are incomplete or inaccurate.’

Broad area	Regulation No.	Short title of regulation	% assessed as non-compliant
Safety	6	First aid	10.2%
	7	Medical assistance	9.8%
	16	Fire safety measures	19.9%
	27	Safety measures	43.0%

Four regulations are dealt with under the broad area of safety (Regulations 6, 7, 16 and 27). Regulation 6 and 7 deal predominantly with safety issues around children’s health, while Regulation 16 deals specifically with fire safety. Regulation 27, entitled ‘Safety measures’, provides an overarching structure to report on safety issues arising in other areas and consequently, while safety as an issue emerges across many different areas (including, among others, for the health, welfare and development of the child, and in premises and facilities), these issues also arise under Regulation 27.

The following section presents findings in respect of the 4 individual regulations outlined below. Safety issues emerging are first considered. A thematic approach is then adopted to key safety issues arising across all regulations .

REGULATION 6

Regulation 6 (First aid) deals specifically with having a fully equipped first aid box. Compliant commentary related to having a first aid box available and accessible to staff ‘on the premises’ or in individual ‘pre-school rooms’ that is ‘fully stocked’ with ‘appropriate materials’, which were named in some instances. A small number of comments noted that the first aid box should be stored in a safe place that was not accessible to children. The final issue under this section related to the availability of a staff member who was suitably qualified in first aid.

Non-compliance commentary noted that the first box was ‘inadequately stocked’, ‘not adequately equipped’, ‘cluttered’ or ‘contains equipment no longer required or out of date’. Comments were also made about the need for the first aid box to be ‘stored separately out of reach of the pre-school children’. Only one comment referred to the provider’s First Aid Certificate, which was noted to be out of date.

Actions required focused on the importance of ensuring that first aid boxes were reviewed regularly and properly equipped. A number of reports made reference to the full list of requirements provided in the explanatory guide to the Child Care (Pre-School Services)(No. 2) Regulation 2006.

REGULATION 7

Regulation 7 (Medical assistance) deals with two issues:

- A person carrying on a pre-school service shall ensure that –*
- (a) adequate arrangements are in place to summon medical assistance promptly in an emergency, and*
 - (b) a protocol is in place for the administration of medication.*

Positive commentary in respect of Regulation 7 generally noted that ‘adequate arrangements were in place to summon medical assistance’ and that this was available ‘promptly in an emergency’. Some comments referred to the name of the medical service where assistance would be provided in the event of it being needed and noted this commentary was easily visible. Other positive comments referred to the availability of a telephone landline or

‘intercom system to all rooms’ in the service. In respect of 7(b), positive comments noted the ‘presence’ and ‘adequacy’ of a protocol being in place for the administration of medication.

With only a handful of exceptions, comments in respect of non-compliance were focused on the protocol in place for the administration of medication, rather than the adequacy of arrangements to summon medical assistance. In that regard, it was noted that

- a protocol had to be in place;
- any medication given had to be consented to by parents;
- all medication given to children had to be recorded and signed for by a parent.

A small number of reports noted that the service did not have a protocol in place for the administration of medication, while others noted they were ‘inadequate and need to be updated’. Only a handful of reports focused on summoning medical assistance.

Actions required

Actions required under Regulation 7 included:

- Ensuring that a written policy/protocol for the administration and storage of medication was developed and implemented within the service;
- positioning children’s names and their relevant GP contact numbers in a visible, easily accessible place (e.g. next to telephone) so that medical assistance can be summoned quickly in an emergency;
- ensuring that written parental consent is available for all children so that the provider can seek medical assistance quickly in an emergency.

Some reports made reference to ‘a guide’ that had been enclosed with the report to assist in developing a medication protocol for the service.

REGULATION 16

Regulation 16 (Fire safety measures), which has 3 sub-clauses, generated extensive commentary. The first sub-clause relates to records of all fire drills and of number and type of fire-fighting equipment and smoke alarms in the premises. The second refers to ensuring that records are available to parents and other appropriate personnel. The third sub-clause refers to the display of notices of procedures in the event of a fire.

Compliant commentary reflects each of the three sub-clauses. In some cases, an overall statement was presented, drawing attention to the compliance of the service across each of the three areas. In other cases, specific compliant commentary was included in the reports and this related to:

- the carrying out of fire drills and the availability of relevant records;
- records of the number, type and maintenance of fire safety and fire-fighting equipment;
- visibility and display of protocols and procedures in the event of a problem.

Non-compliant commentary referred mainly to:

- not carrying out fire drills on a regular basis;
- not maintaining records appropriately;
- not servicing fire equipment on a regular basis;
- lack of visibility of commentary on fire safety procedures.

Non-compliant commentary highlighted areas where sub-clauses of Regulation 16 were not being met, including absence of records in respect of fire drills or servicing of equipment. Other reports drew attention to ‘the need for monthly fire drills to be carried out as a matter of routine’, with the report on one service noting that ‘no fire drill was carried out in 1 year

and 1 month'. Details of the last services of fire-fighting equipment were identified in non-compliance commentary, with some noting that the services had not been carried out for a considerable period of time. Other reports indicated that records were variously not being kept (e.g. 'No written records for smoke alarms in the premises were being maintained') or were not available at the time of the inspection. The final area related to the absence of sufficient visibility of the procedures to be followed in the event of a fire, with comments such as 'The procedure to be followed in the event of a fire was not displayed on the wall in the playroom' or 'Fire procedures were not displayed in the premises'.

Actions required

Actions required to be carried out in respect of fire safety reflect the areas outlined in the non-compliance section, including:

- **Procedures to be in place.** Recommendations included: 'Fire drills are [to be] held monthly'; 'Smoke alarms should be tested at least monthly to ensure operation of the sounders, by use of the test button provided on the units'; 'All alarms should be tested once a year to ensure that they respond to smoke'.
- **Records to be kept.** Examples included: 'A record shall be kept in writing of fire drills'; 'Records shall be kept of the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises'.
- **Making commentary available and visible.** Examples included: 'Displaying fire procedures in a conspicuous position in the premises'; 'Details of fire drills carried out and details of location and service records of equipment must be available for the inspection process'.
- **Ensuring the procedure meets the needs of children.** Examples included: 'As discussed, please refer to *Fire Safety in Pre-school Services* document devised by Department of Environment and devise a fire drill procedure specific to your premises'.
- **Compliance with and supporting evidence of fire safety.** Examples included: 'The fire fighting equipment must be serviced annually'; 'A fire certificate' or 'A certificate of compliance to a fire certificate' should be submitted.
- **Awareness of fire safety.** Examples included: 'All staff should be familiar with the document *Fire Safety in Pre-School Services*'.

REGULATION 27

Regulation 27 (Safety measures) reported the second highest level of non-compliance – at 43% – after staffing and management. It has 6 sub-clauses and states that:

A person carrying on a pre-school service shall take all reasonable measures to safeguard the health, safety and welfare of a pre-school child attending the service and in particular shall ensure that –

- (a) all heat emitting surfaces are protected by a fixed guard or are thermostatically controlled to ensure safe surface temperatures,*
- (b) hot water provided for use by a pre-school child is thermostatically controlled to ensure a safe temperature,*
- (c) any garden or external play area is so fenced and doors and gates are so secured as to prevent a pre-school child gaining unsupervised access to a roadway or other source of danger and to prevent unauthorised access to the garden or external play area,*
- (d) ponds, pits and other hazards in any garden or external play area are so fenced as to ensure the safety of a pre-school child attending the service,*
- (e) steps are taken to prevent the spread of infection,*
- (f) operational procedures for the safe conduct of outings are in place and a pre-school child is safely escorted on any outing.*

Similar to other reports dealing with a regulation with several sub-clauses, compliance commentary for Regulation 27 sometimes referred the reader to the specific sub-clauses of the regulation that were compliant. The majority of those referred to in this way were compliant across all sections (e.g. '27(a), (b), (c), (d), (e), (f)'), with a small number compliant across two or more (e.g. '27(a) and (b)').

Other compliant commentary referred to the service taking 'taking all reasonable measures to safeguard the health, safety and welfare of the pre-school children attending the service' and the presence of a safety culture within the service. A small number of reports noted that 'a risk assessment has been carried out' and 'is to be documented', while one report noted additional information to be included in the service's Health and Safety Policy.

Relative to other regulations, the commentary under non-compliance for Regulation 27 was extensive. The main sources of non-compliance under general safety issues referred to:

- structural issues (including temperature control, access by unauthorised individuals, access by children to unsafe areas; hazards);
- process issues (infection control, supervision of children);
- unsafe storage of materials and equipment;
- policies inadequate or not in place.

Non-compliance commentary was presented in respect of each of the areas identified above, although this commentary was limited in respect of operational procedures for the safe conduct of outings.

Structural issues

A number of reports drew attention to structural issues arising and, understandably, most commentary referred to those highlighted in the regulations, including temperature control, access by unauthorised individuals to the service and access by children to unsafe areas, as well as the presence of hazards in the external environment. Safety issues relating to the structure of the service also emerged under premises and facilities, particularly in respect of the structure of the indoor environment, and this is dealt with under the broad area of 'premises and facilities'.

Temperature control

Two sub-clauses of Regulation 27 refer to ensuring that the temperature of (a) all heat-emitting surfaces and (b) hot water provided are controlled to ensure they are safe for children. There were several references to both these sub-clauses, with various reports noting the 'lack of enclosure of the oil tank and boiler', which were therefore accessible to the pre-school child. Others noted that 'radiators in the playroom', 'hallway', 'sleep room' were not thermostatically controlled or fitted with protective guards. Other safety issues related to the potential for burns. A small number of references were made to non-compliance in respect of sub-clause (b) hot water source, where a lack of thermostatically controlled supply or the temperature of the water in wash-hand basins was considered too hot.

Unsafe access by children and others

Regulation 27(c) and (d) refer to ensuring that any garden or external play area prevents unsupervised access by children to a hazard (including roads, ponds or pits). Non-compliance in respect of these sub-clauses was identified in terms of unauthorised access to the service by others and in terms of unsupervised access of children to areas outside of the service (e.g. roadways). Unsecured areas allowing for unsupervised access for children to roadways and unauthorised access to the service by adults, while some comments drew attention to unrestricted access by children to the outdoor area.

Hazards in the indoor and outdoor environment

A number of hazards were identified, including 'broken glass' near the play area, 'unsecured garden sheds', 'sand trays filled with stagnant rainwater in play area' and 'briars were coming through the fencing'. Many specific examples of hazards were identified in the reports and a sample of these are listed in Box 1:

Box 1: Examples of hazards identified internally and externally

- A sharp knife in the drawer of the kitchen area, which was accessible to the children.
- There were blind ties accessible to the pre-school children in the pre-school room.
- No safety gate used at top or bottom of stairs.
- Nappy-changing unit shakes to the touch and there is no protective bar/strap to prevent a baby from rolling off.
- A large box of matches was at a level accessible to the pre-school child on a shelf in the kitchen area.
- The large windows in the Montessori room do not have visibility strips fitted.
- The wall shelf behind the double doors was coming away from the wall and appeared to be in danger of falling.
- Flex/cable from a stereo accessible to the pre-school child in the baby/toddler room.
- A laptop plugged in and accessible to the pre-school children.
- A loose piece of timber protruding between the radiator and the box of books.
- Printer resting insecurely on the countertop within reach of the pre-school children.
- Loose plug trailing near the radiator.
- Two electric cables in the playroom on the left-hand side of the building were hanging low and were easily accessible to the children.
- Safety covers not provided on some of the electric sockets in playroom.
- Sharp edges on the corner of the kitchen units in the playroom to the right.
- Kettle on a high shelf with the flex trailing down within reach of pre-school children.
- The children's paint containers, which were within reach of the children, stated that that they were not suitable for use by children under 3 due to choking hazard. This is due to small parts which pose a choking hazard.
- Electrical flex for the lamp was hanging very close to one of the cots and could be tampered with by a child using the cot.
- A safe escape route from 2-3 year-olds' room via patio doors could be impeded due to the position of garden shed.
- The door of the washing machine in the kitchen was not locked.
- The electrical socket was not in a proper state of repair.
- Most of the electrical sockets in the room were not fitted with safety covers.

Process issues

Sub-clauses 27(e) and (f) refer to infection control and the safe conduct of outings respectively. Sub-clause 27(e) was the focus for considerable comment and there was a strong emphasis on hand-washing, particularly around toileting and eating. References to procedures for managing an outbreak of infectious disease were much less common.

Infection control

Some comments referred to children 'not being encouraged' or 'not washing their hands prior to eating'. Others drew attention to 'staff changing nappies on children without washing her hands or changing gloves between them'. Other comments referred to a lack of hot water (e.g. 'Hot water was not available at time of inspection as immersion had not been switched on. Effective hand-washing was not possible as a result') or lack of soap or

disinfectants (e.g. 'There are no sanitising or disinfecting cleaning agents provided in the premises' and 'There was no soap in one of the children's toilets wash-hand basins'). Some comments related specifically to sanitation and nappy-changing was a particular issue. Other reports mentioned mattresses that were 'soiled' and 'unclean'. One report mentioned the need for an infection control procedure to be in place.

While the comments relating to hygiene under this regulation mainly referred to hand-washing and sanitation (and these were also identified under Regulation 5), most commentary in respect of cleanliness emerged under the broad area of 'premises and facilities'.

Supervision of children

There was a very limited reference to sub-clause 27(f) (i.e. safe conduct of children when on outings) and in general this commentary was confined to the presence of a policy being in place or to the policy not being sufficiently detailed. A number of comments referring to non-compliance under this regulation, however, referred to inadequate supervision of children in the indoor environment or a lack of knowledge by staff about their whereabouts on the premises or the lack of a system to restrict exits and access from the playrooms to other areas within the service. A small number of reports made reference to a risk assessment having been completed or in the process of being completed.

Unsafe storage of materials and equipment

Several comments related to the unsafe storage or use of materials, particularly cleaning materials. Comments included 'Cleaning agents were not stored out of reach of children at all times'; 'The door to the store where the cleaning agents are stored was unlocked on the morning of the Inspection'; 'There were 2 presses in utility and 1 in kitchen which were unlocked and contained cleaning agents. These were accessible to the children'; 'The children in the Montessori room were cleaning the mirrors with a chemical cleaner which could pose a safety risk to the pre-school child'.

Policies

A small number of reports identified issues arising from an absence of policies under Regulation 27.

Actions required

Actions identified for Regulation 27 were very specific to the nature of the non-compliance documented above. In some cases, the report recommended changes take place immediately due to the seriousness of the problems. Actions were identified across each of the areas emerging and examples are now provided:

- **Restricting access to unsupervised areas** (e.g. knowledge of where all children are at all times in the care of the service; 'Fit low level windows with limiters/restrictors to prevent them opening widely'; 'Secure gate locks to prevent unauthorised access').
- **Making changes to the organisation of the physical and material environment** (e.g. 'Make window blind pull cords inaccessible to the pre-school children to minimise the risk of strangulation or injury'; 'Fit all electrical sockets with safety covers and carrying out regular checks to ensure these are in place').
- **Promoting safe hygiene practices** (e.g. 'Additional training on infection control and hand-washing must be addressed immediately'; 'Cleaning is best achieved by using a general purpose detergent and warm water, clean cloths, mops and elbow grease. Where there is a higher risk of cross infection (e.g. during outbreaks), a disinfectant should be used').
- **Ensuring thermostatic control** (e.g. 'Ensure hot water, thermostatically controlled, is available throughout the service'; 'A suitable cover is required for the

radiator in the second toilet area'; 'The radiators shall be thermostatically controlled (50°C or below) or fitted with guards').

- **Storage of cleaning materials and all equipment safely** (e.g. removing plastic bags from the children's environment).

Table 10: Threshold of evidence – Safety

Thematic area	Sub-theme	Possibility of being judged non-compliant	Strong probability of being judged non-compliant	Example of service being judged non-compliant
Structural	Temperature control	The water at the wash hand basin in the sanitary accommodation was too hot to touch.	Oil tank and boiler not enclosed and are accessible to the pre-school child. The hot water provided for use by a pre-school child too hot (48°C rather than 43°C).	'27(b) The hot water at the mixer tap was recording at a temperature of 62°C.'
	Unauthorised access	The main entrance in use by the pre-school service leads directly out to the roadway. The door to the kitchen area, which contains hazardous materials, was open during the inspection.	The safety gate to prevent a pre-school child leaving the premises was open.	'The entrance gate was open on arrival of Inspectors.' '27(c) The two public pathways leading to and from the children's outdoor play area were not adequately secured in order to prevent unauthorised access and to prevent a child leaving the play area unsupervised.'
	First aid box	First aid box incomplete, cluttered or inappropriately stored.	No first aid box in place. Significant number of items missing from the first aid box or materials out of date.	'The first aid box provided was not properly equipped. The box and contents were in a dirty condition.'

	Hazards	A plug socket cover was uncovered. Electric cables accessible to children.	The stair-gates not fitted to the top and base of the stairs. Dangling blind cord accessible to toddlers/children .	'The register has Christian names of the children only and no date of birth recorded. Some records of children's immunisations are incomplete or inaccurate.'
Process	Fire drills	The front door should be able to be used as a fire escape in the event of fire. This door was locked and no key available on the day of inspection.	Adequate fire safety measures not in place in the service. No exit signs or assembly points identified. Fire extinguisher not serviced.	'The designated fire exit was locked by a key at the time of inspection.'
	Infection control and infection control policy	Hand washing instructions not displayed in all sanitary areas. Up-to-date written procedures not in place for outbreak of infectious diseases. Inadequate infection control policy in place.	The children did not wash their hands prior to eating. A hand-washing policy was not in place.	'There was no provision of suitable cleaning materials accessible to staff for use in the nappy-changing area for disinfecting the nappy-changing mat after use.' 'On the day of inspection, a written procedure was not in place should an outbreak of an infectious disease occur.'
	Supervision		The front door of the premises remaining open while children were collected. Risk that children might exit premises unsupervised.	'The gate was not so secured so as to prevent a pre-school child gaining unsupervised access to a roadway or other source of danger and to prevent unauthorised access to the garden or external play area.'

Storage	Materials and equipment	Cleaning products stored in an unlocked press in the (kitchen) staff sanitary area.	There were cleaning agents stored within reach of children in the kitchenette.	'The safety catches on the cupboards in the baby room were broken. Cleaning chemicals were stored in these cupboards.'
Policies and records	Consent for medication		A protocol for the administration of medication not been developed for the service.	'(a) There were no adequate arrangements or written procedures in place to summon medical assistance in an emergency. There was no written medical consent for emergency treatment obtained for two children currently attending the service.'
	Contact numbers in case of emergency		General Practitioner's name and contact telephone number for each pre-school child not displayed.	'At the time of the inspection, adequate arrangements were not in place to summon medical assistance promptly in an emergency.'
	Records of safety equipment and fire drills	All appropriate records not in place. Fire drill not carried out last month. Service record for the smoke alarm system not available.	No written record of the maintenance record of the fire-fighting equipment on the premises. No fire-fighting equipment in place at time of inspection and therefore no maintenance records in place.	'The records required under paragraph (1) of these Regulations were not available for inspection.' 'There was no written record of any fire drills carried out on the premises.' 'A whistle or bell was not available to alert children and staff to practise a fire drill.'

	Fire procedure on display	The fire procedure is not on display in the premises.	No notice of the procedures to be followed in the event of a fire displayed in a conspicuous position in the premises.	'The fire assembly point was not indicated. There was no fire evacuation procedure on display or documented.'
	First aid certification	First Aid Certification out of date in respect of all the pre-school staff working in the service at the time of the inspection.	There was no documentation in relation to first aid training of staff.	'At the time of the inspection, the service provider did not have a current qualification in first aid.'
	Outings	Policy for outings needs to be updated, further developed.	No policy in place for outings.	'On reviewing the current written outing policy/procedure, it was noted that there were no reference to important details such as conducting a risk assessment.'

Broad area	Regulation No.	Short title of regulation	% assessed as non-compliant
Health, welfare and development of the child	5	Health, welfare and development of the child	14.9%
	9	Behaviour management	9.1%

The health, welfare and development of the child is dealt with under 2 regulations – Regulation 5 (health, welfare and development of the child) and Regulation 9 (Behaviour management).

Main findings for Regulation 5

Regulation 5 (Health, welfare and development of the child) generated extensive commentary and 4 sub-themes emerged. These are the extent to which:

- the service supports children's basic needs;
- the physical and material environment is developmentally appropriate;
- the programme of activities and its implementation supports active learning across a range of areas;
- relationships around children are supported.

An overview of these areas is now presented, with key themes arising and reporting thresholds.

SUB-THEME 1: Extent to which the service supports children's basic needs

Compliance commentary provided under children's basic needs is extensive and long, detailed quotes are commonplace in the inspection reports. In general, areas dealt under this theme relate to support for activities of daily living (e.g. hygiene, toileting, rest and sleep) and nutrition. While many reports noted that the 'personal care provided met the needs of the children attending the service', some identified specific issues relating to specific issues.

Hygiene

The area of hand-washing emerged as the key issue in respect of children's hygiene and reports indicating compliance reported that 'the children washed their hands before eating'; 'are encouraged and supervised or hand wash prior to eating and after toileting'; and 'children are familiar with the hand washing regime'. In non-compliant reports, failure to observe hand-washing by children was identified as an issue. Other issues of non-compliance in this regard related to the facilities themselves and in particular where there was no hot water for hand-washing; where insufficient or inaccessible soap or paper hand towels were provided; and where children's toys or equipment were not cleaned or maintained in a hygienic way.

Toileting

In respect of toileting, many reports noted that that children were encouraged in 'self-toileting' or in respect of younger children it was noted that nappy-changing and toileting were 'completed in a quiet and dignified way'. Where non-compliant services were identified, the issues tended to be in respect of:

- an absence of a nappy-changing policy;
- poor hygiene practices during nappy-changing, such as not using gloves, not cleaning the changing mat between nappy changes and staff not washing their hands between changes;
- failing to maintain the dignity of children by ensuring their privacy when carrying out changes/toileting.

Resting and sleeping

The extent to which children were provided with appropriate facilities and opportunities to rest during the day were identified as key issues in service compliance. This issue is also dealt with under Regulation 28 (Facilities for rest and play) and as many of the same areas are covered under both regulations, this aspect is dealt with under Regulation 28. Some differences emerge, however, and in Regulation 5 there is a focus on the extent to which individual children were facilitated to rest within the overall care programme.

Nutrition

This area has already been dealt with under food and drink.

SUB-THEME 2: Physical and material environment

This area generated significant commentary in respect of both compliance and non-compliance. There were many very positive comments about the physical and material environment and these were generally linked with children's development. Services were deemed compliant when the service was 'child friendly, bright and warm', 'provides for a range of developmentally appropriate experiences', is 'pleasant', 'safe', 'laid out in defined interest areas', 'allows for free movement of the children' while remaining 'under the supervision of the staff' and children's work was 'displayed and shared in a way that values

and respects it' – all these observations were regularly reported under the compliance commentary. Materials and equipment that were 'available and accessible to children', 'offering a range of developmental experiences' or, as noted in a number of reports, 'providing a range of developmentally appropriate experiences for the children attending, including movement; language development; creativity; imaginative play; manipulation; construction; working in co-operation within small and large groups' were all noted in the compliance section of Regulation 5 reports. A smaller number of comments referred to the comfort of the staff, particularly in terms of 'appropriate seating for adults to facilitate feeding and nurturing of children'.

Non-compliance commentary was also extensive around this area and, again, this commentary focused on the extent to which the physical and material environment supported children's development and offered a range of experiences.

PHYSICAL ENVIRONMENT

Overall design and layout of the service

Non-compliance in respect of the overall design, layout and ambience of the service was identified as a key issue and there was substantial commentary about the area. There were a number of negative comments about the poor layout of the service and insufficiency of space available to meet the needs of the children. While some of these comments are dealt with under the thematic area relating to the structure of the service, a number of them specifically linked the space available to the children's development, particularly their gross motor development. There were also a number of comments about the layout of the various rooms and their capacity to support children's development. Comments such as 'the playroom was poorly laid out', 'layout was not creative' or 'designed to enrich the child's experience' were made in this regard. Another issue relating to the space and layout of the room drew attention to services where the rooms were 'untidy', 'cluttered', had materials 'stored in a haphazard way' or had materials that were not relevant to the service (e.g. hairdryers, play station tapes) stored in pre-school rooms. One final issue related to the poor condition of some furnishings being used in various pre-school settings and 'torn', 'tattered' or 'in need of repair' were terms frequently used.

Access to outdoor play areas

Regulation 28 notes that children in part-time or full day care services should have access to the outdoors on a daily basis, weather permitting. An absence of outdoor play areas was identified as problematic and several comments were made about the lack of access to children, in both full day care and part-time day care where access to the outdoor play was not provided. Other comments noted that children were not given opportunities to go outside even though there were 'facilities provided and weather was permissible'. Many comments relating to the outdoor area drew attention to the lack of availability of toys (e.g. 'In the outdoor play area, equipment was locked away'), while other comments drew attention to outdoor equipment that was unsafe, unclean, untidy and broken.

Special interest areas

As noted above in respect of compliance, having areas of special interest for the children was identified as a positive feature of services. Indeed, their absence was considered a deficit. Comments in reports noted that services should ensure 'special interest areas' are defined and clearly identifiable for children. In one report, attention was drawn to the areas where access to toys and equipment was not maximised and consequently, activities were adult-directed.

In general, commentary about the physical environment as it relates to children's development focused on an adequacy of space to support children's development, particularly gross motor needs; the availability of areas of special interest to stimulate children; and the presence of both indoor and outdoor facilities. The outdoor facilities came in for some criticism in terms of the poor condition of some toys and other equipment available to the children. Issues of safety arising have been addressed under the safety theme.

MATERIAL ENVIRONMENT

Access to developmentally appropriate and stimulating materials that are freely available are considered necessary in all services providing care for pre-school children. A number of comments noted that easy and ready access is important so that children can exercise choice, initiative and independence. Others noted that a diversity of materials should be available so that all senses can be stimulated.

Availability of developmentally appropriate toys and equipment

There were a number of comments about the lack of toys and other materials available, their unsuitability for various age groups and their poor condition. Many comments in respect of non-compliance made reference to the poor condition of some types, materials and other equipment available to children, with the implication that children would not want or should not be using them.

Access to developmentally appropriate materials

Many of the comments in respect of compliance noted that equipment and toys in each room were located on low-level, easily accessible shelving and in toy boxes. Items of interest were at eye level, shelving low and tables at waist height for the children. There were, however, a number of comments highlighting a lack of access to materials and equipment by children. Some reports stated that **'the toys were not accessible to the children'** or were **'stacked on high shelves'** or **'stored in a box and are not accessible to children'**.

Diversity of stimulating toys and equipment

Commentary provided noted that play materials should be diverse so that **'all areas of development, including gross motor, fine motor, cognitive and language development'** are supported. Other comments noted that the toys available should stimulate all the senses and be freely and easily accessible to all children when needed. Many reports provided commentary in respect of this aspect of the material environment, naming the various types of materials and equipment that should be available to children.

Several reports identified specific materials and equipment considered to be stimulating and developmentally appropriate. Creativity, for example, was reported as being facilitated through art work and the chalk board; manipulative skills through jigsaws, bricks, twisty toys and the conversation bench; imagination through dress up, a pet shop and the home corner; and physical skills through use of sand, water, balls and hoola hoops. Some reports drew attention to the need for toys and equipment that stimulated movement; language development; creativity; imaginative play; manipulation; construction and working in cooperation within small and large groups, while others referred more broadly to the range of developmentally appropriate experiences for all children and gave examples of the type of materials used to support the different areas of development.

The main **actions required** to be carried out in respect of the physical and material environment related to the layout of the environment so that children could easily identify different areas, could access toys and equipment, that was comfortable and secure, and that facilitated children's development. Ensuring that sufficient, diverse and age-appropriate, developmentally stimulating toys were available formed the basis for a number of actions to be carried out.

Summary

In summary, the commentary relating to the physical and material environment was extensive and included commentary relating to the extent to which the overall design and layout of the service, outdoor areas and special interest areas supported the health, welfare and development of children. The material environment mainly dealt with materials, equipment and toys, and key issues arising related to their availability, accessibility, diversity and capacity to stimulate children's development. Underpinning each of these areas were key issues relating to choice and developmental appropriateness.

SUB-THEME 3: Programme of activities and implementation

Similar to other aspects of the reporting, a number of reports contained generalised summary statements such as ‘the programme of activities is developmentally appropriate’. Many comments, however, identified key elements considered positive, such as following a particular curriculum (e.g. Montessori Method and Philosophy) or Framework (e.g. Aistear and Síolta). Some reports drew attention to the ‘diversity of the programme’ and named a variety of different activities available to children and their participation in them. Programmes that were ‘based on the child’s individual profile’ and where ‘each child is supported to work at their own pace and to their own strengths and interests’ were highlighted as being positive. The provision of opportunities for ‘group work’ as well as ‘one-to-one work with the pre-school staff’ was also identified as an important element, while giving each child an opportunity ‘to take the lead and initiate activity’ was commented on very favourably in various reports.

Programme implementation was also subject to some consideration and examples of positive implementation observed on the day of inspection were set out in many reports. While many different elements were highlighted as being part of a programme, there are also many examples of activities where opportunities were used to encourage children’s development. One report, for example, noted that each child ‘has the opportunity and is encouraged to be the “helper” at meal times and to be responsible for their own lunch boxes’, thus supporting self-care. Other reports highlighted the freedom of choice of activity for children and noted the combination of free-flow play with structured, adult or child-led activities. Observations of children’s outcomes on the day of the inspection are also documented in reports and comments similar to these were relatively common.

Understandably, the focus of **non-compliance** was also diverse and included issues relating to not having a programme of activities, not adhering to the programme set out, having limited activities or limited opportunities for children to engage with, participate in, or lead activities. Other comments related to the specific content of the programme, which sometimes was considered insufficient, inappropriate or lacking in useful content. The final area was the use of observation of children to individualise programmes of activities to meet their developmental needs.

Extent of free play

Some positive comments noted that children engaged in free-play during the course of the day and when this was part of an overall structured programme, it was considered positive. It was clear from the commentary that the extent of free play was considered an issue, with comments drawing attention to children being ‘observed to sit most of the day either at their tables or on the floor and in circle time’. In the context of free-play activities, some commentary identified children playing in inappropriate places (e.g. the toilet) or with inappropriate materials (e.g. booster seats, soothers). A small number of comments drew attention to children ‘wandering aimlessly around the room’ and appearing bored.

Availability of and adherence to programme of activities

Many positive reports noted the existence of and/or adherence to daily timetabled programmes. Examples of good practice included pre-planning on a weekly basis, the availability of curriculum plans and programmes linked to, or underpinned by, Aistear, Síolta, HighScope and Montessori. Negative reports commented on non-availability of timetables or programmes or non-adherence to them, as well as the absence of linkages to specific programmes. Some references indicated that there was ‘no written programme of care or curriculum plan available in the service’ or there was ‘no documented curriculum for any of the care rooms’, while others noted that there was limited planning in advance for the children. Other comments focused on the implementation of the programme, with reports referring to the ‘timetable’, ‘programme’ and ‘list of activities’ not taking place, or sometimes

'staff not being aware of' the programme of activities. Other commentary suggests that there is an acknowledgement that such planning is complex and takes time and considerable effort.

Child-centred, choice and opportunities for initiating and leading activities

There are a number of aspects of the programme of activities that are considered important from the perspective of children's development. These are that programmes are child-centred, that children are offered some choice in the programme and that they have opportunities for initiating and leading activities. Many positive comments in respect of this area draw attention to the importance of having a child-centred programme where children were given choices and their individual needs were met through individual support and encouragement.

While some reports noted explicitly that each child was encouraged to take part in activities or that each child was included in all activities or actively encouraged to participate, other reports noted that activities observed at the time of the inspection were predominantly 'table top' and 'adult-led' or that the children had 'little opportunity when playing to make choices, take the lead, initiate an activity, make a decision, and be appropriately independent and supported to solve problems'. A key issue related to the opportunities available to pre-school children to make choices or initiate activities.

Individualised approach based on observations

Most positive reports referred to the maintenance of key observations of children during play and programmes of activities. Many reports referred to the comprehensive nature of observations and a number of reports added that staff understood their significance and the need for keeping comprehensive records, including commentary for parents and inspectors and feedback into programme design and adaptation of activities to individual children's needs. Negative commentary noted that 'key observations were recorded, but were not used for curriculum planning', while others noted that 'no observations were documented or available for inspection'. Several reports alluded to the importance of linking observation of practice to future design in a feedback loop.

Scope of programme

Several positive reports noted that programmes provided 'a range of activities which stimulate creative, manipulative, imaginative and physical play' or provide 'for the different areas of play and language'. Many reports highlighted specific aspects, with language development being a common focus. Negative commentary in this regard focused on the lack of varied or suitable activities. In general, where the scope of the programme was referred to, it was in the context of positive commentary, identifying a variety of different elements and having a mix of activities.

Feedback to parents

Several positive reports comment on recording of children's progress and feedback to parents. Some services were reported as maintaining folders or scrap-books of children's art work or other outputs (including in one instance 'learning story observation records and photographs of children involved in various activities') and monthly written observations (although the books were only sent home twice a year). In other cases, children's folders were located in the hallway for parents to access and keep updated on their child's progress.

Summary

In summary, there were many comments referring to the programme of activities and while the absence of, or failure to adhere to, a programme of activities was negative and resulted in children being bored, there was explicit recognition that some free play, child-initiated and child-led activities were desirable. Many services were complimented on the variety and extent of activities offered to children and where the scope of the activities were limited, it was considered a problem. A number of reports drew attention to the importance of observing children and ensuring their needs were accommodated in individualised programmes. Finally, giving feedback to parents through a variety of different methods was considered to be a positive feature.

SUB-THEME 4: Relationships around children

The final area dealt with under Regulation 5 relates to the relationships around children. These relationship extend across a number of areas, including:

- between staff and children;
- between children themselves;
- between staff and parents;
- between pre-school services and the broader community;
- between pre-school services and the supports available to them.

Relationships between staff and children

The interaction between staff and children formed an important focus in respect to Regulation 5. While some reports simply documented that that [‘the relationships around children are supported’](#), others provided considerable detail, giving examples of positive as well as negative interactions. Terms used to describe positive interactions between staff and children were that staff demonstrated [‘sensitivity’](#), [‘warmth’](#) and [‘positive regard’](#) towards the children; that they spoke with children in a [‘quiet’](#), [‘dignified’](#) and [‘positive way’](#) at their own level, [‘maintained eye contact’](#), used [‘soft tones’](#) and listened attentively to them. Others noted that staff had [‘kind and reaffirming relationships’](#) with the children or [‘a gentle approach’](#) towards them and a small number of reports noted that staff sought out [‘opportunities to converse with the children’](#). Good relationships were identified where a key worker system was in place and staff turnover was low.

Issues relating to the interaction between staff and children were identified as problematic in non-compliant services. In general, these issues focused on the number of staff, staff movement throughout the day and their engagement with the children in their care. A number of reports found that there were an insufficient number of competent adults working directly with the children and this has been dealt with under management and staffing. In other reports of services deemed to be non-compliant, attention was drawn to the absence of a key worker system and the impact that this had on the children’s ability to form and maintain relationships. A lack of engagement of staff with the children was also a feature of non-compliant reports and criticism focused on the level of interaction and inadequacy of positive engagement with the children.

Managing children's behaviour (Regulation 9)

Although Regulation 9 is titled ‘Behaviour management’, in general, the focus in the commentary is on the presence or absence of appropriate *policies* around behaviour management. Managing children’s behaviour also arises under Regulation 5, where a number of comments are made in respect of children behaviour with other children and the responses by staff to incidents of challenging behaviour. Compliance commentary focused generally on [‘appropriate responses to challenging behaviour by staff’](#) and healthy interactions between children and between children and staff. There were, however a number of comments under both Regulation 9 and Regulation 5 where the management of

children's behaviour was not considered to be appropriate or effective. A small number of comments drew attention to differences between the policy and observations, noting that the policy was not being implemented, while other comments referred to specific incidents taking place while the inspector was on the premises.

The focus on interactions between the staff and children was reflected in the actions to be carried out by the pre-school as required by the inspector. Main actions recommended were:

- managing children's behaviour appropriately, having an appropriate policy in place and adhering to the policy;
- ensuring the correct adult-child ratios and having a sufficient number of suitable and competent adults working with the children at all times so that the health, welfare and development of children is not compromised;
- having minimal staff changeover;
- putting a key worker system in place;
- liaising with the professional body, Early Childhood Ireland, for assistance.

Relationships between children

Some inspection reports drew attention to the importance of the relationship between children themselves and some particularly highlighted the importance of supporting sibling relationships throughout the day. In services deemed to be compliant, reports indicated that 'children received support to enable him/her to interact positively with other children' and 'sibling interactions are facilitated over the course of the day'. Reports on non-compliant services drew attention to difficulties arising because children were moved a lot between rooms or because older children were placed in the same room as young children and 'dominated the session'. Actions recommended in the reports around this area were that:

- there should be minimal changes of children from room to room within the service;
- the care of pre-school children should not be compromised by the presence of older children.

Relationships between staff and parents

Several reports drew attention to the importance of the relationship between staff and the parents of children being cared for in the pre-school facility. Some reports noted that the service demonstrated sensitivity, warmth and a positive regard for the children's families, that they worked in partnership with parents, had a responsive relationship with them and communicated well with them in a way that was 'responsive' and 'informative'. Other reports drew attention to the service having a 'supportive relationship' with parents. One report noted that the warm and responsive relationship with all the parents was 'demonstrated by the well-attended graduation ceremony at the time of the inspection'.

While Regulation 15 deals specifically with information for parents, the commentary under Regulation 5 focuses on the relationship between provider and parents, and also on the provision of information about individual children. Positive commentary on this aspect of the service identified various methods of communication (e.g. 'Parents of children in the Toddler room receive a daily diary of their children's activities'), while non-compliant commentary noted that parents are not given opportunities for formal exchange of information or 'there was inadequate provision of written information for parents on feeding, sleeping, nappy-changing, play, outdoor play or developmental milestones for children in the service'.

Actions required around this area included:

- needing to engage more with parents;
- being responsive and sensitive in the provision of information to support parents in their key role;
- facilitating the exchange of written information between parents and the crèche;
- commencing a liaison/record book for all children in the crèche to ensure that all relevant details regarding activities of daily living are recorded accurately and in turn passed on to the parents;
- expanding information about children's basic care needs, to include learning and development;
- developing a real partnership approach with parents;
- going beyond the brief informal exchanges that occur on drop-off and pick-up times.

Relationships between staff members

The relationships between staff members were considered very important and a number of reports made reference to the need for staff in the facility to work as a team and to hold regular (weekly/monthly) meetings. Some reports referred to teamworking, with one report noting 'a strong ethos of teamwork evident and the manager is very focused on providing a quality service'. The purpose of team meetings was also highlighted, with reports noting that team meetings are essential for:

- planning programmes of care;
- reviewing and evaluating practice regularly and using this process to inform practice;
- staff morale.

A number of references were made to the need for having a record of the staff meetings.

Non-compliant reports also made reference to teamwork generally, focusing on the absence of team meetings and the absence of a mechanism through which interaction between staff can take place

Actions required in the inspection reports included:

- regular team meetings;
- team-building activities;
- putting a system in place to review and evaluate work practices;
- putting in place arrangements for staff support and supervision, including staff appraisal.

Relationship between the pre-school and the broader community

Multiple references were made to the engagement between the pre-school service and the broader community and there were many positive references to this in facilities deemed compliant. Linkages included having speakers visit the centre (e.g. Gardaí, nurses, 'Beekeeper', the 'Hurley Coach') and animals (e.g. new chicks and bunnies). References were also made in reports to children visiting local facilities, such as the library, local park, community hall and GAA pitch. Many of these references drew attention to the way in which these activities supported the implementation of the Aistear programme, particularly Aim 2 on identity and belonging (*children will have a sense of group identity, where links with their family and community are extended*) and Aim 3 (*children will broaden their understanding of the world*). Displaying photographs of these visits was also identified as positive.

Non-compliant commentary noted that services should be linked with their local community and actions required included:

- outings to local facilities, such as library, fire station, swimming pool;
- providing opportunities and experiences for children to learn about their own culture and other cultures, to include awareness of the wider social community;
- inviting people from the community to visit the service and give talks, demonstrations, etc.

Relationship between pre-school service and supports available

The final area in this sub-theme related to the engagement between the pre-school service and the national and local supports in place, including referral to organisations that provide professional and practical advice and support, such as local County Childcare Committees and Early Childhood Ireland. Such engagement was evidently common.

Summary

In summary, a key area for inspection relates to the interactions and relationships that take place in the pre-school setting. Six main areas were identified: the relationship between the staff and children; the relationship between the children themselves; the relationship between staff and parents; the relationship between staff members; the relationship between the pre-school service and the broader community; and the relationship between the pre-school service and the organisations that provide professional and practical advice and support (such as the County Childcare Committees and Early Childhood Ireland).

REGULATION 9

Compliant comments made in respect of Regulation 9 (Behaviour management) note that 'positive', 'comprehensive', 'written', 'child-centred' policies and procedures are in place to deal with behavioural management issues. These issues include managing 'challenging behaviours' and identifying methods to assist children in managing their own behaviour appropriately. A small number of comment referred to the knowledge demonstrated by staff of 'what behaviour management methods are acceptable and unacceptable to use'.

A second focus for comments related to observations or evidence from the inspections that 'no corporal punishment is inflicted on the pre-school child attending the service' and that there is 'no evidence of any disrespectful, degrading, exploitive, intimidating, or emotionally or physically harmful or neglectful being carried out'

Having a child protection policy, based on the *Children First* national guidance (2011), that outlines written guidelines for identifying or reporting any child protection and welfare issues was identified as compliant. Having undertaken training or attended a workshop based on *Children First* was also identified as positive.

Non-compliant commentary highlighted services that did not have written 'child protection' or 'behaviour management' policies in place on the day of inspection. Other comments noted that the policies were in place, but were not 'up-to-date', 'appropriate' or 'adequate', particularly in respect of having a designated person and in clearly identifying a referral procedure in respect of child protection. Other comments related to adults in charge not having up to date 'Keeping Safe' training or not having certification to show that any staff had completed training in this area.

The actions required focused mainly on:

- Where policies were not in place around child protection or behaviour management, ensuring that this is done.
- Reviewing existing policies on child protection and behaviour management to ensure they are in line with current national policies in the area and making amendments as discussed during the inspection.
- Incorporating key issues into the child protection policy, such as ensuring the designated person (and a deputy) have up-to-date ‘Keeping Safe’ training; outlining the arrangements for contact with the local Health Service Executive and other relevant agencies; and staff responsibilities for the reporting of suspected child abuse or neglect.
- Ensuring the behaviour management policy sets out:
 - the methods used to support children in managing their own behaviour, taking account of the level of understanding and maturity of the child;
 - document that physical punishments are never used or threatened;
 - keeping a record of any ongoing behaviour issues displayed by a child;
 - where a child is involved in ongoing or frequent incidents, the child’s behaviour is reviewed with staff and the child’s parent or guardian, and an agreed plan is put in place.
- Ensuring that the behaviour management policy is fully understood and implemented by staff .
- Ensuring that parents are informed of the service’s policy before the child is enrolled.
- Making contact with the relevant County Childcare Committee or other sources (e.g. HSE, Barnardos’ Training and Resource Service) in respect of using templates to develop the policies and to access training.
- Ensuring that all staff take part in up-to-date training on behaviour management.

Table 11: Threshold of evidence – Health, welfare and development of the child

Thematic area	Sub-theme	Possibility of being judged non-compliant	Strong probability of being judged non-compliant	Example of service being judged non-compliant
(a) The service supports children’s basic needs	Activities of daily living		General statements such as personal care provided did not meet the needs of the children attending the service.	‘All the children are aged 2 and younger, but there is no written exchange of information on feeding, sleep, play and nappy-changing unless at a parent’s request.’

	Hygiene	Hand-washing not promoted prior to eating or after toileting. Paper towels not provided. Moist wipes are not a substitute for hand-washing with warm running water and liquid soap.	No hot water for hand-washing. Children's toys or equipment not cleaned properly. Child observed not washing their hands before eating and after toileting.	'Soothers and dummies should be used as part of a sleep routine only. They should be labelled with the child's name and stored in clean containers when not in use so as to reduce the risk of cross-infection.'
	Toileting	Absence of nappy-changing policy.	Poor hygiene practices during nappy-changes – no gloves used; not cleaning the nappy mat between changes. Failing to maintain the dignity of children.	'There are no doors to the individual toilet cubicles in the sanitary area and therefore does not facilitate the child toileting in privacy.'
	Rest and sleep (also dealt with under Regulation 28). Generally focuses in this regulation on responsiveness to needs of child		Children not being provided with opportunities to rest according to their needs.	'At the start of the inspection, a baby was asleep in the sleep room. No staff member went into the sleep room for 1 hour and 15 minutes. The service's sleep policy is not adhered to.'

(b) The physical and material environment is developmentally appropriate	Design and layout	Toys and books not easily accessible to children. Room cluttered. Limited opportunities for physical/large movement activities. Temperature of rooms not high enough/too warm.	Lack of appropriate toys. Rooms not well organised. Insufficient room to move freely; toys and equipment not accessible to children; walls bare. Rooms cold.	'On inspection, the upstairs playroom was inadequately stocked with toys and play equipment. Book cases were stored facing the wall, preventing the children gaining access to the equipment. Some of the books, toys on display were torn and need replacing.'
	Adequacy of the space	Inadequate room for children to move around. Insufficient space for children's play and activities.	The infants (0-1 year-olds) without secure and safe designated space to roll, crawl or attempt walking in a safe and non-threatening environment.	School children were observed playing in the small outdoor play area. This area was grossly overcrowded.
	Access to materials	Too few books in the book corner/library. An inadequate amount of materials freely available and easily accessible to the children.	In the wobbler/toddler area, toys and play equipment not readily accessible for the children, the environment not encouraging exploration and independent play. Toy kitchen area appearing bare and the children's books hidden behind a number of cushions.	'The indoor environment was not laid out to accommodate the needs of the children with clearly defined interest and easy access to the toys and equipment. The physical environment was observed to be cluttered, with toys and equipment chaotically stored.'

	Special interest areas	Absence of a benefit from a soft-seated area for the children. Designated interest areas not fully developed in the service (crèche area).	The indoor environment being a large playroom, with interest areas not developed in the service to maximise access to the toys and equipment. Designated interest areas, such as home corner, dress-up area, construction, art and crafts, etc., not adequately developed for the service.	‘There were no clearly defined special interest areas within the room. There were no appropriate visual clues (posters, charts, pictures, etc.) to assist a child to identify any area within the room.’
	Outdoor play	The outdoor area only utilised in the summer time due to the grass being too wet.	No access to outdoor play.	‘The outdoor play area was not secure at the time of the inspection. Children were observed running behind portacabins and up onto high banked areas that compromised staff supervision. There was a gate within this play area that was not locked and lead to a public housing area.’

(c) The programme of activities and its implementation supports active learning across a range of areas	Timetabling and programme design	The current programme in use not displayed. The pre-planned programme of care not indicating that it links with a quality national framework, such as Aistear or Síolta.	No evidence of curriculum. No evidence to show that the programme of care was reviewed or took account of children's individual profile.	'On the door of the pre-school room and notice board was displayed "Commentary on Montessori Day". However, there was no Montessori teacher working in the service at the time or a Montessori programme being provided. There was no evidence that curriculum planning took place. The crèche's policies and procedures referred to observational records being carried out on the children. However, these records were not being maintained.'
	Scope of programme		No suitable programme of care and activities in place for the five 1½ to 2½ year-olds attending the service.	'There was limited evidence that the programme of care and activities in place were adequately planned in advance. The adult on the premises appeared vague about the programme.'

	Learning		Children's learning, development and well-being not adequately facilitated, e.g. most activities adult-led, adults choosing the table-top activity, some activities going on for an extensive period.	'On the day, children's learning, development and well-being were not adequately facilitated. There was no evidence of any routine or structure on the day. There was a very limited (i.e. list) written programme of care/activities/curriculum available.'
	Participation of children		No evidence that children were involved in the planning of activities. Children disinterested and wandering around and not adequately engaged by staff.	'During the inspection, it was observed that the pre-school children participated in musical statues. As the game progressed, children that were out were left standing to one side and became restless and wandering around the room aimlessly. They began climbing on the library stand.'
	Recording and feedback		No recording of key observations on the children's development maintained on the children and no individual records for children maintained.	'Apart from daily diaries (recording basic information such as feeding, nappy-changes, sleep times) maintained on the younger children, there was no documentation to demonstrate that each child's learning, development and well-being was adequately facilitated in the service.'

	Observations of children	Observations maintained on the children, but not capturing the relevant information to ensure a comprehensive assessment.	No individual written record of key observations on the children's development. No evidence that observations recorded were being used to develop children's learning and development.	'Records of key observations maintained for children (e.g. from September 1st-30th 2012 and October 10th-26th 2012) were similar for all children.'
(d) Relationships around children are supported	Staff and children		Staff unsure of the needs of the children. Staff members not sitting at the tables with the children or engaging with them at their level, the staff continually standing and directing any activities that took place. Inadequate level of interaction and positive engagement of the children. Staff talking among themselves about topics not pertaining to the pre-school children for long periods.	'Staff sat and watched infants playing on floor for considerable time, with no verbal encouragement/no response to infants sounds. In other areas, one staff was cleaning/ tidying, whilst one read story (to 23 children) with a number of children not engaged.'

	Between children	Very rough behaviour of a child towards a smaller child not observed and corrected by staff.		‘The ongoing disruptive behaviour by a significant number of children impacted on all children attending the service. Some children (not involved in this behaviour) did not appear content or happy. Overall, on day, a number of children were noisy, shouting, running around room, constantly up and down from table, when given books by staff, threw them on the floor. Children were climbing on tables, sitting with feet on tables and were bored. There was no evidence on day that the staff present had the necessary skills or competences to manage the situation.’
	Between staff and parents	Service provider not providing parents with regular written progress reports.	No evidence of communication and exchange of information on play, feeding and developmental milestones with parents/guardians and no recording of key observations regarding the child’s development.	‘There was little evidence to demonstrate that the service operates in partnership with parents, with no formal/structured feedback to parents on their child’s development within the service.’

	Between staff members	Absence of team meetings and the absence of a mechanism through which interaction between staff can take place.		'There is no evidence of team meetings or opportunities where staff can review and evaluate practice regularly and use this process to inform practice.'
	Pre-school service and the broader community		No evidence that the service is integrated with the local community via local involvement, outings to library, fire station, swimming pool, etc.	'There was no evidence of other cultures/traditions, languages included in the programme of activities. There was no evidence of involvement with the local community, supports or organisations.'
	Pre-school service and supports available to them	Advice, support and commentary on room layout, etc. not sought from the National Childcare agencies and the County Childcare Committees.		

Broad area	Regulation No.	Short title of regulation	% assessed as non-compliant
Premises and facilities	18	Premises and facilities	28.3%
	19	Heating	10.3%
	20	Ventilation	10.5%
	21	Lighting	5.2%
	22	Sanitary accommodation	24.9%
	23	Drainage and sewage disposal	0.8%
	24	Waste storage and disposal	3.9%
	25	Equipment and materials	17.4%
	28	Facilities for rest and play	13.0%

The broad area of premises and facilities takes account of 9 separate regulations (Regulations 18-25 and Regulation 28). Each is discussed in detail below.

REGULATION 18

Regulation 18 (Premises and facilities) has an overarching focus on the broad area of premises and facilities, and this regulation takes account of a number of different issues emerging under other regulations, particularly Regulation 12 which deals with the number of children who can be catered for in the premises according to the space available.

Reporting on Regulation 18 related to all 6 of its sub-clauses (safety of the premises; space available; cleanliness of the building and state of repair; storage of cleaning materials; storage for equipment; and rodent control) significant comment was generated in the inspection reports across compliance, non-compliance and actions to be undertaken.

Some reports documented that, overall, a premises was ‘maintained in a proper state of repair’ or to be ‘safe and secure’, with a small number of comments identifying areas where deficits were identified. It is clear, however, from an analysis of Regulation 18 that a small number of services are in a poor state of repair and this is reflected in the text of the reports where several different areas were identified in the non-compliant commentary, including the extent to which the building itself was considered unsuitable for children because of structural issues. One example related to a building being considered unsafe because of inadequate parking/space provided for drop-off and pick-up of children. Others related to internal issues such as the close proximity of the toilet area to the playroom or handles missing from internal doors, with the potential for children to get trapped inside. Having sufficient space for children is an important aspect of comfort and development, and this issue is regulated for under Regulation 18(b), which focuses on ensuring that ‘adequate space per child is provided in the premises’. (This issue was also identified in Regulation 12 and Regulation 5.) Other reports drew attention to the absence of an outdoor play area, which was also addressed under Regulation 5.

Overall cleanliness and state of repair

Throughout the inspection reports, there were many references to deficits in the cleanliness of toys, equipment and furnishings, as well as specific rooms identified. This issue is also dealt with specifically under Regulation 18(c), which refers to issues of both cleanliness and the state of repair of service buildings. Commentary in respect of compliance noted that premises were ‘found to be in a clean and hygienic condition at the time of inspection’ and ‘cleaning schedules were in place’. However, there were a number of concerns raised under this sub-clause in the non-compliant section, although the extent of non-compliance ranged

from one or two issues (e.g. skirting boards damaged; walls dirty; dust and cobwebs; the nappy-change mat was torn and taped together) to more general concerns about hygiene in the service. A small number of reports, however, identified extensive issues relating to the state of repair of the service and issues involving dampness, mould and poor hygienic conditions, both internally in the building and externally in the outdoor play area, were raised. While many reports made reference to dust (on book shelves, at the back of play equipment, hat boxes, rugs, skirting boards), these tended to be part of more general concerns about hygiene in the service.

Pest control

Regulation 18(f) relates to pest control and a number of comments were made about the potential for rodent infestation, particularly in temporary (pre-fabs) or outdoor buildings (e.g. sheds). A small number of reports made reference to evidence of infestation, including this comment:

‘The following were noted on the premises: A bait box and loose bait were noted in a press under the nappy-changing counter in the sanitary area. Mouse droppings (evidence of infestation) were noted in the press of the nappy-changing area. Further evidence of infestation was noted in the press of the utility room.’

FITTINGS AND UTILITIES

A more specific approach is taken to utilities such as heating, ventilation, lighting, drainage and sewage disposal, waste storage and disposal, and sanitary accommodation, where each is regulated for under individual regulations (Regulations 19-24). Commentary presented under each of these regulations focuses specifically on where the specific regulation is complaint or non-complaint and in general the commentary is much less extensive than for other areas (particularly, for example, for Regulation 5 or Regulation 8).

Each regulation has a separate focus and in general, only a small amount of commentary is presented where a regulation is complaint. The non-complaint commentary focuses on presenting the evidence for the finding, on lack of availability of supporting documentation (if that is required) and issues relating to the ongoing maintenance of the service in respect of that regulation area.

REGULATION 19

Ensuring that children are warm while in a pre-school service is a requirement for children’s comfort and a basic need for their care. For Regulation 19 (Heating), there were a small number of comments referring to the adequacy of the heating as evidenced by the temperature of the room and an inspection of the heating system itself. Specific findings are documented, such as ‘the air temperature of each room was within the recommended range of 20–22°C’ or the heating system was found to be ‘satisfactory on the date of inspection and was not found to be malfunctioning’. There were several comments relating to the overall service, or parts of it (such as the lobby, playroom, sleeping room), as being ‘exceptionally cold’, ‘very cold’ or ‘too cold’. These statements were usually accompanied by a temperature reading, which ranged across different services from 13°C–16°C. A number of comments were also made about the boilers, radiators, underfloor heating or other source of heating not working properly.

Other comments relating to non-compliance drew attention to the lack of servicing of boilers and to the lack of information recorded about the servicing that had taken place. One comment noted that the temperature of the service was so low that children had to wear coats while there. Actions required to be carried out referred to ensuring the temperature within services was maintained at a comfortable level for children and for boilers to be regularly serviced and with the date of service recorded.

REGULATION 20

Adequate and appropriate ventilation is a requirement for comfort and safety and is regulated for under Regulation 20 (Ventilation). Compliance information noted that ‘Adequate and suitable means of ventilation was in place in the service’ or ventilation has been ‘provided in all occupied rooms and sanitary accommodation’. A number of comments related to the findings from the inspection of vents, such as ‘On inspection there was very little air coming through the vents provided over the glazed panels’.

Comments made in the non-compliance section of the reports referred to poor ventilation due to mechanical vents not working or windows not available or not opened across a range of different areas (e.g. the lobby; children’s toilet, staff toilet, nappy-changing area and pre-school room), resulting in malodours and smells. Dampness was identified as problematic in a number of services and attention was drawn to this problem (e.g. ‘The plaster would crumble to the touch’), as well as fittings being covered in mould (e.g. ‘The blind in the sleep room was discoloured with mould’ and ‘The ceiling was black with dampness’).

Actions required related to the provision of ‘suitable and adequate ventilation’ in the specific areas identified and it was noted in one report that the ventilation ‘should be capable of 2 to 3 air changes per hour’. One report noted that ‘the windows should be opened during the hours of operation of the service as a means of natural ventilation’.

REGULATION 21

Issues relating to adequate lighting are provided for under Regulation 21 (Lighting). Commentary in respect of compliance noted simply that ‘suitable and adequate lighting is provided in the premises’, while other comments referred to specifics such as the light covers – ‘All lighting was enclosed in suitable covers’.

Non compliance information focused on three areas. First, on the extent to which there was sufficient lighting, there were a small number of comments suggesting the lighting was inadequate (e.g. ‘The level of lighting in the main ground floor playroom was dim at the time, with one of the artificial lights not in working order’). A second issue related to ensuring all light fittings were complete and unbroken (e.g. ‘One of the fluorescent light fittings was damaged’). The third issue included a number of comments about the need for ‘shatter-proof diffusers’ in respect of florescent lights.

Only a small number of reports identified actions required in respect of lighting and these generally referred to replacing light fittings/bulbs, and particularly to ensuring that the lighting fitted was shatter-proof.

REGULATION 22

Regulation 22 (Sanitary facilities) generated considerably more comment than other regulations concerned with the service structure. As noted earlier, the issue of cleanliness was a feature of this aspect of the service. Some reports noted that ‘adequate and suitable sanitary facilities are provided for the children who attend the service’ and ‘including hygienic nappy-changing facilities are being provided in the pre-school’.

The non-compliance commentary, however, was more extensive and key issues related to the availability of hot water, nappy-changing facilities, cleanliness of the area, safety issues and accessibility of the toilets for the children. While issues relating to hand-washing have been dealt with earlier, the focus of this regulation was on the lack of availability of hot water, with reports variously noting there was ‘no hot water at the wash hand basin in the staff toilet’ and the ‘hot tap at the wash hand basin in the nappy-changing unit was broken’. The importance of hot water to support hygiene, particularly hand-washing, was highlighted. The nappy-

changing facilities were a cause of particular concern, with references made to the lack of appropriate facilities, their cleanliness, the safety of units and their appearance.

A number of reports made specific comments in respect of cleanliness in the toilet areas and disposal of soiled nappies also emerged as problematic. The final area identified referred to the availability and accessibility of the sanitary accommodation, with a small number of comments indicating that ‘there is no adult sanitary accommodation available on the premises’ and an ‘insufficient number of hop-ups are available for the children’.

Actions required reflected the need for hot water and appropriate nappy-changing and other sanitary facilities, with comments referring to ‘adequate’, ‘suitable’, ‘constant and instantaneous’ supply of ‘thermostatically controlled’ hot water provided at wash hand basins used by staff and children, and ensuring the availability of ‘sinks in the nappy-changing area’ that are ‘accessible and fit for purpose’. A number of actions also related to cleaning the toilet areas.

REGULATION 23

Regulation 23 (Drainage and sewage disposal) states that ‘A person carrying on a pre-school service shall ensure that suitable and effective means of draining and sewage disposal are provided to the premises’. This regulation generated very limited commentary, with compliance commentary noting that ‘suitable and effective means of drainage and sewage disposal is provided on the premises’. Some provided other details, such as ‘the system of sewage disposal is by means of public sewer’ or via ‘the local authority’ and ‘no major malfunctions of the system were observed on the date of inspection’.

Only one report contained commentary that could be interpreted as non-compliance and this commentary was presented under the compliance section. It noted that while the service was compliant, ‘two rainwater downpipes were found to discharge into overflowing gullies, which resulted in water lodging on the outdoor play area turf surface’. The action required noted that these should be remedied.

REGULATION 24

Regulation 24 is concerned with waste storage and disposal. Compliance commentary noted that ‘All waste and refuse is stored hygienically and disposed of frequently in such a manner as not to cause a nuisance’; ‘Waste and other refuse is stored hygienically and disposed of frequently within the pre-school service’; and ‘Suitable and sufficient means of waste storage and disposal was observed at the service and there were no undue accumulations of waste found on the date of inspection’.

Only a small number of non-compliance comments were made. Examples included the location of wheelie refuse storage bins not being ‘closed off from the children’s play area’, the absence of a bin in a ‘sanitary area’ and in another case not having ‘properly fitting lids on bins’. There was almost no variation in terms of the threshold of compliance/non-compliance and any deviation from the standard (e.g. having a rubbish bag on the dining table) resulted in an assessment of non-compliance.

Actions required related to ensuring ‘a small bin with a lid’ shall be provided ‘to collect refuse’ and ‘for the disposal of paper towels and sanitary waste products’ and that ‘all waste should be removed daily’ and outdoor bins should be secured so that they are ‘inaccessible to the pre-school child’. In addition, it was noted that ‘waste should be stored in an area that is not accessible to children’.

REGULATION 25

While only a small number of services had compliance commentary in respect of Regulation 25 (Equipment and materials), there was a strong consistency in the commentary presented. Compliance commentary mainly drew attention to the service having ‘sufficient’ and ‘varied’ furniture, play and work equipment and materials available at the service and ‘all equipment and materials are in a proper state of repair and are maintained in a clean and hygienic condition’.

Non-compliance information documented specific equipment or materials (e.g. play kitchen, plastic boxes to store toys, cushions, etc.) that were found by the inspector to be ‘torn’, ‘dirty’, ‘dusty’ and ‘unkempt’. Sleeping materials were identified in a number of cases as problematic and references were made to mattresses in a cot being stained or dirty (e.g. ‘The sheets on the other two cots were both dirty and did not fit the mattresses adequately’) and to sheets not being changed between children. A small number of comments noted that there was insufficient furniture, play and work equipment and material available at the service. Some reports referred to the need for a cleaning programme or schedule.

Actions required that equipment be maintained, that children not share rest or transport equipment that cannot be easily cleaned; that all material and equipment be kept in a proper state of repair and maintained in a clean and hygienic condition, and that a cleaning programme be put in place.

REGULATION 28

Regulation 28 (Facilities for rest and play) notes that a person carrying on a pre-school service shall ensure that –

- (a) *adequate and suitable facilities for a pre-school child to rest during the day and night (if an overnight pre-school service is provided) are provided,*
- (b) *adequate and suitable facilities for a pre-school child to play indoors and outdoors during the day are provided, having regard to the number of pre-school children attending the service, their age and the amount of time they spend in the premises.*

Some compliance commentary referred the reader to one or other or both sub-clauses of the regulation, while other reports included references to ‘adequate’ and ‘suitable’ facilities for children ‘to rest during the day’ or ‘the provision of a sleep facility’. Other reports provided more detailed information, including the number of children who need sleep, where the sleep area is situated and the supply of cots for children: ‘One child required sleep. A cot has been provided for this child in room on first floor. Provider checks child regularly.’

Other references relate to the availability, suitability, and adequacy of indoor and outdoor play areas (e.g. ‘All areas are securely fenced and have been provided with suitable all-weather safety surfacing’; ‘Adequate facilities were provided for indoor play’).

Non-compliance commentary was focused mainly on the outdoor area and facilities for the pre-school child to rest during the day.

Outdoor area

A small number of reports documented that there were ‘no facilities for the children to play outdoors during the day’, while others made reference to the unsuitability of the area. Other commentary made reference to the inadequacy of play materials, both outdoors and indoors, such as the following comment: ‘Inadequate play materials available and accessible to the pre-school child in clearly defined interest areas hinders children’s ability to play indoors.’

Inadequate rest facilities

A number of reports made reference to the inadequacy of the rest facilities for children and this was particularly problematic in respect of children in full day care and children aged over 2 years. Some reports noted that there were ‘insufficient cots’ and ‘low beds’ provided for babies and children availing of full day care service, which was deemed to be ‘a serious lack in any full day care service’.

A small number of reports documented that ‘babies were put in their buggies to sleep and not placed in the designated sleep room to rest’. In one report, it was noted that this problem had been brought to the attention of management on another occasion, but despite this, nothing had changed.

In a small number of cases, the report drew attention to the actual sleeping facilities: ‘The mattresses on the cots in the sleep room were of a poor standard, stained and not fit for purpose. One cot was positioned adjacent to a radiator and another cot directly under a window.’

Other areas of non-compliance related to not having a record in the sleep facility or having no information on sudden infant death displayed in the sleep room to remind staff of the ‘safe sleep position’.

Table 12: Threshold of evidence – Premises and facilities

Thematic area	Possibility of being judged non-compliant	Strong probability of being judged non-compliant	Example of service being judged non-compliant
Overall state of repair	Some of the ceiling tiles throughout the premises stained. A rough and unpainted wall surface near the window in the playschool room. A section of skirting board missing in the playschool toilets, resulting in the wall being rough and uneven.	Evidence of water damage. Paint peeling from the walls. Wear and tear on the walls and skirting boards throughout the premises. Door handles loose and the hinges creaking.	‘There was a crusting of plaster from dampness in the playrooms and along the hallway. The plaster would crumble to the touch. There were numerous examples of dampness on the walls of the playrooms and sleep room. The blind in the sleep room was discoloured with mould. There was a very strong malodour of dampness throughout the premises. The floor of the baby room was dusty and dirty.’
Hygiene	Build up of dust around fixtures and fittings. Rusty hinges. Food debris and stains on the window sill and floor surface in the dining area.	A mechanical air vent dusty in one sanitary area, with utility room untidy and the door in the open position throughout the inspection.	‘The floor, walls, ceiling, toilet bowls and wash hand basin in the staff toilet were very dirty.’

		The internal surfaces of the drawers dirty.	
Ventilation	Intervening ventilated lobbies not provided in sanitary accommodation (shared) for pre-school and toddlers, and nappy-changing area for babies and wobblers, but no evidence of malodours in these areas and good ventilation in place.	A ventilated lobby not provided between the toilets and the playroom. No ventilation in the lobby separating Playroom 1 from the staff and one of the children's toilets. No ventilation provided in a sleep room located directly off the Transition room, whereas any rest room should be provided with a minimum of 3 air changes per hour (ventilation guidelines).	‘There was an unpleasant damp smell from the store, as ventilation was not provided to the room. There was a very damp and musty smell to the kitchen and black mould was found on the ceiling – this indicated that the ventilation to the kitchen was inadequate. The ventilation to the kitchen must be improved to prevent dampness and mould growth. The ceiling requires thorough cleaning and repainting.’
Pest control		Sink used for paint work outside in a roofed area that is not adequately pest-proofed. Animal faecal matter/droppings observed in the outdoor play area.	‘All pieces of wood in storage around the shed shall be removed to prevent harbourage for pests. Holes/burrows were noted in the outdoor play area. Droppings were noted on both the grass and the tarmac areas. Numerous rabbits were observed in the outdoor play area.’
Heating		The room quite cold at the time of inspection ... measured at 14°C. The centre was exceptionally cold.	‘The premises was not adequately heated with a suitable means of heating as there were only two small heaters and a portable heater in the large playroom to heat this space. The air temperature here was cold, with 13.3°C–15.5°C recorded on the day. The pre-school room felt cold and was found to be a

			temperature of 15.2°C.'
Lighting		<p>Insufficient levels of lighting in room.</p> <p>Lack of availability of natural light.</p> <p>Diffusers in need of cleaning.</p> <p>Light bulb missing from light fitting.</p> <p>No protection from glass breakage provided.</p>	<p>'One of the covers is missing off the florescent lighting fixture on the ceiling in the playroom. The two covers on the florescent lights in the back playroom is dirty and may be cause of the dimmed light.'</p>
Sanitary accommodation	<p>Broken bin for soiled nappies needing to be replaced with sealed air-tight container.</p>	<p>Ventilation in nappy-changing areas inadequate.</p> <p>Nappy-changing area in the baby room.</p> <p>Nappy disposal bins used not suitable or hygienic.</p> <p>Nappy-changing areas used as storage.</p>	<p>'The toilet bowl, ceramic pan rim and underside of the toilet seat in the staff toilet were dirty. The front of the bowl of one of the children's toilets was dirty and stained with urine and/or excrement.'</p>
Drainage and sewage disposal		<p>Rainwater downpipes discharging into overflowing gullies, which resulted in water lodging on the outdoor play astra turf surface.</p>	
Waste storage and disposal		<p>A refuse bag was placed on the table at lunchtime for refuse.</p> <p>Some of the waste bins in the care rooms not provided with lids.</p> <p>Fence screening off the area where the wheelie bins are stored to the side of the premises broken, allowing access to this area by pre-school children.</p>	<p>'The large wheelie waste bins were accessible to the pre-school children as they exit the back door.'</p> <p>'A bin for the disposable of paper towels used for hand drying was not provided in the sanitary area.'</p>

Thematic area	Possibility of being judged non-compliant	Strong probability of being judged non-compliant	Example of service being judged non-compliant
Equipment and materials		Some of the musical units not in working order. Some of the books very torn. Many cleaning checklists in place and the premises, toys and equipment visually clean on the day of inspection, but not enough information in relation to the cleaning of the toys and equipment in each room.	‘On the day of inspection, the books, jigsaws, toys and other play equipment displayed in the Montessori and Sunroom were torn, outdated and worn looking. There was insufficient amount of toys and other play equipment that support all areas of development, including gross motor, fine motor, cognitive and language development.’
Facilities for rest and play	The outdoor play area insufficient for the needs of the children attending the service. Inadequacy of the space between cots.	Children do not have access to an outdoor play area. Toddlers sleeping in buggies. No sleep facilities provided for children who require a nap. No rest facilities provided for the children over 2 years.	‘A six-month-old baby was sleeping in a domestic bed at the time of inspection.’ ‘It is not suitable or appropriate to have two cots in a room to sleep small children where an adult son sleeps in a bed in the same room.’ ‘The area contains a lot of grass and is not suitable for use in wet weather. The outdoor area is poorly defined, poorly resourced and limited in size given the number of children attending the service.’

Summary of threshold of compliance and non-compliance overall

Issues relating to the threshold of compliance and non-compliance were examined using the framework of the 8 broad areas identified in the Pre-School Inspectorate’s inspection tool. Each of the 27 regulations inspected is situated under one of the following areas: food and drink; general information; health, welfare and development of the child; information on the pre-school setting; management and staffing; premises and facilities; records; and safety.

Key themes arising in respect of each of these areas have been considered and presented in tabular form, with some indication of areas of definite and potential non-compliance identified. For some regulatory areas, there are very clear boundaries around which a service is found to be non-compliant and these include, for example, Garda vetting, records not in place, specific safety hazards, poor nutrition and children not adequately cared for. In respect of most other regulations, the boundary is more blurred. Regulations relating to the health, welfare and development of the child and those relating to safety are most likely to show high levels of variation. In some ways, this is understandable since professional judgement and subjective interpretation are required in order to determine compliance or non-compliance.

Compliance and non-compliance commentary in respect of the premises and facilities shows a different pattern to that of other regulations and there is much less variation in terms of the threshold of compliance. In general, the findings are more definitive and where any aspect of the regulations is non-compliant (e.g. lights broken, rubbish bins not adequate, toys dirty), the overall finding is one of non-compliance.

5. Discussion and Conclusions

This section draws together key issues arising throughout the report in respect of the process of reporting and thresholds applied to compliance and non-compliance. Some conclusions are drawn from the findings and these are now presented.

In general, the process of pre-school inspection is comprehensive, wide-ranging and forensic

An analysis of the pre-school inspection reports clearly shows that inspections that take place focus on multiple aspects of the service and the average number of regulations inspected is between 23 and 24. There are 8 broad areas inspected, namely: food and drink; general information; health, welfare and development of the child; information on the pre-school setting; management and staffing; premises and facilities; records; and safety. Each of the 27 regulations is accommodated under these 8 areas and most inspections involve an examination of most of these areas. Many reports provide detailed examples and observations of behaviours, processes and structural issues that have been observed during the course of the inspections. In addition, a detailed examination of records, policies and procedures can also take place during inspections and there were several examples of both compliance and non-compliance where the commentary presented could only have been drawn from a detailed examination of written materials held by the service. These include, among others, staff rotas, children's registers and personnel files, as well as child protection, behaviour management and infection control policies. Some commentary provided suggests a detailed examination of various areas of the physical and material environment, with the consequent identification of numerous examples of the extent to which various aspects of the service met best practices. The basis for decisions on compliance and non-compliance was elaborated in accompanying commentary in the majority of cases, although the extensiveness of the commentaries varied considerably.

Different approaches are adopted to reporting on inspection findings

There are differences in how reporting on the quality of pre-school services takes place in inspection reports and 4 main approaches were identified: (a) no commentary is provided; (b) a single broad, usually short statement noting the status of the regulation; (c) the identification of the specific sub-clauses under which compliance or non-compliance was found; and (d) an elaboration of commentary, ranging from a couple of sentences to extensive information being provided. There are also differences in respect of the tone, focus and references to evidence observed or collated during the course of the inspection. The approaches suggest differing practices in reporting and some consideration needs to be given to a more systemic approach to the reporting process.

A substantial amount of commentary is provided in respect of compliance, non-compliance and actions required irrespective of the overall status of the individual regulation

Substantial commentary is provided in the reports of the inspections irrespective of the compliance status and there are many instances where compliance commentary is provided in cases where the compliance status of the service is non-compliant. This suggests that the reporting of the pre-school inspection process is used to provide feedback to providers on areas identified as good practice and high quality, even where the overall decision is one of

non-compliance. This can be a positive feature of the process and services can benefit from positive endorsement of their work and learn about what is good about their service and what is worth keeping.

A greater standardisation of report-writing and decision-making about compliance is required and the current degree of variation needs to be reduced, while still allowing for professional judgements to be made about service quality. All decisions about non-compliance should be supported by commentary about non-compliance and also by actions required to remedy any shortcomings and associated commentary. This applies currently in the vast majority of reports, but should be standard procedure in all cases.

The assessment of Regulation 5 is complex, involves multiple areas and generates extensive commentary in reports

The assessment of Regulation 5, relating to the health, welfare and development of children, is assessed under 4 broad themes, namely: the extent to which the service meets children's basic needs; the physical and material environment; the programme of activities; and the relationships around children. In contrast to the assessment of other areas (e.g. Regulation 30 on availability of insurance), an assessment of Regulation 5 extends across multiple areas and consequently generates extensive commentary. In terms of compliance commentary, the number of words reported (536,907 words) was almost 6 times greater than that of the next highest regulation (Regulation 14 on Records). It is evident from the commentary presented that there is an acute awareness by those carrying out inspections of the extent to which children's health, welfare and development is influenced by the broader environment where they are cared for. A requirement to take account of these influences is a central and undisputed element of the overall inspection process and this should continue to take place.

The breadth of areas covered under Regulation 5 can lead to a cross-over into other regulation areas, which can result in duplication within an inspection report. In order to minimise this, it is suggested that where issues within assessment of Regulation 5 are dealt with under different regulations, they should instead be identified under the other relevant regulation. In addition, there is a need for some agreement about the extent of commentary required to be reached in order to ensure a greater standardisation across the inspection process when reporting on service quality.

Threshold of compliance and non-compliance

A detailed analysis, across each of the 8 broad areas assessed during inspections, was carried out in order to examine the threshold at which a regulation is compliant or non-compliant. This showed some differences according to the regulation under examination. For some regulations, the threshold was very straightforward and there was little variation in respect of the findings. This was particularly the case for those regulations concerned with the premises and facilities where, in general, if there was an element of non-compliance, the overall finding was of non-compliance. This held true for several other regulations, where there were a number of very definitive areas of non-compliance. A full listing of these is presented in the text of the report and areas include, for example, poor staff-child interactions as observed during the inspection; Garda vetting not in place for all staff; staff-child ratio not correct; children not provided with sufficient food on the day of the inspection; fire drills not taking place; and no programme of activities. Where there was an immediate threat to children's safety (e.g. no stair-gates in place, children unsupervised, children having easy access to chemicals and cleaning materials), the regulation was almost always deemed to be non-compliant.

For other regulatory issues, however, the overall finding was less predictable. Sometimes, a finding of non-compliance was dependent on the number of elements that were identified as non-compliant. In other words, if an issue arose once (e.g. one area of the pre-school was not clean), the service might be found compliant. However, if several instances were observed (e.g.

several areas of the pre-school service were not clean), then the finding was likely to be non-compliant.

Services should have a clear understanding of expected standards, which should be universal across regions and inspectors. While not wishing to limit professional judgement, scope for deviation from norms should be limited and inspectors should know what thresholds to apply and services should know what thresholds to expect. The material in this report provides an indication of variation in decisions of compliance and non-compliance. This variation needs to be addressed in a systematic way in order to ensure standardisation across the service.

Ongoing professional development

As with all professionals, there is a need to support continuous professional development in this area. The material presented in this report can provide a basis for reaching consensus about the thresholds of compliance and non-compliance in pre-school provision for children, but a more systemic, comprehensive and strategic approach will ensure that the inspection process is supported to make the best use of up-to-date evidence, policy and practices. Consideration should be given to developing a professional development programme that is informed by the findings from these inspection reports and tailored accordingly to meet the needs of the Pre-School Inspectorate.

Research, monitoring and evaluation

The information in the inspection reports is clearly of benefit to the individual services addressed in them. It should be recognised, however, that the aggregated information across services is a valuable resource for services and inspectors, as well as for policy development. The present report is the first of its kind in the Irish context to draw on pre-school inspection reports and it provides a unique insight into this area. Together with the complementary report focusing on the findings from the reports on key areas of quality in pre-school services, this report provides detailed information about the key issues arising for providers, policy-makers and inspectors in respect of pre-school provision.

While this report presents a comprehensive baseline, it is important that there is continued and ongoing research, monitoring and evaluation of the service. Consideration needs to be given to the development of a comprehensive and strategic approach to meeting research and data needs, which include taking account of the views of children, parents and service providers, and ensuring regular and ongoing monitoring and evaluation through administrative and other data sources. Such an approach can ensure reliable, up-to-date evidence is available to make informed decisions; has the potential to improve effectiveness and efficiency of services; increases accountability and performance; reduces risk; identifies trends, impacts, outcomes and challenges; and facilitates comparisons and benchmarking between and within organisations, nationally and internationally.

ICT systems

The absence of a central repository for reports led to significant challenges in accessing and managing the data emerging from the reports. Immediate consideration needs to be given to the development and implementation of a comprehensive ICT system that can support the generation and collation of reports; make the information accessible for analysis; and allow for rapid retrieval of individual reports. In the absence of such a system, access to information about pre-school inspections will continue to be problematic.

6. Areas for consideration

A number of issues emerging from this report need to be considered in light of the findings identified. These are:

1. Some consideration needs to be given to the extent to which regulations are individually assessed as compliant/non-compliant and the following **4 thematic areas** which emerged in the analysis of findings **could provide an overarching framework**:
 - Is the service safe?
 - Does the service support the health, welfare and development of children in its care?
 - Is the service well governed
 - Are the premises and facilities structurally sound and fit for purpose?
2. A **more harmonised approach to the process of reporting** needs to be considered and this includes the extent and clarity of the information, as well as the type of commentary provided. Within this, Regulation 5 needs particular consideration.
3. There was less variation around the threshold of compliance and non-compliance than might have been expected and for some regulations the determination was very straightforward, with almost no variation. The **findings from this report can be used as a basis for professional development** across this area and can be of assistance in making thresholds explicit.
4. While the reports provide a comprehensive and detailed insight into the early childcare and education services provided, some consideration should be given to **including the voice of additional stakeholders, including providers, children and their families**, in the overall process.
5. Consideration should be given to the development of a **strategic research and data programme** to support the provision and inspection of early childcare and education.
6. A more comprehensive analysis could have taken place had **additional information** been provided in the inspection reports on, for example:
 - the context of the service (e.g. location within community, type of premises, etc);
 - the level of education of the service provider in the area of early childhood care and education;
 - the profit/not-for-profit status of the service;
 - whether there had been previous complaints about the service.

Consideration should be given to the inclusion of these areas in the Inspection Report Form.

7. The collation of reports was hampered by **the absence of a central repository and an appropriate ICT system**. Consideration needs to be given to such a development as a matter of urgency.