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Report on the Quality of Pre-school Services Analysis of Pre-school Inspection reports



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Dr. Sinéad Hanafin September 2014

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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.



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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.

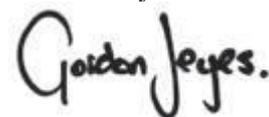
I commissioned this analysis of inspection reports spanning 17 months to determine the key learning areas for strategic attention. The benefits of this learning will accrue for children, communities and society at large, and they are important for each one of us.

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 Quality of Pre-school Services: Analysis of pre-school inspection reports*. 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. The findings also identify where improvements must be made, particularly with regard to the regulation of compliance. The learning is currently informing our practice development and it is anticipated that it will lead to a sufficiently enhanced service provision and better outcomes for children.

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 development of best practice and enhanced service provision for young children in their formative years.

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

This report presents findings arising in respect of the quality of pre-school services as documented in pre-school inspection reports. Early childhood is a time of rapid growth and development and the positive and/or negative consequences of care and education during this time can last well into adulthood (Belsky, 1990).¹ Research based on the findings from longitudinal studies shows that while parenting is a stronger and more consistent predictor of children's development than early child care experience, good quality child care results in improved children's outcomes across a range of areas (Sylva *et al*, 2003).²

In Ireland, the legal requirements for pre-school provision are set out in Part VII of the Child Care Act 1991.³ In accordance with this Act, pre-school regulations were published in 1996⁴ and amended in 1997⁵. These regulations were accompanied by an explanatory guide, which prescribed the measures that had to be in place to fulfil the requirements of the Act relating to:

- promotion of the health, welfare and development of children;
- notifications to be given to a health board;
- keeping of records;
- standard of premises and facilities;
- general administration.

These regulations, however, attracted some criticism for overly focusing on the health and safety of pre-school settings rather than on support for child development and the quality of care. To address this, a revised set of regulations was published in 2006, entitled *Child Care (Pre-School Services) Regulations 2006*.⁶ One of the main changes to the Regulations was the inclusion of Regulation 5, which develops significantly the earlier references to the health, welfare and development of the child.

Under the 2006 regulations, the Health Service Executive (HSE) is responsible for inspecting the quality of services in pre-schools, play groups, nurseries, crèches, day-care and similar services that cater for children aged 0-6 not attending a Primary school or similar structure. 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 (from Regulation 5 to Regulation 31) are inspected by Pre-School Inspectors.⁷ Under Section 32 of the regulations, the HSE must furnish a report in writing to the person carrying on the pre-school service.

These pre-school inspection reports are the subject of this analysis and review, which was commissioned by the HSE in June 2013.

¹ Belsky, J. (1990) 'Parental and non-parental child care and children's socio-emotional development: A decade in review', *Journal of Marriage and the Family*, Vol. 52, pp. 885-903.

² Sylva, K., Melhuish, E., Sammons, P., Siraj-Blatchford, I., Taggart, B. and Elliot, K. (2003) *The Effective Provision of Pre-School Education (EPPE) Project: Findings from the Pre-school Period*. London: Institute of Education, University of London.

³ Government of Ireland (1991) *Child Care Act*. Dublin: The Stationery Office.

⁴ Government of Ireland (1996) *Child Care (Pre-School Services) Regulations*. Dublin: The Stationery Office.

⁵ Government of Ireland (1997) *Child Care (Pre-School Services) (Amendment) Regulations*. Dublin: The Stationery Office.

⁶ Government of Ireland (2006) *Child Care (Pre-School Services) Regulations 2006*. Dublin: The Stationery Office.

⁷ The full text of the *Child Care (Pre-School Services) Regulations 2006* is available at:

http://www.dcy.gov.ie/documents/publications/Child_Care_Pre-School_Services_Regs_2006.pdf

Structure of report

Following this introductory chapter, **Chapter 2** presents information on the methodology adopted, including aim and objectives of the analysis, the methods used, analyses conducted and limitations of the study. **Chapter 3** provides an overview of reports included in the analysis, with information on the number and percentage of reports according to their source, type of inspection, type of service and number of places in the service.

Findings from the pre-school inspection reports are presented in two parts: **Chapter 4** presents the findings from the quantitative analysis, while **Chapter 5** examines the findings from the thematic analysis, described under 4 broad thematic areas – safety of service; support of health, welfare and development of children in care of service; governance of service; and structure of premises and facilities where services are provided.

Chapter 6 presents the overall conclusions from the findings and identifies areas for consideration.

2. Methodology

This chapter presents information on the aim and objectives of the analysis, the methods used, analyses conducted and limitations of the study.

Aim and objectives

The aim of the present study was to conduct an analysis of reports on pre-school inspections carried out over a period of 17 months, from January 2012 to May 2013. The specific objectives were:

1. to describe the extent to which pre-school services overall are in compliance with the regulations;
2. to quantify individual areas where compliance/non-compliance with the regulations has been found by Pre-School Inspectors;
3. to identify key issues arising in respect of non-compliance;
4. to provide an overall description of the reporting process by the Pre-School Inspectorate;
5. to describe differences, commonalities and consistencies in the reporting process;
6. to assess the threshold of evidence being applied in the reports;
7. to present a written report outlining key findings.

These objectives are met through two separate reports. The present report focuses on Objectives 1, 2 and 3 and presents a quantitative and qualitative analysis of the findings presented in the pre-school inspection reports. The second report (entitled *Report on the Process of Pre-school Inspection Practices*) deals with Objectives 4, 5 and 6 and focuses on the technical process of inspections.

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 headings⁸, with each heading covering 1-8 regulations. Each regulation is presented

⁸ 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 (*see Figure 1 and Appendix*).

Figure 1: Example of information in respect of each individual regulation in standardised inspection tool

Information on Health, Welfare & Development of Child		
Regulation 9 (Behaviour Management)		
Compliant	Non-Compliant	Not Applicable
Compliance Information:		
Non-Compliance Information:		
Action Required:		

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 for the purpose of meeting Objectives 1 and 2, namely:

1. to describe the extent to which pre-school services overall are in compliance with the regulations;
2. to quantify individual areas where compliance/non-compliance with the regulations has been found by Pre-School Inspectors.

In addition to the quantitative analysis (*see key findings in Chapter 4 of this report*), 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 (*see key findings in Chapter 5*).

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.

3. Overview of reports included in the analysis

This chapter provides information on the number and percentage of reports according to their source, type of inspection, type of service and number of places in the service.

Reports by HSE Region

The HSE is divided into 4 regions. An overview of the number and percentage of reports included in this analysis is presented in Table 1. The findings show that about one-third (34.6%) of reports are from the HSE West Region and about one-quarter each come from the HSE Dublin Mid-Leinster (25.3%) and HSE South (24.2%). The region with the lowest number of reports is the HSE Dublin North East Region, which accounts for about 16% of the overall reports.

Table 1: Number and percentage of reports included in quantitative analysis, by HSE Region

HSE Region	No. of reports	% of reports
HSE Dublin Mid-Leinster	761	25.3
HSE Dublin North East	477	15.9
HSE South	729	24.2
HSE West	1,040	34.6
Total	3,007	100.0

Types of inspection carried out

Three main types of inspections are carried out. These are:

- Initial – refers to the first inspection of a service to take place.
- Annual – refers to the routine inspections carried out on an annual/regular basis.
- Follow-up – refers to an inspection that takes place once a problem has been identified (e.g. through a previous inspection or from a complaint made).

All three types of inspections adopt the same reporting format.

The majority of the reports relate to annual inspections (87.4%), with 7.2% relating to initial inspections (see Table 2). Almost 5% of the reports relate to follow-up inspections. Information was not available on the type of inspection in 16 reports (0.5%).

Table 2: Number and percentage of types of inspection

Type of inspection	No. of reports	% of reports
Annual	2,628	87.4
Follow-up	147	4.9
Initial	216	7.2
Missing values	16	0.5
Total	3,007	100.0

Types of services

The HSE has identified the following types of pre-school services:

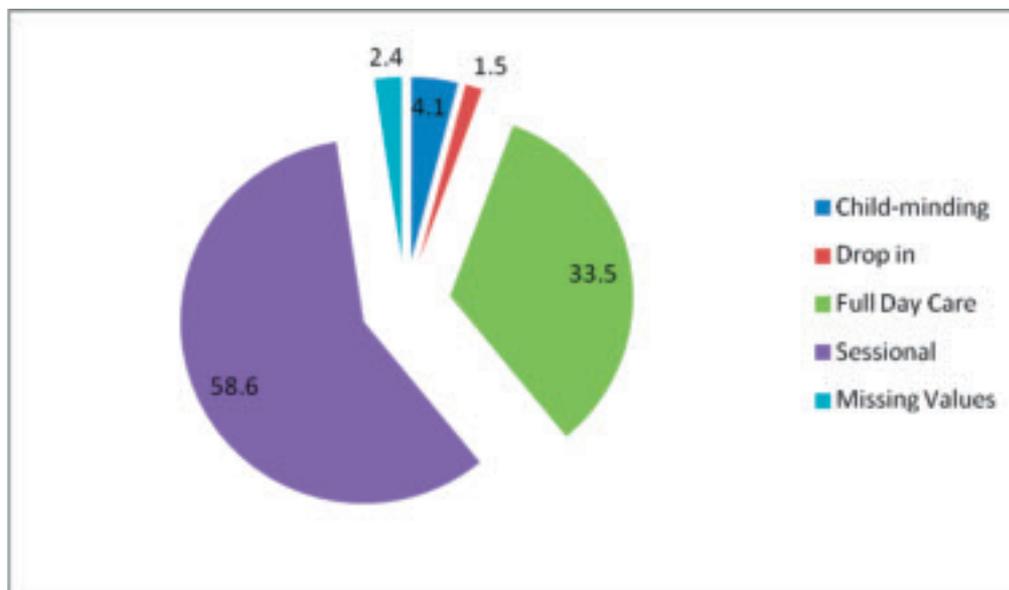
- **Child-minding Service:** A pre-school service which may include an overnight service offered by a person who single-handedly takes care of pre-school children, including the child-minder's own children, in the child-minder's home for a total of more than 2 hours per day, except when the exemptions in Section 58 of the Child Care Act 1991 apply.
- **Sessional Pre-school Service:** A pre-school service offering a planned programme to pre-school children for a total of not more than 3.5 hours per session.
- **Part-time Day Care Service:** A pre-school service offering a structured day care service for pre-school children for a total of not more than 3.5 hours and less than 5 hours per day, and which may include a sessional pre-school service for pre-school children not attending the full day care service.
- **Full Day Care Service:** A pre-school service offering a structured day care service for pre-school children for more than 5 hours per day and which may include a sessional pre-school service for pre-school children not attending the full day care service. Services such as those currently described as day nurseries and crèches are included in this definition.
- **Pre-school Service in a Drop-in-Centre:** A pre-school service offering day care which is used exclusively on an intermittent basis. This refers to a service where a pre-school child is cared for over a period of not more than 2 hours while the parent or guardian is availing of a service or attending an event. Such services are mainly located in shopping centres, leisure centres or other establishments as part of customer/client service.
- **Pre-school Service in a Temporary Drop-in-Centre:** A pre-school service offering day care exclusively on a temporary basis. This refers to a service where a pre-school child is cared for while the parent or guardian is attending a once-off event, such as a conference or a sports event.
- **Overnight Pre-school Service:** A service in which pre-school children are taken care of for a total of more than 2 hours between the hours of 7pm and 6am, except where the exemptions provided in Section 58 of the Child Care Act 1991 apply.

In the Pre-School Inspection Outcome Report (*see Appendix*), inspectors are allowed a free text response to the type of pre-school service being inspected. Responses in the reports were categorised to facilitate a quantitative analysis and fell into 4 broad types of service, as follows:

- full day care services (may also include sessional and part-time services);
- sessional services (only provided sessional services);
- child-minding services (where this was identified on the form);
- drop-in services (where this was identified on the form).

An overview of the percentage of reports according to the 4 types of service outlined above are presented in Figure 2. Information was available on the type of service provided in 2,936 reports (which accounts for 97.6% of the reports in the analysis). As can be seen, the most common type of inspection report related to sessional services, accounting for almost 60% of the overall reports (58.6%; n=1,761). Reports on full day care services accounted for a further one-third (33.5%; n=1,007). There were much fewer reports relating to child-minding (4.1%; n=122) and drop-in services (1.5%; n=46).

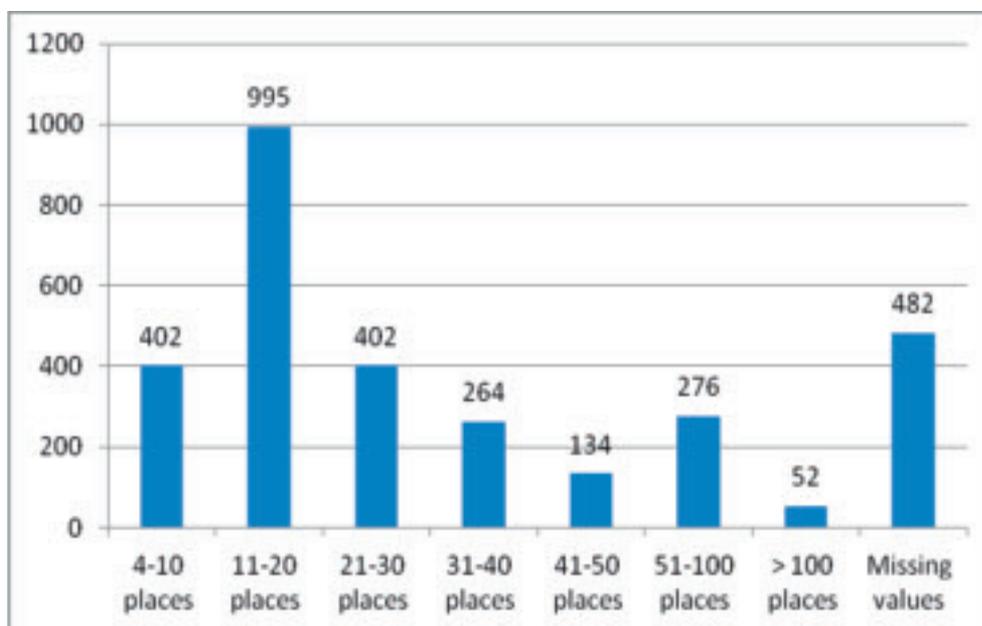
Figure 2: Percentage of reports by types of service



Number of places

Pre-school services are obliged to notify the HSE when they care for 4 or more children. Information was available on the number of places in the service inspected in 2,525 reports and for analysis purposes these were categorised as set out in Figure 3.

Figure 3: Number of reports by number of places available for children



The highest category overall, in about one-third of the reports (33.1%; n=995), refers to services with 11-20 places for children. A further 13.4% (n=402) relate to services with 4-10 places for children and the same number for services with 21-30 places. About 1 in 10 reports (10.9%; n=328) relate to services with places for more than 50 children. with 52 services having places for more than 100 children. Approximately 9% of reports (n=264) refer to

services with 31-40 places for children. The lowest number of reports were for services with 41-50 places (4.5%; n=134).

The following two chapters present the findings of this analysis – first, the quantitative findings and then the findings from the thematic analysis, presented under 4 broad thematic areas.

4. Findings from Quantitative Analysis

Purpose of the inspection process

The purpose of the inspection process is to assess overall quality of the service through making judgements about compliance in respect of the pre-school regulations. These judgements are documented in the pre-school report. The quantitative findings are presented under each of the 27 regulations under which services are examined (*see Table 3*).

Table 3: Number and short title of individual pre-school regulations

Regulation No.	Title (short)
5	Health, welfare and development of the child
6	First aid
7	Medical assistance
8	Management and staffing
9	Behaviour management
10	Notice to be given by person proposing to carry on pre-school service
11	Notification of change in circumstances
12	Number of pre-school children who may be catered for
13	Register of pre-school children
14	Records
15	Information for parents
16	Fire safety measures
17	Copy of Act and Regulations
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
26	Food and drink
27	Safety measures
28	Facilities for rest and play
29	Furnishing of information to the HSE
30	Insurance
31	Annual fees

Section 1: Findings in respect of overall compliance status

Compliance status

A total of 3,007 individual inspection reports comprising 81,189 regulation references were analysed in this quantitative study. Analyses were conducted across regulations and reports of services, and

5 potential outcomes for each regulation area were identified, as follows:

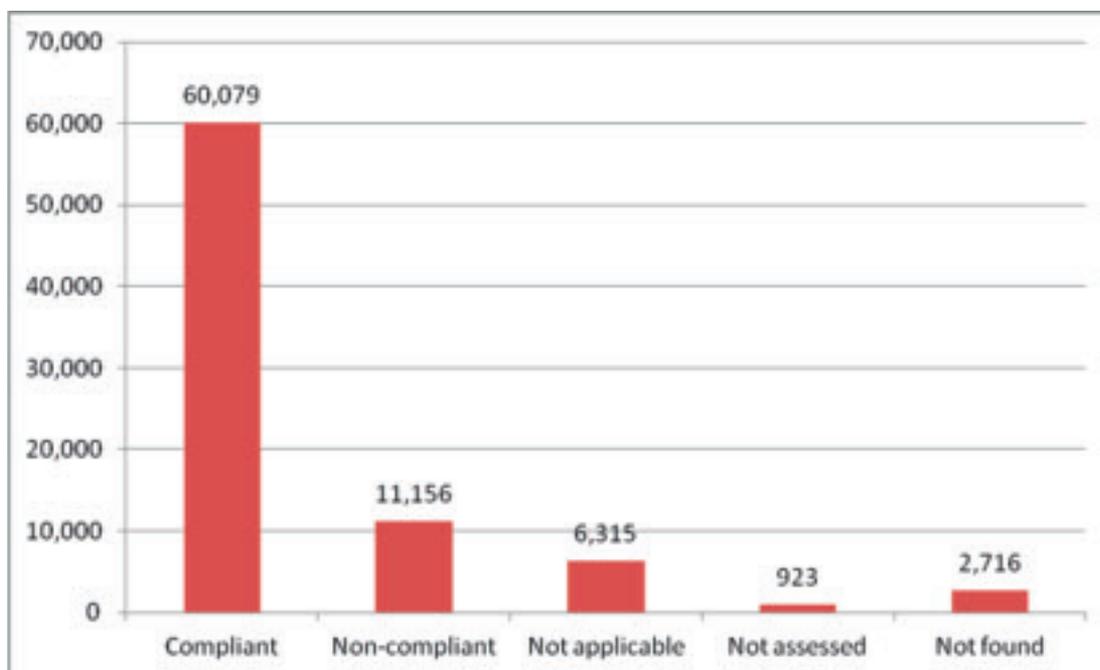
- **Compliant:** meaning the service was indicated as compliant on the particular regulation.
- **Non-compliant:** meaning the service was indicated as not being compliant on the particular regulation.
- **Not assessed:** meaning this regulation was reported as not assessed during the course of the inspection.
- **Not applicable:** meaning that this regulation was reported as not applicable to this inspection.
- **Not found:** where no indication of the compliance or other status of this regulation was provided.

In a small number of cases, more than one outcome was ticked and in those cases, only the first one was included in the analysis (e.g. if 'compliant' and 'non-compliant' were both ticked, only the first was included).

Overall regulation compliance

As illustrated in Figure 4, overall findings show that almost three-quarters of all regulation references (74%; n=60,079) are assessed as compliant, while just under 14% (13.7%; n=11,156) are assessed as non-compliant. The remaining 12% of regulations are deemed to be either 'not applicable' to the inspection (7.8%; n=6,315), 'not assessed' in the course of the inspection (1.1%; n=923) or 'not found' (3.3%; n=2,716).

Figure 4: Number of regulations by status



A more detailed examination of the level of compliance by individual reports is presented below.

Number and percentage of reports according to number of compliant regulations

Pre-School Inspectors can potentially assess the quality of the service according to 27 different regulations (from Regulation 5 to Regulation 31, *see Table 3*) in the course of the inspection process and the number of compliant regulations in any individual report can, therefore, vary from 0–27. The mean average number of compliant regulations in individual reports was found to be 19.98 (with a standard deviation (SD) of 5.614). Table 4 provides a summary of the number and percentage of reports according to the number of compliant regulations.

It is important to note that a low number of compliant regulations in a report is not necessarily indicative of high levels of non-compliance since the analysis excludes cases classified as ‘not applicable’, ‘not assessed’ or ‘not found’.

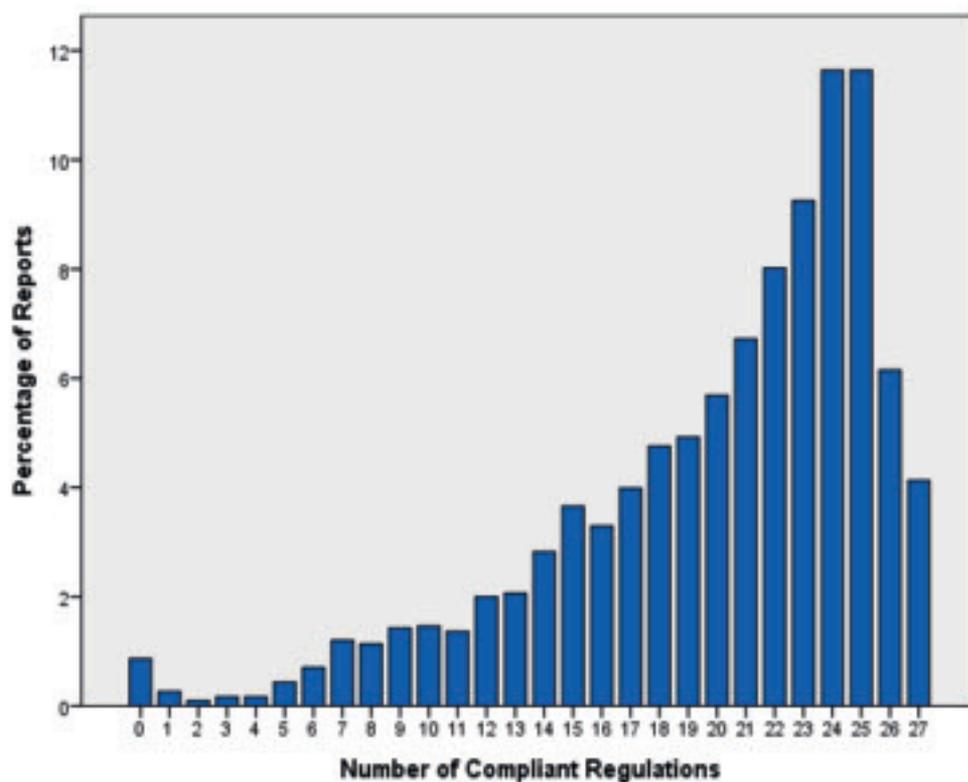
Table 4: Summary of number and percentage of reports according to number of compliant regulations

No. of compliant regulations	Reports	
	No.	%
0-5	60	2.0
6-10	178	5.9
11-15	358	11.9
16-20	681	22.6
21-25	1,421	47.1
26-27	309	10.3
Total	3,007	100.0

Table 4 shows that just over 10% of reports contain 26 or 27 regulations that have been assessed as compliant. More than half of reports (57.4%) have 21 or more compliant regulations and 80% of reports contain 16 or more compliant regulations. Almost 1 in every 5 reports have 15 or fewer compliant regulations, with 60 reports documenting 5 or less.

Figure 5 shows the breakdown of the percentage of reports according to the number of compliant regulations.

Figure 5: Percentage of reports according to number of compliant regulations



Number and percentage of reports according to number of non-compliant regulations

The total number of non-compliant regulations in the overall analysis was 11,156. No service was found to be non-compliant on all regulations and the maximum number of non-compliant regulations in reports was found to be 20. The mean average number of non-compliant regulations in individual reports was 3.71, with a wide standard deviation (SD) of 3.713.

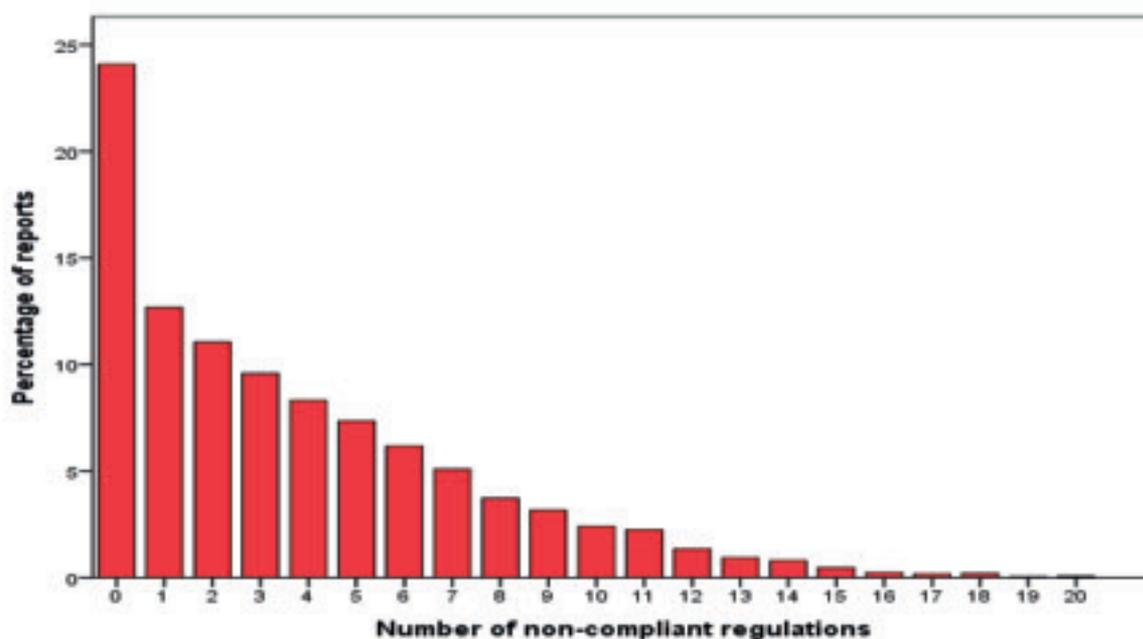
Table 5 presents a summary of the main findings in respect of the number and percentage of non-compliant regulations. As can be seen, almost 1 in every 4 reports (24.1%; n=724) had no regulations assessed as non-compliant and a further 48.9% of all reports were reported as having between 1 and 5 regulations assessed as non-compliant. One in 5 reports (20.5%; n=617) reported between 6 and 10 regulations with non-compliant status. Just under 200 reports (6.5%; n=194) included more than 11 non-compliant regulations.

Table 5: Summary of number and percentage of reports according to number of non-compliant regulations

No. of non-compliant regulations	Reports	
	No.	%
None	724	24.10
1-5	1,472	48.90
6-10	617	20.50
11-15	173	5.80
16-20	21	0.70
Total	3,007	100.00

Figure 6 provides a more detailed breakdown of the percentage of reports by the number of non-compliant regulations.

Figure 6: Percentage of reports according to number of non-compliant regulations



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 6.

Table 6: 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 6). 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 6). While the highest number of regulations reported to be ‘not assessed’ was 16, this referred to one report only.

Not found

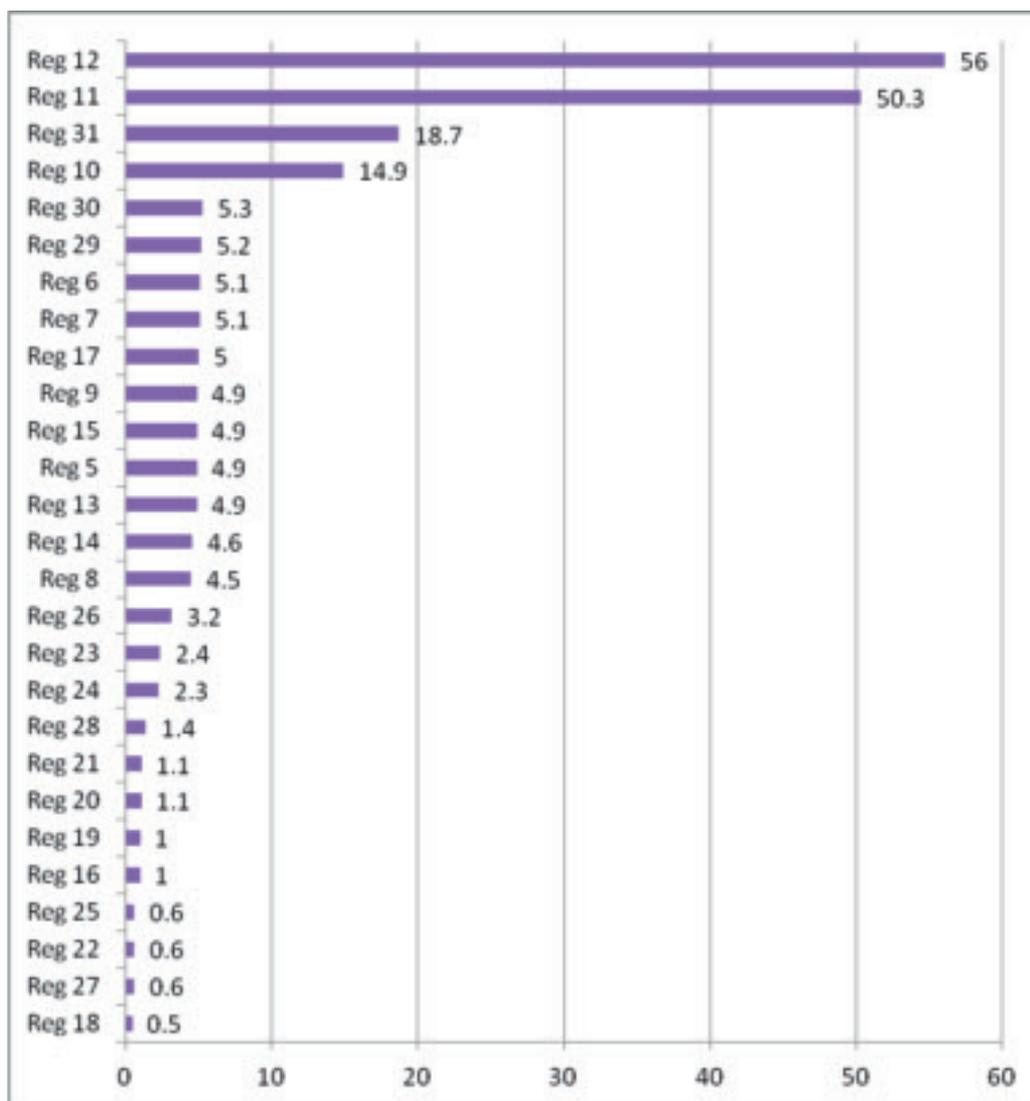
Approximately 80% (79.9%; n=2,403) of reports did not contain any instance of a regulation being identified as ‘not found’ and in a further 13% of reports (n=390) only one regulation was identified as ‘not found’ (see Table 6). Only 116 reports were identified as not recording the compliance status of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

‘Not applicable’ levels by individual regulation

The overall levels of ‘not applicable’ are low. As illustrated in Figure 7, 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).

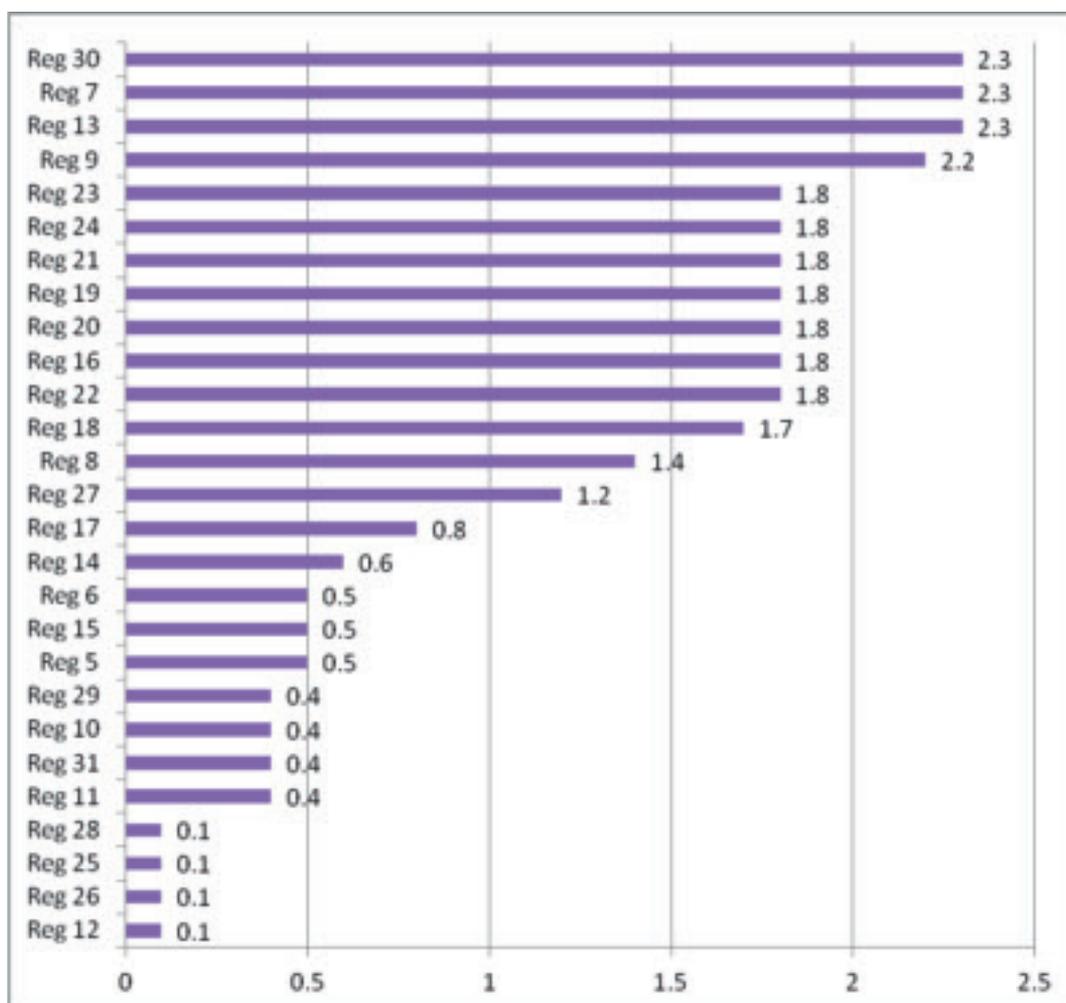
Figure 7: Percentage of individual regulations assessed as ‘not applicable’ in reports



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 8*). 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.

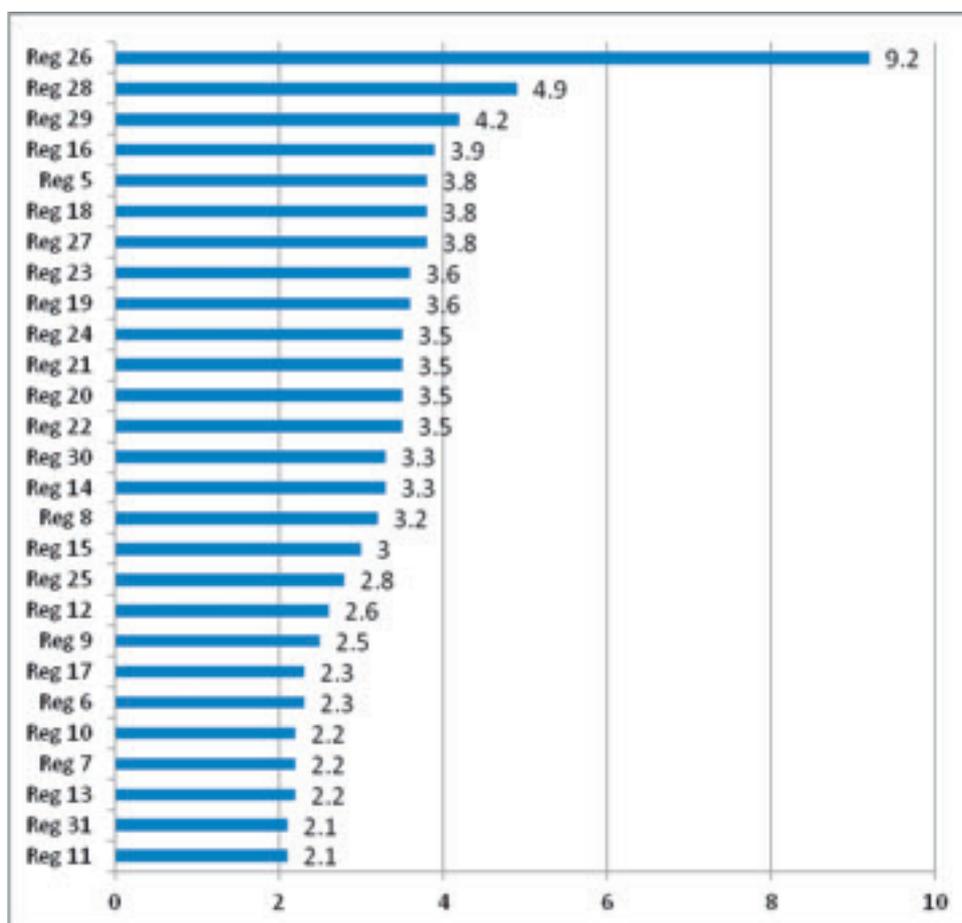
Figure 8: Percentage of individual regulations assessed as ‘not assessed’ in reports



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 9.

Figure 9: Percentage of individual regulations where compliance status not identified in reports ('not found')



Section 2: Findings relating to service quality according to type of service, inspection and region

Overview of compliance in respect of regulations

The following section presents an analysis on compliance status relating to regulations (rather than reports as in Section 1 above). A total of 81,189 regulation references were analysed in the course of this study. As noted earlier, the overall findings in respect of compliance across regulations show that:

- 74% are assessed as compliant;
- 13.7% are assessed as non-compliant;
- 7.8% are assessed as not applicable;
- 1.1% are not assessed;
- 3.3% are 'not found', meaning do not have any indication of the compliance status.

The following analysis presents some key findings according to the type of inspection, type of service, number of places in a service and location by HSE Region.

Regulation status by type of inspection

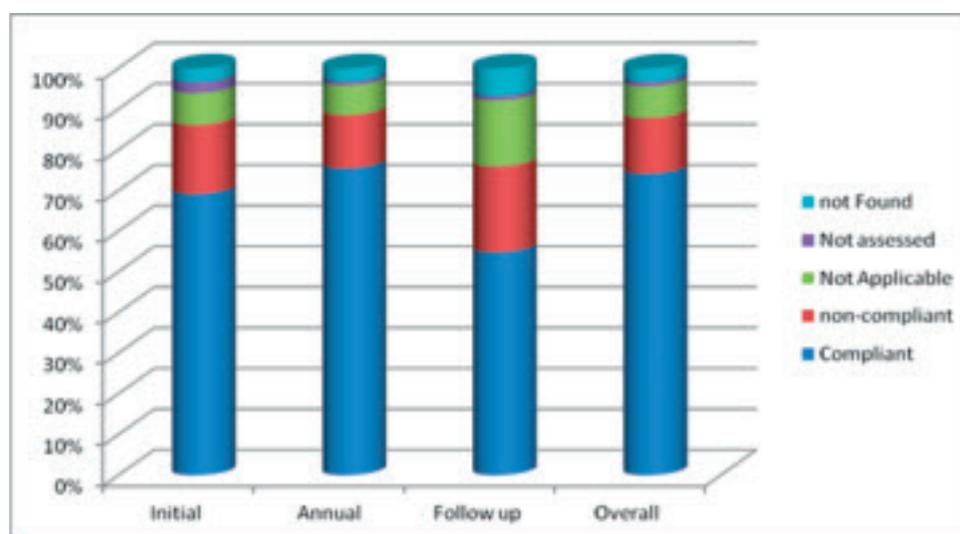
Information was available for 80,757 regulations in respect of the type of inspection carried out. The data show that 70,956 of these (87.9%) relate to annual inspections, 3,969 (4.9%) to follow-up inspections and 5,832 (7.2%) to initial inspections.

The compliance status of each regulation differs according to the type of inspection carried out. Regulations assessed in the course of a routine/annual inspection are most likely to be identified as compliant (75.5%; n=53,548), while those assessed in a follow-up inspection are least likely to be recorded as compliant (54.8%; n=2,174). Almost 70% of regulation references (69.1%; n=4,030) assessed during initial inspections are found to be compliant.

A similar type pattern is reflected in respect of non-compliance, where 1 in 5 regulation references (21.1%; n=836) in follow-up assessments are identified as non-compliant, compared with 13.1% (n=9,279) in annual inspections. 17% of regulations (n=992) were identified as non-compliant in initial inspections. The higher level of regulations assessed in follow-up inspections as 'not applicable' (16.2%; n=644) coupled with the lower level of compliance identified above suggests that these inspections are targeted at those regulations that have previously been identified as problematic. In annual and initial inspections, these percentages are 7.3% and 7.8% respectively.

Figure 10 illustrates key findings on the type of inspection.

Figure 10: Regulation status by type of inspection



Regulation status by type of service

Information is available for an analysis of regulation status by type of service for 79,272 regulation entries. Sessional services account for 58.6% of the regulations, full day care services account for 33.5%, while child-minding (4.1%) and drop-in services (1.6%) account for the remaining 5.6%.

The overall findings show that regulations inspected in sessional and child-minding services were more likely to be compliant than those in full day care services (see Table 7). Drop-in services had the lowest overall percentage of compliant regulations. These findings were also reflected in the level of non-compliance.

About 78% of regulations (n=36,940) in sessional services were identified as compliant, with 11% (n=5,344) identified as non-compliant. This compares with full day care services where a lower percentage of regulations (67.7%; n=18,407) was assessed as compliant and a higher percentage (18.2%; n=4,941) was identified as non-compliant. Regulations in drop-in services were the most likely to be assessed as non-compliant and this was the case for 1 in 5 regulations (20%; n=249) in these settings. Only 63.3% of regulations (n=786) in drop-in services were assessed as compliant. It should be noted that the number of drop-in services included in this analysis is low compared with other types of service.

The percentage of compliant (76.5%; n=2,519) and non-compliant (13.4%; n=442) regulations in child-minding services was similar to that of sessional ones.

Table 7: Regulation status by type of service

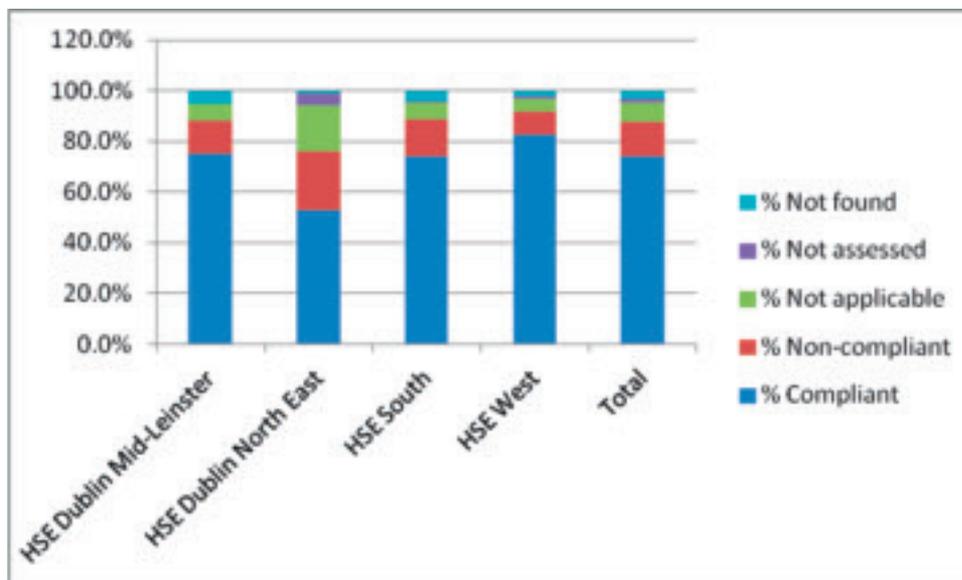
Type of service	No. and % of regulations	Status					Total
		Compliant	Non-compliant	Not applicable	Not assessed	Not found	
Child-minding	No.	2,519	442	154	23	156	3,294
	%	76.5%	13.4%	4.7%	0.7%	4.7%	
Drop-in	No.	786	249	133	55	19	1,242
	%	63.3%	20.0%	10.7%	4.4%	1.5%	
Full Day Care	No.	18,406	4,941	2,480	221	1,141	27,189
	%	67.7%	18.2%	9.1%	0.8%	4.2%	
Sessional	No.	36,940	5,344	3,404	517	1,342	47,547
	%	77.7%	11.2%	7.2%	1.1%	2.8%	

Regulation status by HSE Region

Some substantial differences were identified in the status of regulations by HSE Region. These findings are illustrated in Figure 11, which shows the percentage of regulations assessed as compliant in the HSE Dublin North East Region to be considerably lower (52.95%; n=6,819) than that of other regions. The HSE West reported the highest levels of compliance (82.3%; n=22,649). The HSE South (74.25%; n=14,614) and Dublin Mid-Leinster (75.19%; n=15,450) are similar to each other in their pattern of compliance.

Unsurprisingly, the situation in respect of non-compliant regulations shows a similar pattern to that of compliance. Almost 1 in 4 of regulation entries (23.2%) in reports from the HSE Dublin North East Region are assessed as non-compliant. This compares with less than 10% in the HSE West (9.4%; n=2,580). Again, similar patterns of non-compliance were identified in respect of Dublin Mid-Leinster (13.11%; n=2,694) and the HSE South (14.6%; n=2,879). Interestingly, the Dublin North East Region was also most likely to report that regulations were 'not applicable' (18.15%) compared with other regions where that percentage ranged between 4.8% (West) and 6%-7% (HSE South and Dublin Mid-Leinster, respectively).

Figure 11: Percentage of regulation status by HSE Region



Section 3: Findings of service quality according to individual regulations

As outlined at the beginning of this chapter, service quality is assessed in the inspection process through 27 regulations (*see Table 3*). Many of these have a number of parts and some also have additional sub-clauses dealt with under individual parts. The number and title of the 27 regulations are presented in Table 8, together with the number of parts and sub-clauses by individual regulation. It is clear that the number of areas to be assessed by Pre-School Inspectors, and for service providers to comply with, is extensive.

Table 8: Number, title, parts and sub-clauses of individual regulations

Regulation No.	Title (short)	No. of parts and sub-clauses
5	Health, welfare and development of the child	
6	First aid	
7	Medical assistance	2 sub-clauses
8	Management and staffing	3 parts, with 7 sub-clauses
9	Behaviour management	3 parts
10	Notice to be given by person proposing to carry on pre-school service	3 parts
11	Notification of change in circumstances	2 parts
12	Number of pre-school children who may be catered for	6 parts
13	Register of pre-school children	3 parts, with 12 sub-clauses
14	Records	5 parts, with 13 sub-clauses
15	Information for parents	
16	Fire safety measures	3 parts, with 5 sub-clauses
17	Copy of Act and Regulations	3 sub-clauses
18	Premises and facilities	6 sub-clauses
19	Heating	2 sub-clauses
20	Ventilation	
21	Lighting	
22	Sanitary accommodation	
23	Drainage and sewage disposal	
24	Waste storage and disposal	
25	Equipment and materials	2 sub-clauses
26	Food and drink	3 parts, with 5 sub-clauses
27	Safety measures	6 sub-clauses
28	Facilities for rest and play	2 sub-clauses
29	Furnishing of information to the HSE	
30	Insurance	
31	Annual fees	4 parts, with 3 sub-clauses

An overview of the status of individual regulations is now presented across the 5 categories of response: compliant, non-compliant, not applicable, not assessed and not found.

Compliance status of individual regulations

Figure 12 shows the percentage of individual regulations that were identified in reports as compliant. The compliance levels range from 40.6% (*Regulation 12*: Number of pre-school children who may be catered for) to 91.4% (*Regulation 23*: Drainage and sewage disposal). The next lowest level of compliance was identified in *Regulation 6* (First aid) and less than half of all reports identified this regulation as being compliant. Only one regulation was identified as compliant in more than 90% of reports and this was *Regulation 23* (Drainage and sewage disposal). Overall, 12 regulations were found to be compliant in 80%-90% of

reports; 7 regulations were identified as compliant in 70-79% of reports; and 2 regulations were identified as compliant in each of the categories 50-59% (*Regulation 14* and *Regulation 27*) and 60-69% (*Regulation 18* and *Regulation 22*).

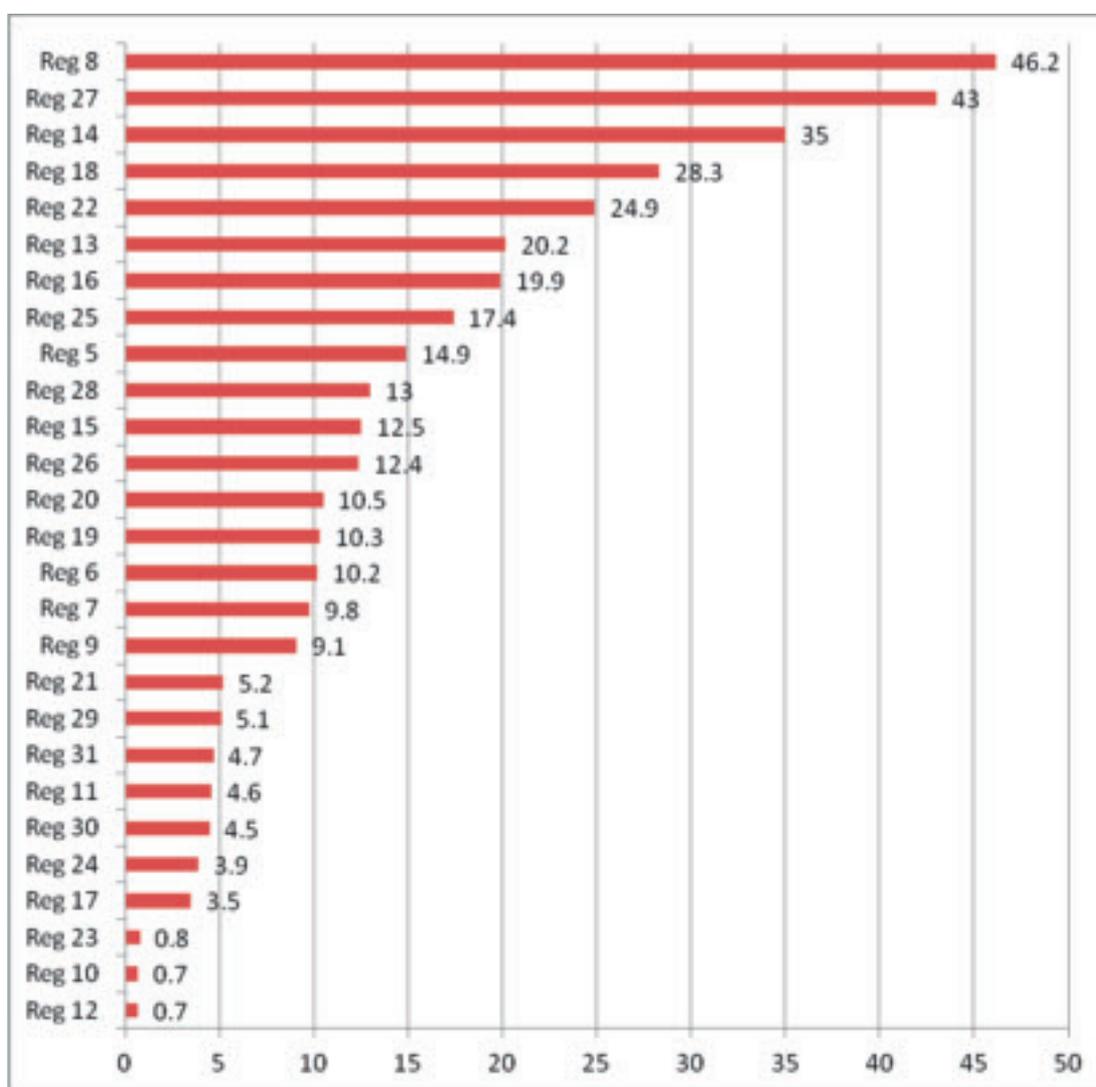
Figure 12: Percentage of reports according to compliance level of individual regulation



Non-compliance levels by individual regulation

There are considerable differences in terms of non-compliance according to the regulation under examination. The percentage of individual regulations identified as non-compliant ranged from less than 1% (*Regulations 10, 12 and 23*) to more than 40% (*Regulations 8 and 27*), as illustrated in Figure 13. The non-compliance rates are not simply the counterpart of compliance rates because of the effects of cases that were not applicable, not assessed or not found. Detailed information on these categories is presented in the accompanying report entitled *Report on the process of pre-school inspection practices as documented in inspection reports*.

Figure 13: Percentage of reports according to non-compliance level of individual regulation



Regulation 8 (Management and staffing) had the highest level of non-compliance, at 46.2%. This was followed by *Regulation 27* (Safety measures – 43% non-compliance) and *Regulation 14* (Records – 35% non-compliance). Other regulations identified as having high levels of non-compliance were *Regulation 18* (Premises and facilities), *Regulation 22* (Sanitary accommodation) and *Regulation 13* (Register of pre-school children), all of which were found to be non-compliant in more than 20% of reports. Reasons for non-compliant assessments are discussed in Chapter 5 of this report.

Regulations least likely to be identified as non-compliant include *Regulation 12* (Number of pre-school children who may be catered for), *Regulation 10* (Notice to be given by person proposing to carry on pre-school service) and *Regulation 23* (Drainage and sewage disposal), all of which were identified as non-compliant in less than 1% of reports. In total, 12 regulations were identified as non-compliant in less than 10% of reports and a further 10 regulations in less than 20% of reports.

Regulations identified in reports as having the highest levels of non-compliance

Three regulations – *Regulation 8* (Management and staffing), *Regulation 27* (Safety measures) and *Regulation 14* (Records) – were identified as having the highest level of non-compliance. These are now analysed in greater detail. Issues giving rise to non-compliance are discussed in greater detail in the findings from the thematic analysis presented in Chapter 5 of this report.

Regulation 8 (Management and staffing)

Table 9: Overall status of compliance for Regulation 8

	Compliant	Non-compliant	Not applicable	Not assessed	Not found	Total
No. of reports	1,347	1,388	136	41	95	3,007
% of reports	44.8	46.2	4.5	1.4	3.2	100.0

Regulation 8 is set out in three parts. Part 1 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.

Information in compliant cases recorded that:

- ‘A sufficient number of suitable and competent adults were found to be working directly with the pre-school children during the times of inspection.’
- ‘A designated person was available at all times.’
- ‘Garda vetting and references were in place and recorded for all staff.’

Unsurprisingly, the commentary on non-compliance referred to breaches in staff–child ratios, absence of Garda vetting or references for all persons in the service and the lack of a designated person. The area relating to Garda vetting generated the most commentary under this regulation and it showed that Garda vetting is not in place for some staff working in pre-school services, particularly ‘students’, ‘relief members’, ‘FÁS workers’, ‘agency staff’, ‘temporary staff’ and ‘new members’. Other reports noted that ‘appropriate vetting’ had not taken 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.

Actions to remedy problems identified under Regulation 8 included changes to be made in the staff–child ratio; nominating and ensuring a designated person is in charge; and ensuring **all** staff are appropriately vetted, have two references and that this information is correctly recorded on file. A number of reports recommended that while waiting for Garda vetting to be completed, the non-vetted person must not work on their own with children and has to be supervised at all times.

Regulation 27 (Safety measures)

Table 10: Overall status of compliance for Regulation 27

	Compliant	Non-compliant	Not applicable	Not assessed	Not found	Total
No. of reports	1,545	1,293	18	36	115	3,007
% of reports	51.4	43.0	0.6	1.2	3.8	100.0

Regulation 27 refers to the safety aspects of the pre-school service, although it should be noted that this issue also emerges in reports under several other regulations.

Typical information in compliant cases in respect of Regulation 27 noted that:

- ‘All reasonable measures to safeguard the health, safety and welfare of the pre-school children attending the service have been taken.’

The main sources of non-compliance arising included:

- **Structural issues**, relating to hazards, garden or outdoor play areas, and temperature control (particularly in respect of radiators and hot water).
- **Process issues**, including steps taken to prevent the spread of infection, appropriate supervision of children (including when at rest and asleep), unsafe storage of materials and equipment, and a range of hazards were identified under this regulation.

Actions to remedy problems identified under Regulation 27 included putting in place policies that were appropriate for outings; preventing the spread of infection; improving the security of external play areas; and ensuring appropriate supervision of children.

Regulation 14 (Records)

Table 11: Overall status of compliance for Regulation 14

	Compliant	Non-compliant	Not applicable	Not assessed	Not found	Total
No. of reports	1,700	1,053	138	17	99	3,007
% of reports	56.5	35.0	4.6	0.6	3.3	100.0

The third highest level of non-compliance was identified under Regulation 14, which refers to the records to be kept by a person carrying on a pre-school service. Key issues arising under this regulation related to the absence of key records in respect of the service (e.g. details about the facility), the staff (e.g. qualifications of staff members, staff rotas, details of the staff–child ratio) and the children (e.g. arrival and departure times).

Actions to remedy problems identified under Regulation 14 included ensuring that all appropriate records were comprehensive, available, up to date and accurate.

Key points from quantitative analysis

- This analysis includes 3,007 assessments of pre-school service quality as documented through pre-school inspection reports.
- Each pre-school inspection report potentially includes an assessment of 27 regulations, giving a total of 81,189 regulation references.
- There are 5 possible outcomes for each regulation, namely: compliant, non-compliant; not assessed; not applicable and not found.
- Of the 81,189 regulation references, almost three-quarters were assessed as compliant (74%; n=60,079).
- Approximately 14% (n=11,156) of regulation entries were assessed as non-compliant.
- Regulations assessed in follow-up inspections have the highest levels of non-compliance (21.1%), while regulations assessed in annual/routine inspections have the lowest (13.1%).
- Reports on drop-in services report the lowest level of compliance (63.3%) and those on sessional and child-minding services report the highest (77.7% and 76.5% respectively).
- Reports from the HSE Dublin North East Region identify the highest levels of non-compliance (23.2%), while those from the HSE West Region report the lowest (9.3%).
- The regulations reported as having the highest levels of non-compliance are:
 - Regulation 8 (Management and staffing) 46% non-compliant
 - Regulation 27 (Safety measures) 43% non-compliant
 - Regulation 14 (Records) 35% non-compliant

5. Findings on service quality from Thematic Analysis



Overview

In total, 500 reports were randomly selected from the overall sample to gain a deeper insight into key issues arising in textual commentary in the pre-school inspection reports. There were no significant differences in the profile of these reports and those in the overall sample. The software package N-Vivo was used to assist in structuring the data. The analysis included all 27 regulations reported on by inspectors and these regulations have 21 sub-clauses and 76 sub-sections, giving a total of 124 specified areas to potentially be inspected and reported on.

The thematic analysis initially focused on the information recorded in comments under individual regulations and key issues in respect of compliance, non-compliance and actions arising where identified. Following that, a cross-regulation comparison was conducted and common themes identified. The four areas around which service quality is assessed through the pre-school inspection process are as follows:

1. Is the service safe?
2. Does the service support the health, welfare and development of children in its care?
3. Is the service well governed?
4. Are the premises and facilities structurally sound and fit for purpose?

Each of these themes is now discussed in detail.

Thematic Area 1: Is the service safe?

Overview

While safety is a common theme across a number of different regulations, it is dealt with specifically under 5 regulations – *Regulation 6* (First aid), *Regulation 7* (Medical assistance), *Regulation 16* (Fire safety measures), *Regulation 27* (Safety measures), *Regulation 30* (Insurance) and *Regulation 18* (Premises and facilities). While Regulation 18 focuses on the premises and facilities, the text is included here since several of its sub-clauses are relevant to safety issues. (All other issues relating to premises and facilities are dealt with under Thematic Area 4: Are the premises and facilities structurally sound and fit for purpose?) The full text of these regulations is given in Table 12.

Table 12: Text of Regulations 6, 7, 16, 27, 30 and 18

REGULATION 6: FIRST AID
<p>There shall be a suitably equipped first aid box for children in the premises.</p> <p>First Aid Boxes The recommended contents of a first aid box for children is at Appendix C. Medicines, sprays and lotions should never be included in a first aid box. These should be stored separately. All medicines should be kept in their original containers, clearly labelled and inaccessible to children. A first aid box should be safely stored in an easily accessible and conspicuous location. A first aid box should be taken on outings.</p> <p>First Aid Training A person trained in first aid for children should be on the premises at all times. Additional trained persons will be required, depending on the extent of the services. A person with training in first aid for children should accompany the children on outings.</p> <p>For national information on training, contact: The Irish Red Cross Society Tel. 01 676 5135; The Order of Malta Ambulance Corps Tel. 01 668 4891; St. John Ambulance Brigade Tel. 01 668 8077; The Irish Heart Foundation (CPR only) Tel. 01 668 5001; Civil Defence School Tel. 01 837 9911. The County Childcare Committees and National Voluntary Childcare Organisations may also provide training or information on training. See First Aid Index Chart also (Health Promotion Unit).</p>
REGULATION 7: MEDICAL ASSISTANCE
<p>A person carrying on a pre-school service shall ensure that –</p> <p>(a) adequate arrangements are in place to summon medical assistance promptly in an emergency, and</p> <p>(b) a protocol is in place for the administration of medication.</p> <p>Parental consent Written parental consent should be obtained to allow a provider to seek medical assistance for a child in an emergency. The service provider should make every effort to contact the parent in the event of an emergency. See also Regulation 13(1)(g) on contact details for GPs and Regulation 13(1)(i) on written parental consent to be entered in the Register.</p> <p>Administering medication Providers should have a protocol in relation to administering medication including an anti-febrile agent, i.e. temperature reducing medication. Parental consent and/or written directions from a GP should be obtained as necessary. See also Regulation 14(1)(l) on recording of medicine administered and Explanatory Guide to Regulation 6 on First Aid.</p>

REGULATION 16: FIRE SAFETY MEASURES

- (1) A person carrying on a pre-school service shall keep a record in writing of – (a) all fire drills which take place in the premises, and (b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.
- (2) The record referred to in paragraph (1) of this Regulation shall be open to inspection by – (a) a parent or guardian of a pre-school child attending or proposing to attend the service, (b) every person working in the service, and (c) an authorised person.
- (3) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

Records of fire procedures

16.(1) and (3) The records of fire procedures will be inspected by an authorised officer under the Child Care (Pre-School Services) (No. 2) Regulations 2006. Compliance with these records requirements alone does not imply that the service is compliant with fire safety requirements.

Other fire safety requirements

The Department of Environment, Heritage and Local Government has published a Guide, *Fire Safety in Pre-Schools*, which is intended to assist persons operating a pre-school service in discharging their statutory fire safety responsibilities under the Fire Services Act 1981. See also the Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly (Department of Environment, Heritage and Local Government).

Persons authorised under the Fire Services Act 1981 by fire authorities may enter and inspect premises used as pre-schools for the purpose of ensuring compliance with the requirements of that Act. Advice on fire safety matters may be sought from the local fire authority for the area in which the premises is situated or from a professional fire safety expert, e.g. an engineer or architect with competence in fire safety.

REGULATION 27: SAFETY MEASURES

- 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.

Safety of heating appliances

27.(a) All fixed heating appliances, e.g. radiators and storage heaters, must be protected by a guard or be thermostatically controlled. Where individual heating appliances are provided, they should be of a type which does not have an exposed flame or heating element which could provide an ignition source. These must be protected by a guard or thermostatically controlled. See Appendix G on Gas and Electrical Safety.

Safety of hot water

27.(b) See Appendix G re. Gas and Electrical Safety.

Preventing the spread of infection

27.(e) See Appendix G re. Infectious Disease Control, Preventative Measures and Corrective Action in the event of an outbreak of infectious disease.
See also leaflet entitled *E. coli – Protecting the Children in Your Care* (Food Safety Authority of Ireland).

Keeping children safe

- (i) Children, particularly toddlers, are physically very active and unaware of the potential dangers that surround them. Infants and toddlers in a childcare setting can be quite vulnerable and great care must be taken to ensure their health and safety by minimising their exposure to illness and injury. Pre-school providers should have clear and consistent boundaries and reasonable, yet challenging safe limits. All staff should have an understanding of health and safety requirements for the environment in which they work. See *Play it Safe* and *Keeping Your Baby Safe* (Health Promotion Unit).
- (ii) The provider should take steps to ensure that hazards to children on the premises, both inside and outside, are minimised. Some areas to consider are listed at Appendix G.

REGULATION 30: INSURANCE

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.

Insurance cover

The possession of adequate insurance cover is an essential requirement of the Child Care (Pre-School Services) (No. 2) Regulations 2006. It is recommended that the insurance policy obtained should at least cover the following areas:

- (i) Public Liability (to include provision for outings with children, where applicable).
- (ii) Fire and theft.

Individual providers are in the best position to determine the type and extent of insurance most suited to their needs. If it is intended to undertake any extra activities (e.g. outings for children), the insurers of the service should be notified and any additional cover necessary obtained in good time. In particular, it may be necessary to obtain extra motor insurance cover for children who are being transported by the service provider. This does not negate the provider's obligations under any other legislation.

REGULATION 18: PREMISES AND FACILITIES

A person carrying on a pre-school service shall ensure that –

- (a) the premises are of sound and stable structure, are safe and secure and are suitable for the purposes of providing a pre-school service,
- (b) adequate space per child is provided in the premises,
- (c) the premises, fixtures and fittings are kept in a proper state of repair and in a clean and hygienic condition and protected from infestation,
- (d) suitable and secure storage facilities are provided for cleaning chemicals and unsafe, toxic, dangerous or hazardous materials, substances or equipment,
- (e) adequate and suitable storage is provided for prams, pushchairs, carrycots, play and work equipment and personal belongings, and
- (f) the premises are adequately rodent-proofed in a manner which does not compromise the safety of the pre-school child or constructed in such a manner as to prevent the ingress of pests.

The extensiveness of the information in *Regulation 27* (Safety measures) means that many of the issues in relation to children's safety emerge under this regulation. The regulation has 6 sub-clauses, dealing variously with heat-emitting surfaces, hot water, security of gardens and external play areas, garden hazards, prevention of infection and operational procedures for the conduct of outings. While *Regulations 6, 7 and 16* have generated less information in reports, they are nevertheless the source of a number of important issues arising in respect of children's safety. *Regulation 30* tends not to generate much qualitative comment.

It is also of note that while *Regulation 18* deals mainly with the premises and facilities, 2 sub-clauses

(d and e) relate to suitable and secure storage, and both these are commonly identified in inspection reports in respect of children's safety under *Regulation 27*.

Compliance information

Compliance information was available in respect of each of the 6 regulations identified above and a number of reports were found to be compliant across all these regulations. Overall statements of compliance were sometimes provided under *Regulation 27*, with comments such as:

‘The service is taking all reasonable measures to safeguard the health, safety and welfare of the pre-school children attending the service.’

Others comments drew attention to specific aspects of the service, such as the procedures and processes in place:

‘There is a good safety culture apparent in the service. Procedures, documented to address hazards and associated risks identified, are in place for each room. The document *Management of Infectious Diseases in Childcare Settings* was on the premises. Manager outlined the policy and procedure in relation to illness (staff and children) within the pre-school service.’

Some reports documented the specific section or sub-section of the regulation that was compliant, indicating non-compliance in the other respects. For example, one report recorded compliance with Regulation 27(a), (b), (c), (d), (f), meaning that the service was *not* compliant in respect of steps to be taken to deal with the spread of infection (i.e. 27(e)).

The area of fire safety, dealt with under *Regulation 16*, generated a substantial number of comments, such as :

‘Fire drills take place on a regular basis and the details recorded. A service record was available for all fire-fighting equipment on the premises. Procedures to be followed in the event of a fire are clearly displayed in the premises.’

In other cases, compliant information was included on specific aspects of fire safety related to:

- The carrying out of fire drills and the availability of relevant records (for example, ‘Fire drills take place on a regular basis, last drill – November 2012; records of all fire drills taking place in the pre-school room were observed’);
- Records of the number, type and maintenance of fire safety and fire fighting equipment (e.g. ‘The service/maintenance checks of fire fighting equipment are maintained by the management committee’);
- Visibility and display of protocols and procedures in the event of a problem (e.g. ‘Fire drill procedures are displayed in pictorial form in both the Toddler Room and the Pre Montessori Room’; ‘The protocol to follow to evacuate the building is in place’).

Regulation 6 deals specifically with having a fully equipped first aid box. Compliant information 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’. A small number of comments noted that the first aid box should be stored in a safe place that was not accessible to children, while others noted the availability of a staff member who was suitably qualified in first aid. Comments written included, for example:

‘A staff member with first aid is available at all times in the service.’

and

‘The childminder is qualified in first aid.’

Regulation 7 deals with two issues – the arrangements in place to summon medical assistance in an emergency and the availability of a protocol 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

information 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.

Compliance information in respect of *Regulation 30* relates to whether adequate insurance was in place and whether the certificate was available on the day of the inspection.

In summary, compliance information was provided in respect of each of the regulation areas and services were considered fully compliant when they met each of the requirements of the regulation as specified in the text. Specifically, services were considered compliant when they had a strong safety culture, carried out a risk assessment, were taking all reasonable measures to create a safe environment, minimised trip and other hazards, were carrying out regular fire drills and maintaining fire safety equipment, had protocols and procedures visibly in place in the event of a fire or medical emergency, and had a full stocked first aid box available.

Non-compliance information

Non-compliance was commonly identified across each of the 6 regulations and the main sources of non-compliance emerging are categorised under the following headings:

- **Structural issues**, relating to the general organisation of the physical and material environment, control of temperature, potential for unauthorised access by children to hazards and to the pre-school by others, first aid box, unsafe storage issues and specific hazards arising from the structure or organisation of the material and physical environment.
- **Process issues**, including supervision of children, dealing with medical emergencies, infection control, fire safety, child protection and, to a lesser extent, insurance.

STRUCTURAL ISSUES

Safety concerns relating to the organisation of the physical and material environment emerged mainly under *Regulations 27* and *6*, although some commentary in this regard was also apparent under *Regulation 5*. Most commentary referred to areas highlighted across the various regulations, including temperature control; access by unauthorised individuals to the service and access by children to unsafe areas; having a fully equipped first aid box; and the presence of hazards in the external environment. Where these issues were raised under *Regulation 5*, they tended to focus on the impact on children's safety and security: non-compliance was noted in respect of the absence of secure storage facilities for a range of cleaning chemicals and equipment (e.g. prams, pushchairs and carrycots, play and work equipment and personal belongings) and it is of note that this aspect is also specifically dealt with under *Regulation 18*.

A number of issues arise under *Regulation 27* and, to some extent, *Regulation 18*, where the focus is on the identification of broad safety concerns with particular areas of service. In general, however, where these types of comments were made, they were followed up with specific hazards or problems that had been identified. It was also of note that where comments relating to safety were identified, there tended to be more than one hazard identified.

Unsafe storage

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’ and in one case ‘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’.

Regulation 18(e) refers to adequate storage space in place for children’s and staff belongings and play and work equipment, but this issue was again also raised under *Regulation 5*. The main issues raised under this clause were about cleanliness, tidiness and children’s safety. Two reports made reference to kitchen knives being accessible to children: ‘There were sharp knives stored under the sink unit in the pre-school room; the door was not lockable.’

Other comments made reference to a haphazard approach to storage which did not allow for cleaning and also created risks of items falling on children. An accumulation of old indoor and outdoor play equipment was referred to a number of times. Reference was also made to storage in inappropriate places, such as ‘Children’s car seats stored in corridor directly outside baby room’.

Temperature control

Regulation 27(a) deals with all heat emitting surfaces, which should be protected by a fixed guard or are thermostatically controlled to ensure safe surface temperatures. There were several references to this sub-clause in respect of non-compliance. Some referred to 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 and this was an issue in terms of non-compliance. A small number of reports drew attention to the temperature of radiators/storage heaters which were not properly secured and where the temperatures ranged from 51.3°C–63°C. These were considered a significant risk for the children. Other safety issues in respect of burns related to ‘the range in the kitchen [which] was hot to touch at the time of inspection and this provides an immediate risk to young babies and toddlers’. Another report noted that ‘the storage heater in the sleep room was located very close to one of the cots’.

Water that was too hot for children was identified as a potential hazard in a small number of cases and this area is dealt with under *Regulation 27(b)*. A small number of references were made to the hot water source and to a lack of thermostatically controlled supply. Others commented on the temperature of the water in wash-hand basins, noting that it was too hot (48°C–53°C).

Unauthorised access

Unauthorised access by children to unsafe areas and access by unauthorised personnel to the pre-school service were both identified as problems in specific reports. This area is regulated for specifically under *Regulation 27(c)*. There were a number of comments in respect of unsecured areas allowing for unsupervised access for children to roadways and unauthorised access to the service by adults, and there were several comments identifying gates that were too low, possible to open from the outside and providing easy access. The following quote highlights this issue:

‘The external doors in the pre-school room in the main school were not locked and the keys were left in the locks at low level. The code to the keypad on the internal door was displayed on the wall next to the keypad in the hall. Unauthorised access into the service was not prevented as a member of the pre-school team was able to enter the service through the external doors in this room.’

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) and a small number of comments noted that various areas of the garden, outdoor area, building, etc. were not secure. One comment noted that:

‘As per previous inspection reports, the garden is still not fully secure and access to hazards have not been restricted ... Please ensure that these matters are given urgent remedial action.’

Other comments drew attention to unrestricted access by children to the outdoor area, such as the wide or low level windows being accessible to children, enabling them to climb out.

First aid

Non-compliance commentary in respect of *Regulation 6* noted that the first aid box was ‘inadequately stocked’, ‘not adequately equipped’ 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.

Hazards in the external environment

In addition to poor fencing and restriction of access, the outdoor area was commonly identified as a source of concern. 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’. One comment noted that ‘outside, the shed door was unlocked and accessible to the pre-school child. It had paint, tools and other items that could pose a danger for the child’.

Many specific examples of hazards, both internal and external, 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

Non-compliance comments on process issues predominantly relate to the following 6 issues:

- supervision of children;
- dealing with medical issues;
- infection control;
- fire safety;
- child protection;
- insurance.

Supervision of children

A number of comments referring to non-compliance in respect of supervision of children emerged under *Regulation 27*, but also under others, including, for example, *Regulations 5* and *8*. Three broad issues emerged and these referred to supervision of children in the indoor environment, in the external environment and when children are on outings.

The non-compliance issues relating to the indoor environment focused on a lack of knowledge by staff about the children's whereabouts on the premises. Other references identified the lack of a system to restrict exits and access from the playrooms to other areas within the service. One comment noted that 'At one stage, a child left the Montessori room and wandered up to the baby/toddler room without the staff member realising it'. Other comments focused on the free access children had to potentially hazardous areas, including 'the kitchen', 'emergency exits' and 'outdoor play areas'. One comment noted that 'A piece of string was used to close the doors to the kitchen area which could be undone by a child. Later these doors were left open. There were cleaning agents stored within reach of children in the kitchenette'.

A small number of reports made reference to a risk assessment being in the process of development, while others indicated that 'There was no evidence of a comprehensive risk assessment of the premises been carried out as per previous recommendations'.

A small number of comments related to the safe conduct of children when on outings, although references to *Regulation 27(f)* were limited. In general, this commentary was confined to the presence of a policy being in place or to the policy not being sufficiently detailed, such as the following comment: 'A school outing policy has been devised. However, this policy does not refer to staff/child ratio.'

An additional issue that mainly emerged under *Regulation 28* (which focuses on rest and play) drew attention to inadequate monitoring of sleeping babies (or sometimes inaccurate recording of), where 'checks on sleeping babies was not carried out every 10 minutes despite being recorded on the log'. In this case, the inspector noted that it had been observed that 'a child was put to sleep at 12.40pm and no sleep record was recorded for the duration of the sleep period, which ended at 1.30pm. On reviewing the sleep logs, it was evident that there was no log maintained for the baby under 1 year old on two days the previous week'.

Other areas of non compliance related to not having a record in the sleep facility or having no information displayed in the sleep room to remind staff of the 'safe sleep position'.

Dealing with medical issues

Regulation 7 focuses on two issues – the arrangements in place to summon medical assistance in an emergency and the availability of a protocol 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, with one report noting that 'Inadequate arrangements are in place to summon medical assistance in an emergency as no designated phone has been provided for use by staff'.

Infection control

Regulation 27(e) refers to infection control and attracted considerable comment, with 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.

Most comments relating to infection control draw attention to poor hand-washing, including '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, such as 'Nappy-changing was observed at the nappy-changing station. Adequate infection control measures were not carried out by the staff member during nappy-changing'.

Links between infection control and hygiene in the broader service were also made. One comment, for example, noted that 'Mattresses were soiled and covered with linen which appeared unclean and unwashed, and would cause a concern in relation to infection control'.

One report mentioned the need for an infection control procedure to be put in place:

'On the day of inspection, written procedures were not in place should an outbreak of an infectious disease occur ...Ensure that the above procedures are put in place in line with the Child Care (Pre-School Services) (No. 2) Regulations 2006.'

Fire safety measures

Understandably, comments in non-compliant cases focused on specific areas outlined in *Regulation 16* and were mainly concerned with:

- 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 information on fire safety procedures.

Non-compliant information highlighted areas where sub-sections of Regulation 16 were not being met. For example, one report noted that:

‘A record was not kept in writing of fire drills. A record was not kept in writing of the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises. The fire evacuation procedure was generic and not specific enough for the needs of the children. Also, it was very faded, difficult to read and was not displayed in a conspicuous position in the premises.’

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’. Some reports linked the importance of ensuring registers of children in respect of each room with fire safety, such as ‘registers should be readily available in the event of fire to ensure a full evacuation of the premises’.

Details of the last servicing of fire fighting equipment were identified in non-compliance information, with some noting that the servicing 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 visit.

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’.

A small number of reports identified issues arising from an absence of policies. One report, for example, noted:

‘The following policies not available at time of visit as filing cabinet locked: Children’s sickness exclusion policy. Staff sickness exclusion policy. Health & Safety statement including risk assessment of service. Review of risk assessment. Outings policy.’

Insurance

Compliance information in respect of *Regulation 30* relates to whether adequate insurance was in place and whether the certificate was available on the day of the inspection. 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. Another noted the provider was compliant with this regulation ‘subject to the childminder furnishing the Pre-School Department with insurance cover details re. employers’ liability and fire and theft’.

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' and 'There was no current insurance certificate').

One 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: 'The service provider's insurance only provided cover for 5 children who attend the service and as the number of children both pre-school and after school exceed 5, the cover is inadequate.'

Actions required for safety

Actions identified were very specific to the nature of the non-compliance documented earlier. In some cases, the report recommended that changes take place immediately due to the seriousness of the problems. As one inspector noted:

'As all these breaches under Regulation 27 are of a very serious nature; you are requested to carry out these actions immediately and without delay to ensure the safety of the children in your care.'

Other actions identified included:

- **Ensuring sufficient staff are in place so that all children are supervised appropriately at all times** (e.g. where a child 'needs more support and supervision' or 'needs to access other areas such as the toilet').
- **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'; 'The locks on the gate shall be 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'; 'Put safety gate at bottom of stairs').
- **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).
- Having a **child protection policy** in place and adhering to its implementation.
- Providing evidence that the service is adequately **insured**.
- A written **policy/protocol for the administration and storage of medication** to be 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 **written parental consent** is available for all children so that the provider can seek medical assistance quickly in an emergency.

Additional actions required in respect of fire safety also 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 information 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*'.

Summary of Thematic Area 1: Is the service safe?

In summary, the extent to which the service is safe for children emerged as a key issue in respect of both compliance and non-compliance. Non-compliance issues included those focused on the organisation of the physical and material environment and key areas emerging reflect the text of the regulations. These included issues relating to control of temperature, unauthorised access through unsecured gates or windows, first aid box not complete, unsafe storage issues and specific hazards arising.

The process issues that emerged predominantly related to dealing with the supervision of children, child protection, preparation for and management of medical issues, and infection control. Again, these issues reflect the text of the regulations. Where actions were proposed, there were varying levels of urgency and in situations where hazards were identified or children were in unsupervised situations, immediate actions were recommended to remedy the situation.

Thematic Area 2: Does the service support the health, welfare and development of children in its care?

Overview

A second theme emerging from the data relates to the question of whether the service supports the health, welfare and development of children. This area is dealt with specifically under *Regulation 5* (Health, welfare and development of the child) and *Regulation 9* (Behaviour management). Information provided in respect of food and nutrition, explicitly dealt with under *Regulation 26* (Food and drink), is also considered in this section since many of the issues arising are relevant to children's health, welfare and development. Some commentary is also presented on issues relating to rest and play, which are covered under *Regulation 28* (Facilities for rest and play). The full text of these regulations is given in Table 13.

Table 13: Text of Regulations 5, 9, 26 and 28

REGULATION 5: HEALTH, WELFARE AND DEVELOPMENT OF THE CHILD
<p>A person carrying on a pre-school service shall ensure that each child's learning, development and well-being is facilitated within the daily life of the service through the provision of the appropriate opportunities, experiences, activities, interaction, materials and equipment, having regard to the age and stage of development of the child and the child's cultural context.</p> <p>Additional information provided under Regulation 5: Considering each child's development needs</p> <p>Background A number of initiatives have been taken by the childcare sector to support quality play opportunities, both for its own purpose and in recognition of its contribution to child development. Play is recognised by the sector as a powerful learning vehicle for young children. The Model Framework for Education, Training and Professional Development in the Early Childhood Care and Education Sector (Department of Justice, Equality and Law Reform, 2002) sets out practitioner profiles for the childcare sector and identifies the inextricable link between play and early childhood education. The Centre for Early Childhood Development and Education has developed a quality framework for early childhood care and education – <i>Síolta, The National Quality Framework for Early Childhood Education, 2006</i>.</p> <p>What service providers should do In planning activities to support each child's development, which are reflective of the philosophy and ethos of the service, as provided for in the Explanatory Guide to Regulation 14 (1)(f) and 25(a) at (iv), each child's individual needs, interests and abilities should be considered. The provider should be proactive in ensuring that appropriate action is taken to address each child's needs in cooperation with his/her parents and following consultation, where appropriate, with other relevant services.</p> <p>Each child's learning, development and well-being needs should be met within the daily life of the service through the provision of the appropriate opportunities, experiences, activities, interactions and materials. In meeting these needs, service providers should recognise how children affect and, in turn, are affected by the relationships, environment and activities around them. This approach is outlined in the National Children's Strategy and is called the 'Whole Child Perspective' (see Appendix B for detail). See Explanatory Guide to Regulation 14 (1)(f); See Explanatory Guide to Regulation 25(a) at (iv).</p>
REGULATION 9: BEHAVIOUR MANAGEMENT
<p>(1) A person carrying on a pre-school service shall ensure that no corporal punishment is inflicted on a pre-school child attending the service.</p> <p>(2) A person carrying on a pre-school service shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physical harmful or neglectful are carried out in respect of any child.</p>

- (3) A person carrying on a pre-school service shall ensure that written policies and procedures are in place to deal with and to manage a child's challenging behaviour and to assist the child to manage his or her behaviour as appropriate to the age and stage of development of the child.

Child protection

9.(2) Within the framework of *Children First: National Guidelines for the Protection and Welfare of Children*, clear written guidelines on identifying and reporting child abuse should be developed by the pre-school service.

In line with Article 2.2 of the UN Convention on the Rights of the Child –

- All child care services and providers should consider the child's welfare to be of paramount concern.
- All children should be respected and treated with dignity at all times.
- Children's rights should be acknowledged and respected at all times.
- Children should never be subjected to any degrading or abusive behaviour.

Policies and procedures

9.(3) Positive Behaviour Management should be included in the written policy and procedures document of the service.

See references to 'A Guide to Developing Policies and Procedures in a Childcare Setting' and 'A Guide to Developing Policies and Procedures in an Early Years Setting' in Appendix A.

REGULATION 26: FOOD AND DRINK

26 (1) A person carrying on a pre-school service shall ensure that suitable, sufficient, nutritious and varied food is available for a pre-school child attending the service.

- (2) Where food is consumed on the premises by a pre-school child, the person carrying on the pre-school service shall ensure that –
- (a) adequate and suitable facilities are provided for the storage, preparation, cooking and serving of food, and,
 - (b) adequate and suitable eating utensils, hand washing, wash-up and sterilising facilities are provided.
- (3) This regulation is without prejudice to
- (a) the provisions of the Health Act 1947 and regulations made pursuant to that Act,
 - (b) the provisions of the Food Safety Authority of Ireland Act 1998, and
 - (c) any secondary legislation made pursuant to the European Communities Act 1972 relating to food safety.

Food safety

- (i) In common with other food operations, pre-schools are subject to the provisions of the Food Hygiene Regulations 1950-89, and the European Communities (Hygiene of Foodstuffs) Regulations 2000 (S.I. No. 165 of 2000). This legislation requires food operators to operate in a hygienic way, to comply with detailed standards of structural and operational hygiene, to train and supervise staff in food safety matters and to develop a food safety management system based on the principles of Hazard Analysis Critical Control Point (HACCP). See Appendix A for reference.
- (ii) To support the implementation of this legislation, a number of national sector specific guides to good hygiene practice have been produced to assist food operators to comply with the requirements of the Regulations referred to at (i) above. Pre-school service providers should refer to the requirements of I.S. 340 Hygiene in the Catering Sector or I.S. 344 Guide to Good Hygiene Practices in Domestic Premises. Food safety guidance is available from the local Environmental Health Department of the Health Service Executive or from www.fsai.ie
- (iii) Food may be cooked on the premises or children may bring packed lunches including cooked meals which may require re-heating. If the food is supplied by the person carrying on the pre-school service, it must be prepared on the premises or purchased from a supplier whose premises is registered with the Health Service Executive. All vulnerable foods must be stored under suitable refrigerated storage conditions as necessary.

Food and nutrition for children

(iv) The pre-school provider must ensure that children are provided with regular drinks and food in adequate quantities for their needs, in consultation with parents where concerns exist. Food and drink must be nutritious and should take account of the Food and Nutrition Guidelines for Pre-School Services as prepared by the Department of Health and Children. Children spend varying amounts of time in day care services and so are there for different numbers of meals. The Food and Nutrition Guidelines for Pre-School Services advise as follows:

Children in day care for more than 5 hours per session (full day care)

Offer at least two meals and two snacks, for example – breakfast, snack, lunch and snack. One meal should be a hot meal. If children are there for a long day, an evening meal may also need to be provided.

If a main meal is not consumed or provided for some reason, ensure that parents know this so they can offer suitable meals at home.

Children in day care for up to 5 hours maximum per session (part-time day care)

Offer at least two meals and one snack, for example – breakfast, snack and lunch. It is not necessary to have a hot meal; however, the meal should include at least one serving from each food shelf on the food pyramid.

Children in day care for up to 3.5 hours per session (sessional pre-school service)

Offer one meal and one snack, for example – snack and lunch or breakfast and snack.

(v) Potable drinking water should be available to children at all times.

REGULATION 28: FACILITIES FOR REST AND PLAY

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, and
- (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.

Paragraph (a) is aimed primarily at children in full day care services and in overnight pre-school services and it may apply to children cared for in a childminding service and children in part-time day care services or in pre-school services in drop-in centres or in temporary drop-in centres. While sessional pre-school services usually cater for children aged 3 to 6 years of age, this Regulation may apply to sessional services which cater for younger children.

Sleeping facilities

Day care services

It is recommended that, ideally, babies and children aged under 2 years of age should be provided with suitable sleeping facilities away from the general play area.

If the sleep area for babies and children aged under 2 years is accommodated in the baby room, the overall space measurement of the baby room will then be 4.2 sq. metres per child. The area for sleep should be in a section away from other activities. This area should have facilities to dim lights or to block window light and should maintain a quiet, restful environment for children to sleep. This guideline should only be considered when the group size is 6 babies or less, otherwise a separate sleep area is required from the general play area.

While it is desirable for children to have their own cots, this may not always be feasible, therefore an adequate supply of bed linen should be in place to ensure that each child has their own linen. For children over 2 years of age who use sleeping mats, individual linen should also be provided. Linen changes should be documented. Sofas, beanbags and buggies are not suitable for children to sleep in.

Overnight pre-school services

See also guidelines on overnight pre-school services on Page 7.

Checking of sleeping babies

Sleeping babies need to be regularly checked and procedures and rotas should be in place.

Procedures and rotas should take account of the following:

- Who will check the baby/babies.
- How they will be checked, i.e. the sleep position and an assessment of whether or not the child is breathing should be made –sleep monitors alone may not be adequate.
- How often they will be checked – include sleep monitoring rota.
- How information might be recorded.
- How information will be shared with parents.
- The deployment of staff to include responsibilities for any sleep room area.

(See Irish Sudden Infant Death Association (ISIDA), 'Caring for your child' leaflet for advice on sleeping positions).

Outdoor play area

Children in part-time or full day care services should have access to the outdoors on a daily basis, weather permitting.

See Regulation 27 on Safety Measures and Appendix G of Explanatory Guide to Regulation 27 on Security and Access and Outdoor Play Area.

An extensive commentary was provided under *Regulation 5* and it generated the highest level of information across all regulations analysed. Regulation 5 is reported on using a tool developed in collaboration with the Pre-School Inspectors (Hanafin *et al*, 2009).⁹ This tool is categorised into

4 broad parts as follows:

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

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

Sub-theme 1: Extent to which the service supports children's basic needs

Compliance information provided under children's basic needs is extensive and quotes similar in length and focus to that below are not unusual:

'Extent to which the Personal Care provided meets basic needs of the infants and children. There was a healthy eating policy in place. Children are encouraged to self-feed and assisted as required. The children were seated at low-level tables. Meals were observed to be enjoyed and they were given plenty of time to enjoy the whole food experience. Bibs and aprons were readily available and used. Self-toileting is handled in a sensitive and positive manner and staff is responsive to the children's non-verbal cues to be brought to the toilet. Children are allowed to rest as required. Appropriate behaviour in children was positively reinforced. The daily routine matched the age and developmental needs of the children.'

In general, areas dealt with under this theme relate to support for personal care (including toileting, rest and sleep, and personal hygiene) and nutrition.

Support for personal care

⁹ Hanafin, S., Brooks, A.M., McDonnell, F., Rouine, H. and Coyne, I. (2009) 'A Whole-Child Perspective Assessment Guide for Early Years Settings', *Community Practitioner*, Vol. 82, No. 10, pp. 22-25.

While many reports noted that the ‘personal care provided met the needs of the children attending the service’, some identified specific issues relating to issues such as toileting, rest and sleep, and hygiene.

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’. This issue also emerged strongly under *Regulation 22* (Sanitary accommodation), where nappy-changing facilities were a particular cause of concern. Some reports noted that that the facilities were less than adequate, with attention being drawn to ‘the condition of the changing mats and its disinfection after use’.

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; staff not washing hands between changes;
- failing to maintain the dignity of children by ensuring their privacy when carrying out changes/toileting. Providing a private environment for infants and children while toileting was considered important:

‘There are no doors to the individual toilet cubicles in the sanitary area and therefore does not facilitate the child toileting in privacy. The dignity of the child while toileting may be compromised due to the lack of doors on toilet cubicles.’

Resting and sleeping

The extent to which children were provided with appropriate facilities and opportunities to rest during the day was identified as a key issue in service compliance. This issue is also dealt with under *Regulation 28* (Facilities for rest and play) and many of the same areas emerge under both regulations. Issues arising in respect of the safety of the facilities for rest and sleep are dealt with under Thematic Area 1 relating to safety issues (*see above*), while issues relating to sleep policies are dealt with under Thematic Area 3 relating to governance of service (*see below*).

The main issue in respect of rest and sleep for children’s health, welfare and development concerns recognises the needs of individual children in this regard. The following two comments, identifying non-compliance with both *Regulation 5* and *Regulation 28*, illustrate this point:

‘In the afternoon in pre-school room 4, one child was asleep with her head resting on the table and another child was falling asleep while a story was being read.’

‘Full day care children are not adequately rested within the service. At 2pm, all children in the full day care rooms sat on a rug and seating with the after-school children to watch a video on the TV for approximately 45minutes. This is not considered rest. Children attending for the full day should be afforded some rest time or unstructured downtime during the day.’

Personal hygiene

The issue of hygiene emerges consistently throughout the analysis in terms of non-compliance and, in respect of children's health, welfare and development, there was a key focus on hand-washing. Information on compliance noted that 'the children washed their hands before eating'; 'are encouraged and supervised to 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 situations where the facilities themselves did not support good practice (including, for example, where there was no hot water for hand-washing or where insufficient or inaccessible soap or paper hand towels were provided). This issue emerged strongly under *Regulation 22*, where a number of comments were also made in respect of hand-washing and in particular the need for 'gloves for use during nappy-changing', 'soap' or 'liquid anti-bactericidal soap and paper towels or another suitable means of hand-drying' be provided 'in order to break the chain of infection'.

Actions required for personal care

Actions in respect of personal care included ensuring the enforcement of good hygiene practices, maintaining the dignity of the child by providing privacy while toileting or nappy-changing, and having a nappy-changing policy in place. Many of the actions in respect of rest and sleep focused on ensuring that adequate and suitable facilities were available and that adequate monitoring and supervision of children took place while they were sleeping. A small number of actions related to providing quiet unstructured time for children to rest during the day according to their individual needs. Actions relating to resting and sleeping in supporting children's health, welfare and development related specifically to ensuring that children are given adequate opportunities for rest during the day and that children's individual needs are met. Having good hygiene practices in place for both staff and children at key times was identified as critical. Other issues relating to hygiene emerged under children's toys and equipment, and these are dealt under Thematic Area 4: Are the premises and facilities structurally sound and fit for purpose?

Nutrition

Regulation 26 refers to Food and drink and there is some overlap between the information on healthy eating provided in *Regulation 5* and that presented under *Regulation 26*. In general, the information relating to nutrition is concerned with:

- the presence of a healthy eating policy and the extent to which it was being implemented through the provision of sufficient amounts of food drawn from a diverse menu prepared and provided to the children in an appropriate way;
- issues relating to how food is provided, including, for example, whether it is provided by the service or parents, self-care by children when eating, plating of food, choice of different foods and enjoyment of food by the children;
- food storage, with a key focus on storage of cold foods.

Compliance information

Many references were explicit to the availability of a healthy eating policy and there were several comments such as 'a healthy eating policy in place'; 'nutritious lunches provided or brought from home'; 'suitable and nutritious snacks'; 'varied food provided'; 'special dietary needs noted'; and '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 also considered positive. Some reports noted that having a 3-week menu is in line with the Food and

Nutrition Guidelines for Pre-Schools (2004). Observations were recorded of healthy eating policies 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'. Examples were given of healthy lunches children brought in themselves:

'The children bring their own lunches, which included sandwiches, fruit, yoghurts, cheese. The children drink water throughout the day, readily available at all times in the service. A fruit break of chopped apples, grapes and banana was served to the children at 11am.'

Source and provision of food

A range of ways in which food is provided was reported. The type of meals provided appear to depend mainly on whether the service offers full- or part-time care. In general, only full day care services provided a hot meal and some reports noted this was 'cooked on the premises and served to the children daily'. Other reports noted that external caterers provided the hot dinners, while yet others recorded that parents provided the dinners. In the case of sessional services, snacks were given to the children; in some cases, these were provided by the parents and supplemented by the service through, for example, the provision of fruit snacks.

Other reports gave substantial detail on the food served and highlighted a number of positive aspects of the service, for example:

'When the inspection team arrived, children were having a breakfast cereal. Later the service provided a variety of sliced fruit. Children were each given their own small container of butter and a knife to butter the bread for their sandwich of cheese or ham. Milk and diluted fruit drink was offered to the children.'

In addition to the source of the food, a number of reports made reference to the way in which the 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, with children having enough time to enjoy the 'whole food experience' being considered important. One report, for example, noted that:

'Children were observed having a healthy snack [provided by the service] and the dining experience was obviously enjoyed by all. Children sat with their key worker and engaged in an easy and comfortable manner with each other, and with staff. Self-serving was encouraged and snack choice was facilitated.'

Food choice and self-feeding

The issue of choice was also identified as important and some reports drew attention to the availability of menus. One service was documented as having a 3-week menu:

'The 3-week menu plan for a pre-school children's diet was varied and balanced and provides the nutrients required, i.e. protein, fat, carbohydrates, vitamins and minerals.'

Other reports made reference to the support of staff for healthy eating. One report, for example, noted that staff were 'observed sitting with the children at meal and snacks breaks to encourage positive eating habits'. Other reports noted that the kitchen was inaccessible to the children, but that drinking water was provided whenever children wanted it.

Self-feeding was also identified as important and a number of reports made reference to children being 'encouraged to self-feed' and assisted as required. One report, for example, noted that:

'Children are encouraged to self-feed and assisted as required. The children were seated at low-level tables. Meals were observed to be enjoyed and they were given plenty of time to enjoy the whole food experience.'

Non-compliance information

Across *Regulation 5* and *Regulation 26*, there was considerable information on non-compliance. Under *Regulation 26*, several reports noted that a separate report would issue from the Environmental Health Officer in respect of non-compliance and the content of these reports are not included in this analysis. The main areas around non-compliance in the main report concerned:

- absence of a healthy eating policy or menu;
- appropriate and sufficient food not provided;
- plating of food;
- storage of food;
- food hygiene.

Healthy eating policy and implementation

Some general comments drew attention to the absence of a healthy eating policy (e.g. 'There was no evidence of a healthy eating policy available') or to situations where the menu provided was not considered satisfactory (e.g. 'Popcorn is offered as a snack on the menu. Snacks such as Jaffa cakes, fig rolls, chocolate and vanilla Swiss rolls are also on the menu'). Other reports noted that food provided to the children was not nutritious (e.g. 'On the day of the inspection, some of the food items eaten by the children were not nutritious: chocolate dippers, cakes and chocolate corner yoghurts').

Appropriate food and drink not provided

A number of comments in the non-compliant section of reports reported that the food and drink provided was not sufficient or not nutritious for the children in day care. There were a number of comments relating to the lack of availability of water and of sufficient and appropriate food. One report noted that 'On the day of the inspection, it was noted that two children who were categorised as "full day care" were not provided with an appropriate hot meal.'

A number of comments referred to the lack of availability of drinking water for children over the course of the day, with a number of comments indicating that 'Potable drinking water was not available in the playrooms throughout the day'.

Plating food

A small number of reports noted that food was 'not plated' and that children were asked to eat food directly from the table. The following comment illustrates this issue:

'Sandwiches were served to children in the Playschool Room in the afternoon without plates and were eaten directly from the tables. The tables were not observed to be sanitised before mealtime.'

Storage of food

Other non-compliant issues that emerged related to the storage of perishable foods. A number of comments related to the air temperature of the fridge, which, it was noted, for perishable foodstuffs must be stored between 0°C and +5°C. Examples from the reports include, for example, 'an air temperature of 10.9°C was recorded in the refrigerator that is used to store the children's lunches'; 'the fridge in the Wobbler room was 10.3°C'; 'the fridge in the Baby room was 11.2°C'; 'the fridge in the Full Day Care was 8.2°C'.

Food hygiene

The final area dealt with under non-compliance related to food hygiene. There were a small number of comments dealing with this issue, including, for example:

'A member of staff was observed rinsing a child's soother using water from a sink marked as "not drinking water".'

and

‘Used utensils and food preparation equipment were being soaked in warm soapy water in the kitchen sink.’

Actions required for nutrition

In general, the actions for compliance with the regulations 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 elements of the *HSE Healthy Food and Nutritional Guidelines for Pre-school Services*.
- 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.

Summary on basic care needs

In summary, the extent to which children’s basic care needs are met through services that support their health, welfare and development is a key area for inspection. Specific issues such as rest and sleep, personal hygiene and toileting were identified as important and issues of both compliance and non-compliance were identified. Key issues relating to nutrition were also identified under this area and there was some considerable crossover between information provided under *Regulation 5* (Health, welfare and development of the child) and that presented under *Regulation 26* (Food and drink). However, a number of comments under *Regulation 26* referred to the issuing of a separate food hygiene report and the substance of these reports was not available for inclusion in this analysis.

Sub-theme 2: Physical and material environment

Compliance information

Aspects of the physical and material environment generated significant commentary in both the compliance and non-compliance sections of *Regulation 5* reports. There were many very positive comments about the environment and these were generally linked with children’s development. The following detailed comment, not unusual among the reports, serves to illustrate compliance with the regulation:

‘The indoor environment provides a range of developmentally appropriate, challenging, diverse, creative and enriching experience for all children. The range of toys offer stimulation to all senses, are non-toxic and easily cleaned. Materials include puzzles, blocks, trucks, fine motor skill toys, threading, pegging, jigsaws and shape sorters, animals, dolls, play house and Montessori equipment. The equipment was freely available and accessible to the children, with paper, crayons, puzzles, art easel and paints available throughout the session ... Sand boxes remained open and were available to the children throughout the session. The layout of the service allows

supervision by the adults as the children move into different areas within the rooms. Children are offered varied activities and experiences that support and extend their well-being, learning and development. Children's work is displayed and shared in a way that values and respects it.'

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'. Comments such as these were regularly reported under the compliance information.

Positive comments were made about 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 cooperation within small and large groups'. 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 information

Non-compliance information was also extensive in this area of the physical and material environment. Again, the information focused on the extent to which the environment supported children's development and offered a range of experiences. In general, commentary 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 Thematic Area 1 relating to safety (*see above*).

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 around the area. Comments, such as that below, detailing various aspects of the environment and its capacity to support the children's development were relatively common:

'The two Pre-school rooms and the Playschool room located on the 1st floor and the Wobbler room on the ground floor were inadequately prepared and resourced. For a large number of children, it was the first week of the first term in the service. None of the above rooms were well organised and attractively resourced to provide an interesting and child-friendly environment. The toys and equipment were stored in boxes, poorly sorted and not easily accessible for the children. The walls in the Baby, Wobbler and Toddler rooms were bare.'

There were a number of negative comments about the sufficiency of space available to meet the needs of the children. While some of these comments are dealt with under Thematic Area 4 relating to the premises and facilities (*see below*), 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 'not designed to enrich the child's experience' were made in this regard. The following comment highlights some of these issues:

'This age group of children need more space, interest areas and soft furnishings to allow them to move around freely and explore their environment.'

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. Some comments drew attention to the impact of this on the space available to children and staff, as well as the impact on safety:

'The storage of toys, equipment and paperwork was very untidy and haphazard, and did not allow for ease of cleaning. Some items were at risk of falling onto a child. Children's bags were stored on the floor and impinged on the circulation space in the room.'

One final issue related to the poor condition of some furnishings being used in various pre-school settings. Terms such as 'torn', 'tattered' or 'in need of repair' were frequently used. One specific comment noted: 'The torn seat cover to the high chair in the Green Room requires repair.'

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 for children in both full day care and part-time day care:

'The two outdoor play areas are poorly maintained and the small outdoor area to the front of the service is water-logged and cannot be used. This has resulted in the children not getting outdoors to play.'

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, not clean, untidy and broken:

'Outdoor toys (e.g. trucks, ride-on toys) were left outside though not in use. They were grubby and unkempt due to exposure to weather elements and external contaminants. Other outdoor toys and equipment were stored haphazardly in an open play-house, again exposed to the elements, and were also observed to be in a poor and unclean condition.'

Some comments drew attention to the importance of having good experiences for children, with one noting that while the outdoor environment was large, it 'lacked challenging, diverse and enriching experiences for children'.

Special interest areas

As noted above in respect of compliance, having areas of special interest for children was identified as a positive feature of services. 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. The absence of special interest areas was considered a deficit as the following comment illustrates:

'The layout of the toddler room did not adequately support children's learning and development. 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.'

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 negative comments about the lack of toys and other materials available, their unsuitability for various age groups and their poor condition:

'The physical and material environment did not adequately meet the developmental needs of the children attending the service. Some of the toys, such as the Fisher Price baby toys and the large amount of soft toys, were more suitable for babies and toddlers. There was an excessive amount of miniature toys. Books, toys and play materials were haphazardly thrown on the shelves in the presses of the playroom, making them inaccessible to the children. Some books and jigsaw boxes were torn. There was inadequate table top space for the children's play and activities. Items not pertaining to the pre-school were stored in the playroom (e.g. a pool table, DVDs, videos and other materials).'

Many comments describing non-compliance made reference to the poor condition of some types of toys, materials and other equipment available to children, with the implication that children would not want or should not be using them:

'Some toys and pieces of equipment were observed to be grubby and dirty, and therefore unsuitable for use by pre-school children.'

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 was 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 themselves. Some stated that 'the toys were not accessible to the children' or were 'stacked on high shelves', 'stored in a box and are not accessible to children'. The following comment highlights the link between lack of access to appropriate toys and adult-directed play activities:

'Many of the toys were stored out of reach of the children. Therefore activities were adult-directed. Toy containers that were within the pre-school children's reach were empty and not used to display suitable equipment for them. The kitchen units were stacked up in the room and not available to the children.'

Diversity of stimulating toys and equipment

Many reports provided commentary about this aspect of the material environment, naming the various types of material and equipment that should be available to children. It was 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. Some reports commented that ‘There was a poor amount of materials and activities to support and stimulate children’s senses. This needs to be addressed immediately’.

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 the 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.

Other reports 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 following comment illustrates this point:

‘In some areas, there was an inadequate range of age/developmentally appropriate suitable play materials, toys and equipment available for the children attending the service. Overall there was limited messy/imaginative/natural materials/treasure baskets/planting, etc. Some jigsaws were stored in open containers and did not have the pictures to identify to support children to complete the task. Whilst a painting easel was available [in the Montessori room], this however was not supported with paper/paint/brushes.’

Actions required for physical and material environment

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

Summary

In summary, there was extensive commentary in the reports relating to the physical and material environment and this related 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. Commentary on the material environment mainly dealt with materials, equipment and toys and key issues that emerged related to their availability, accessibility, diversity and capacity to stimulate children’s development. Underpinning each of these areas were issues relating to choice and developmental appropriateness.

Sub-theme 3: Programme of activities and implementation

Compliance information

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 more specific 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 were 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.

There are a wide variety of issues inspected in relation to the programme of activities and extensive commentary was common among services where compliant information was provided, including:

‘In the pre-school Montessori room, children are given the opportunity to take responsibility for different tasks throughout the session, e.g. to put out chairs for circle time and to clean the mirror. They also have the responsibility of watering the mini sunflowers they each have planted earlier in the season. In the Montessori room, the theme of the week was “Doctors and Nurses”. The story being read at story time linked with this theme as it was about our skeleton. The activity of the day is linked to the theme of the week. The activity observed on the day of the inspection was making and creating X-rays and skeletons. There was documented evidence of the daily routine. Creative, manipulative and imaginative play was observed during the inspection, e.g. children were observed dressing-up as doctors and nurses who were attending the patient as he lay on the doctor’s couch. Children in the Toddler room were observed making music, working with play dough and engaged in messy play.’

Observations of children’s outcomes on the day of the inspection are also documented in reports and comments similar to the following were relatively common:

‘Children were observed to be fully absorbed, enthusiastic and happy in the various activities engaged in throughout the day.’

and

‘All the children were happily engaged throughout the course of the inspection.’

Non-compliance information

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, and having limited activities or limited opportunities for children to engage with, participate in or lead. 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 on 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’. Other commentary drew attention to the link between a need for some structure and children’s development, such as:

‘Activities observed on the day of inspection were mostly free play or adult-led with no structure and therefore the children’s physical, emotional, social, creative and cognitive developmental is not being enhanced and met within the service.’

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 and 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. One comment, for example, noted that ‘serious planning and work is evident in the delivery of programme of activities for children’.

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 were made in the reports about this area, highlighting the importance of having a child-centred programme where children were given choices and their individual needs were met through individual support and encouragement. 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. One comment, for example, noted that:

‘The system in place enables each child to experience and engage with all the activities supporting the Montessori method ... as a result, each child is enabled to take the lead, be appropriately independent, solve problems but yet be supported.’

Other reports, however, 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, and one comment noted that:

‘The pre-school children in the Playgroup and Pre-Montessori room and Montessori room 1 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.’

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 information 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. One positive report noted that ‘planning incorporates systematic observation on each individual child [and] ensures successful outcomes on curriculum implementation’.

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 highlighted the lack of varied or suitable activities, for example:

‘There were limited appropriate opportunities, experiences and activities available, e.g. there was limited messy play equipment (sand, water, play dough, etc). There was limited equipment available for imaginary/pretend play. There was no equipment/materials for nature area/planting, etc.’

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 scrapbooks 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 on programme of activities and implementation

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 a positive feature.

Sub-theme 4: Relationships around children

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

- between staff and children;
- between children;
- between staff and parents;
- between staff members;
- 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 ‘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’. One example given was:

‘The staff members are kind and have a positive regard for all the children. This was demonstrated when a child was soothed appropriately when upset during the lunch period.’

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 one inspection report documented that ‘on arrival, the inspection team found one adult caring for 14 children’. In another situation, it was reported that the staff member in the care room was unable to engage in activities with the older children ‘as she was also responsible for meeting the needs of the infants in the service’.

Some reports identified particular times during the day when the staffing levels were problematic and indicated that this led to difficulties in terms of care and supervision of

children. Where there were high staff changeovers during the day, some of which was due to part-time workers, this was also identified as problematic. In other reports of services deemed to be non-compliant, attention was drawn to the absence of a key worker system and the impact this had on the children's ability to form and maintain relationships. The consequences of insufficient numbers of staff for whatever reason were noted in one report:

'This has a direct impact on the level of appropriate support afforded to the children to enable them to interact positively with other children and with adults.'

The 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. One report, for example, noted:

'At times in some areas there was limited involvement of staff with children during activities. Some staff stood and watched children. They did not sit with/participate in activities/encourage/extend play. Staff became involved if necessary/demanded, e.g. children arguing/fighting/crying. There was little evidence that children received any individual attention. There was no key worker system in place.'

Managing children's behaviour

Although *Regulation 9* is titled 'Behaviour management', in general, the focus in its 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's behaviour with other children and the responses by staff to incidents of challenging behaviour. Compliance information 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 on the day of inspection, such as:

'Although a positive behaviour management policy is in place, it was notable during inspection today that children were very active and distracted. The behaviour management was generally not positive, with negative instructions like "Don't do", "If you don't ..." and "Be quiet". In discussion with staff regarding this issue, they state that today was not representative of general behaviour. We have not been concerned regarding this issue in past inspections, so it is difficult to ascertain the extent of these concerns.'

Other comments referred to specific incidents taking place while the inspector was on the premises:

'At 11am, it was observed that one pre-school child pushed another pre-school child while sitting in their chair before lunch, unnoticed by staff. The staff member then placed the child who was pushed on the "bold chair". There was no staff-child interaction to involve the children in the problem-solving process.'

Another more general observation recorded that:

'Staff mainly stood and watched children. They did not sit with the children, participate in activities, encourage/extend play. Staff became involved if necessary/demanded, e.g. children arguing or fighting. The level of interaction and positive engagement of the children was inadequate in some areas, e.g. where children were disinterested and wandering around and not adequately engaged by staff.'

Actions required for staff–children

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 required for children’s interaction

Actions required 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 for staff–parents

Actions required in 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 for staff

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 pre-school service and 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.

Comments on non-compliant pre-schools noted that services should be linked with their local community.

Actions required for pre-school and broader community

Actions required in this area 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 of Thematic Area 2: Does the service support the health, welfare and development of children in its care?

This thematic area generated the most extensive commentary of all thematic areas analysed. While it is dealt with specifically under *Regulation 5* (Health, welfare and development) and *Regulation 9* (Behaviour management), issues relating to *Regulation 26* (Food and drink) and *Regulation 28* (Rest and play) were also incorporated here. Four sub-themes were identified: (1) the extent to which the children's basic needs were met (including personal care of children in areas such as toileting, rest and sleep, and personal hygiene, as well as nutrition); (2) the extent to which the physical and material environment supported children's health, welfare and development (incorporating the design and layout of the service, the positioning of special interest areas and the availability and accessibility of diverse, stimulating and age-appropriate toys and equipment); (3) the programme of activities being implemented (including the extent of free play, availability and implementation of a programme of activities based on individualised needs of children, allowing children to make choices and providing opportunities for initiating and leading activities to maintain their interest); and (4) relationships around children (including those between staff and children; between children themselves; between staff and parents; and between the service and the broader community, as well as with organisations/structures for support).

A number of key issues emerged within each of these areas, including:

- the importance of caring for children's basic needs and ensuring that they are looked after in a healthy, respectful, engaging and positive way;
- that the activities they engage in support their development and that each child is encouraged to take part in activities and initiate, lead and make choices;
- that the service provided is appropriate to the children's needs taking account of their age and developmental stage;
- that the relationships around children take account of their individual needs.

Thematic Area 3: Is the service well governed?

Overview

This thematic area refers to governance and four sub-themes emerge: (1) management and staffing; (2) the records maintained and made available; (3) existence of policies and procedures as set out under various regulations; and (4) information about the service submitted to the relevant authorities. Each of these issues is considered below.

Sub-theme 1: Management and staffing

The inspection form identifies two regulations under the heading ‘management and staffing’ and these are *Regulation 8* (Management and staffing), the text of which is given in Table 14, and *Regulation 12* (Number of pre-school children who may be catered for). Since Regulation 12 focuses on the space available to children, it is considered under Thematic Area 4 relating to the structure of the service.

Table 14: Text of Regulation 8

REGULATION 8: MANAGEMENT AND STAFFING
(1) A person carrying on a pre-school service shall ensure that – (a) a sufficient number of suitable and competent adults are working directly with the pre-school children in the pre-school service at all times, (b) the service has a designated person in charge and a named person who is able to deputise as required, and (c) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in paragraph 1(b) is on the premises.
(2) A person carrying on a pre-school service shall ensure appropriate vetting of all staff, students and volunteers who have access to a child – (a) by reference to past employer references, in particular the most recent employer reference, in respect of all staff, and (b) by reference to references from reputable sources, in respect of all students and volunteers, and (c) by acquiring Garda vetting from An Garda Síochána when An Garda Síochána have set down procedures to make such vetting available, and (d) in circumstances where Garda vetting is not available for staff, students and volunteers who have lived outside the jurisdiction, by ensuring that these persons provide the necessary police vetting from other police authorities.
(3) Such vetting procedures shall be carried out prior to any person being appointed or assigned or being allowed access to a child in the pre-school service.

The quantitative analysis of compliance status found that almost half of all services (46.2%) were non-compliant in respect of *Regulation 8* and this was the highest level of non-compliance across all regulations. The text of the regulation highlights the extensiveness of the requirements under the 3 parts and 7 sub-clauses. 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 information

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)', while others provided more detailed information. For example, 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:

'A sufficient number of suitable and competent adults were found to be working directly with the pre-school children during the times of inspection.'

A small number of comments related to the qualifications and training of staff, such as 'Each staff member has a profile with details of qualifications, training and experience to date'.

The second issue dealt with under compliance 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. Information 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 information

Five key areas of non-compliance emerged with respect to Part 1 of Regulation 8:

- the ratio of adults to children and the critical times where adequate child–adult ratios may not be maintained;
- training for staff to support competency;
- Garda vetting;
- references not in place;
- availability of a designated person.

Commentary in the reports referred to breaches in staff–child ratios, absence of Garda vetting or references for all persons in the service, and the lack of a designated person.

Staff–child ratio

Several reports referred to non-compliance in respect of the staff–child ratio, with a number of reports providing specific details, for example, '1 adult was present with 14 children on arrival to the centre'. Other comments referred to the attendance records kept and through that identified some non-compliance:

On reviewing the attendance record kept in the baby/toddler room, it was evident that on 3 days the previous week ... there were 6 children (0-1 yr = 1, 1-2 yrs = 3, 2-3 yrs = 2) present. The adult–child ratio was breached as there was only 1 staff on duty on these days while 2 adults were required.'

Providing adequate cover for breaks, mealtimes and rest periods for staff was identified as a critical issue, with some reports noted that there were risks to children from inadequate supervision due to breaches in the adult–child ratios. Some queries were raised in respect of the accuracy of the records in place, suggesting an in-depth examination of the documentation relating to this area. One report noted:

‘The staff roster in place within the service does not detail accurately staff breaks and cover provided for breaks. Staff breaks were either not taken or not taken at the rostered times. The staff on duty in the various rooms throughout the day was not evident from the rosters.’

The absence of a designated person who can deputise in the event of an emergency was a source of criticism. In respect of childminders, it was noted they should have a second person ‘available to cope with emergencies’. Other comments noted that while there is a designated person in charge, there was ‘no named person’ or ‘a person was not on the premises’ to deputise as required:

‘The designated person in charge or the named person who is able to deputise were not on the premises when the inspection team arrived on the premises unannounced on the morning of the Inspection.’

The level of detail provided suggests an in-depth examination of the records held is required in respect of the child–adult ratio, as well as taking into account observations on the day of the inspection.

Training for staff to support competency

Some issues relating to teamwork, staff training and support emerged under *Regulation 5* (sub-theme of relationships between staff) and some of these areas were also identified under *Regulation 8*, mainly under the area relating to actions required. Some comments drew attention to the need ‘to review and evaluate work practices and identify training needs’, while another noted that ‘Staff meetings should be taking place where the support and training needs of staff are identified to encourage him or her to reflect on the quality of his or her practice’.

As identified earlier, some references were made to the importance of linking with organisations that can provide support for services, such as the National Childcare Agencies. Specific areas around which training was identified throughout the reports related to ‘first aid training’ and ‘keeping safe’.

A small number of comments noted that they were awaiting ‘certification on two staff members’ recent training’.

Garda vetting

Having a child protection policy in place is identified as a requirement under *Regulation 9(2)* and the presentation of findings relating to this are presented under Thematic Area 1 on safety. Within *Regulation 8*, however, there were extensive references to the area of Garda vetting and references for staff, although in general the commentary was brief and consistent. The focus was on whether Garda vetting/appropriate police clearance had been sought, was in place and had been documented and recorded.

Several reports noted that ‘no Garda vetting’ or ‘appropriate police clearance’ had taken place for some or all staff in the service and comments such as those below were relatively common:

‘There was no evidence of Garda vetting available on any of the staff members.’
and

‘All vetting procedures were not carried out prior to any person being appointed or assigned or allowed access to a child in the pre-school service.’

Other commentary noted that Garda vetting was in place for some staff, but there was a range of other members of staff (such as ‘students’, ‘relief members’, ‘FÁS workers’, ‘agency staff’, ‘temporary staff’ and ‘new staff members’) where Garda vetting had not taken place. Other reports noted that ‘appropriate vetting’ had not take place on all staff and this appeared to be

especially problematic for staff members who had lived or worked outside the Irish jurisdiction. In some cases, the report made reference to records not being available:

‘Three members of staff on duty did not have up-to-date Garda vetting on file. A special needs assistant who has been employed by a child’s parents to work with the child in the service did not have any Garda vetting or validated references on file.’

References not in place

Reports also identified members of staff for whom references were not available, noting that two validated references are required for each staff member. Some commentary was broad and simply indicated that ‘There were no references available for staff’, while others named the personnel for whom the references were not available, such as ‘There were no references available for the manager and one staff member’. Other comments noted that ‘References were available for, but were not verified for two staff members’.

Other reports indicated that the staff files were unavailable on the day of the inspection and consequently access to staff vetting documents was not possible. Others noted that the names of referees and their details were not recorded in staff reference forms.

A small number of reports noted that Curricula vitae were not available for all the staff in the service.

Photographic identification

A small number of reports also made reference to the need for photographic identification, with non-compliant commentary noting that ‘Photographic identification was not available in respect of three members of staff in the service’.

Actions required for management and staffing

Actions required under Regulation 8 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. A small number of reports noted that where staff without Garda clearance are in situ, they must not be left alone with children. One report noted: ‘He/she must be supervised at all times until the processed Garda vetting/Police clearance is returned and evaluated.’
- Submitting documentation to the offices of the Early Years Inspectorate within a specified timeframe: ‘Garda vetting (3 in total) to be forwarded within 12 weeks. Validation of all staff references (4 in total) to be forwarded within 3 weeks.’
- Receiving two written validated references from previous employment, or in the event of work experience from two reputable sources, for each person working in the service. References should be validated by means of a telephone call by the provider to the referees.
- Ensuring 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’. In a number of cases, the adult–child ratio was provided in the report in tabular layout.
- Making sure that the care of children is not compromised by other children joining the service, for example, ‘After-school children should be cared for in a separate room with dedicated after-school staff to ensure that the care of the pre-school children is not compromised by the care of the after-school children’.
- 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’.

- Putting in place contingency plans for unanticipated 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, is on the premises at all times.
- Identifying and addressing the ongoing training needs of staff and maintaining a record of this.
- Up-to-date personnel files, which include proof of identity and that the person is over 18 years; proof of satisfactory Garda vetting and international vetting where required; two validated references from most recent place of employment; verification of qualifications; investigation of any gaps in employment.
- Ensuring the Service Manager has the necessary experience, skills, attributes and competencies to be responsible for the various aspects of the service, including those relating to National Standards Area 5.

Summary on management and staffing

In summary, issues arising in respect of the management and staffing of services are closely linked with the text of Regulation 8. Key issues identified in terms of non-compliance and in remedial action to be taken related to the staff–child ratio, the training of staff, Garda vetting, references and photographic ID. The extent of the commentary under each of these areas varied considerably: a surprisingly large number of comments were made in respect of Garda vetting, while only a small number emerged in respect of training of staff, although the actions identified under this area suggest a need for some support.

Sub-theme 2: Records

Records form a key focus for inspection and three regulations – *Regulations 13, 14 and 15* – deal specifically with this area (see *Table 15*). The level of information required about each of these regulations is extensive and both Regulation 13 and Regulation 14 have several sub-clauses.

Table 15: Text of Regulations 13, 14 and 15

REGULATION 13: REGISTER OF PRE-SCHOOL CHILDREN	
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 – <ul style="list-style-type: none"> (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.
(2)	The register shall be open to inspection on the premises by

- (a) a parent or guardian of the pre-school child attending the service, but only in respect of information entered in the register concerning that child,
 - (b) a person working in the pre-school service who is authorised in that behalf by the person carrying on the service, and
 - (c) an authorised person.
- (3) A person carrying on a pre-school service in a drop-in centre or in a temporary drop-in centre shall enter in the register the particulars referred to in paragraph (1) of this Regulation, except for subparagraphs (b), (c), (g), (h) and (i).

Register update

13(1) The information in the register must be updated on an ongoing basis.

Medical issues

13(f), (g) and (i) See also Regulation 7 and Explanatory Guide re. Medical Assistance.

REGULATION 14: RECORDS

- 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.
- (2) The record referred to in paragraph (1) and the documentation and records referred to in paragraph (5) of this Regulation shall be open to inspection on the premises by an authorised person.
- (3) Save for the information maintained in the record under Regulation 14(1)(b), the record referred to in paragraph (1) of this Regulation shall be open to inspection on the premises by a parent or guardian of a pre-school child attending the service, but only in respect of information entered in the register concerning that child.
- (4) For the purposes of operating the pre-school service, the record referred to in paragraph (1), other than the information maintained under Regulation 14(1)(b), shall be open to inspection on the premises by a person working in the service who is authorised in that behalf by the person carrying on the service.
- (5) A person carrying on a pre-school service shall maintain all documents and records relating to references and Garda and police vetting obtained under Regulation 8(2).

Records update and storage

14(1) This information should be updated on an ongoing basis. Providers may wish to seek legal advice as to the length of time for which records should be retained.

Garda clearance

14.(1)(b) Garda clearance records will be inspected once procedures are in place to make vetting available from the Garda Vetting Unit. See also Explanatory Guide to Regulation 8(2) and (3) on Management and staffing.

REGULATION 15: INFORMATION FOR PARENTS

15. A person carrying on a pre-school service shall provide a parent or guardian of a pre-school child proposing to attend the service with the information referred to in Regulation (14)(1) (a), (c), (d), (e), (f), (g), (h) and (i) of these Regulations.

In addition to the requirements under Regulations 13, 14 and 15, there is also a requirement to have records of various other aspects of the service, to do with the structure (e.g. record of the boiler services) or safety (e.g. fire drills) among others. Issues relating to those records are dealt with under the relevant thematic area and are not discussed here.

In respect of governance, there are 5 broad issues arising in respect of records:

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

Availability of records

This issue is particularly relevant to Regulations 13, 14 and 15 where very detailed and extensive information is required under the Child Care Regulations. *Regulation 13* (Register of pre-school children), for example, has 9 sub-clauses, while *Regulation 14* (Records) has 13 sub-clauses and each of these refers to specific information to be collected. This is also the case with *Regulation 15* (Information for parents), which refers to information detailed in Regulation 14 to be provided to parents and includes information about staff, the service, the children and the policies and procedures.

Some reports commenting on compliance with these regulations simply included a broad statement such as ‘All written records were maintained and available’, while other reports identified the specific sub-clauses where the regulation was compliant, such as ‘13(1)a, c, d, e, f, g, h, i’. In adopting an approach that specifies individual sub-clauses, it was clear that for the service referred to in the previous example, records in respect of sub-clause 13(1)b (i.e. date of birth for children attending the service) was missing; however, the service was deemed compliant overall. Other reports documented non-compliance information in the compliant section as follows: ‘Some information had not been completed on some of the children’s registration forms.’

A more elaborate approach was also adopted which identified the specific details of the information required under the regulation. 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.’

Some commentary noted that it was not possible to inspect certain information since it was not available on the premises, or accessible by the person carrying on the service, on the day of the inspection.

Regulation 15 deals with information available to parents and in that regard commentary was generated in respect of the methods through which this information was provided. Reports variously noted that 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’.

Comprehensive and complete information

While there were examples of absent records from each of the sub-clauses under both *Regulation 13* and *Regulation 14*, references to 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 emerging more frequently related to the attendance of children in the pre-school.

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.

The following comment was noted in respect of *Regulation 13*:

'While a child attendance record was available, it did not include the arrival and departure times of each pre-school child. The arrival and departure times and meal break (if applicable) of staff were not documented.'

Information not up to date

In a small number of reports, it was noted that the register was not up to date and comments were made such as 'While details of opening hours were available, they were not up to date'. Other information reported as not being up to date included immunisation records and Garda vetting for staff: 'There is no up to date register for all the children attending the service. The last register was taken one month previous.'

Accuracy and relevance

Only a small number of reports made reference to records being inaccurate and generally focused on observations made at the time of the inspection and records staff made of the same observations. One reference, for example, related to an observation made by the inspector that a child was unwell and the report noted that 'This child's morning experience was not accurately reflected in the communication book; there was no record stating she was off form and crying'. Another report referred to the relationship between the observation of the inspector in terms of the staff availability and the roster outlined: 'The staff roster in place within the service does not detail accurately staff breaks and cover provided for breaks. Staff breaks were either not taken or not taken at the rostered times.'

Another report drew attention to lack of adherence to the records: 'At the time of arrival, 15 children had been signed in on the Daily Attendance Record. However, 18 children were on the premises at the time.'

The importance of ensuring that the information provided is relevant and accurate for the children involved was highlighted in one comment as follows: 'Authorisation for the collection of the pre-school child must be explicit – 'All the parents in [NAME OF PLACE]' is not acceptable as authorisation for collection.'

Storage of information

While the storage of information did not emerge as a significant issue, it was identified in a small number of reports, usually under the information on actions to be carried out where it was 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'.

Actions required for records

Actions required in respect of records focused on:

- ensuring information is complete and accurate;
- ensuring the information required was made available;
- 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;
- reference was made to the storing of registration forms in a particular way (such as close by the room children attend).

Summary on records

In summary, extensive information is required to be recorded by the pre-school service and made available under Regulations 13, 14 and 15. The main areas identified under this sub-theme related to comprehensive, available, up-to-date, accurate records that are stored appropriately.

Sub-theme 3: Policies and procedures

Within the text of the regulations, there are several references to the requirement for policies and procedures to be in place, including in areas such as child protection and positive behaviour management (*Regulation 9*); management, training and recruitment of staff (*Regulation 8*); vetting of all staff (*Regulation 8* and *Regulation 14b*); safe conduct of children on outings (*Regulation 27*); dealing with medical emergencies and administration of medication (*Regulation 7*); fire safety (*Regulation 16*); and monitoring of sleeping children (*Regulation 28*). The text of these regulations has already been identified in previous sections of this report, with the exception of Regulation 9 which is presented below in Table 16.

Table 16: Text of Regulation 9

REGULATION 9: BEHAVIOUR MANAGEMENT
<p>(1) A person carrying on a pre-school service shall ensure that no corporal punishment is inflicted on a pre-school child attending the service.</p> <p>(2) A person carrying on a pre-school service shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physical harmful or neglectful are carried out in respect of any child.</p> <p>(3) A person carrying on a pre-school service shall ensure that written policies and procedures are in place to deal with and to manage a child's challenging behaviour and to assist the child to manage his or her behaviour as appropriate to the age and stage of development of the child.</p> <p>Child protection</p> <p>9(2) Within the framework of <i>Children First: National Guidelines for the Protection and Welfare of Children</i>, clear written guidelines on identifying and reporting child abuse should be developed by the pre-school service.</p> <p>In line with Article 2.2 of the UN Convention on the Rights of the Child –</p> <ul style="list-style-type: none">• All childcare services and providers should consider the child's welfare to be of paramount concern.• All children should be respected and treated with dignity at all times.• Children's rights should be acknowledged and respected at all times.• Children should never be subjected to any degrading or abusive behaviour. <p>Policies and procedures</p> <p>9(3) Positive Behaviour Management should be included in the written policy and procedures document of the service.</p> <p>See references to 'A Guide to Developing Policies and Procedures in a Childcare Setting' and 'A Guide to Developing Policies and Procedures in an Early Years Setting' in Appendix A.</p>

It is clear that policies and procedures are an important issue for pre-school services and throughout the inspection reports several different ones were commonly identified.

Understandably, these include:

- administration of medication;
- behaviour management policy;
- child protection policy;
- nutrition;
- children's sickness exclusion policy;
- hand-washing policy;
- health and safety statement, including risk assessment of service;
- infection control policy;
- nappy-changing policy;
- outings policy;
- safe sleep policy;
- staff sickness exclusion policy.

The following policies were referred in a small number of reports:

- policy for covering shoes or removing shoes in the baby room, and therefore dirt is carried in on the floor where babies are crawling;
- the safe and hygienic preparation of baby formula;
- sunscreen policy.

In general, compliance information simply noted the presence of specific policies, such as 'All policy and procedures in place and available for inspection'.

Availability of policies

Issues arising in respect of non-compliance were mainly focused on the absence of policies, sometimes more than one, such as:

‘The following policies and procedures were not available: hand-washing policy for children, hand-washing policy for staff, sickness exclusion policy for children, sickness exclusion policy for staff, written procedures should an outbreak of an infectious disease occur.’

A small number of comments related to policies and procedures not being available for inspection or for information. Information relating to child protection and sleeping children was particularly prominent.

Child protection

Child protection issues are dealt with under a number of different areas, specifically Regulation 8 (Management and staffing) and Regulation 9 (Behaviour management) which focuses on having a child protection policy in place. Issues dealt with under *Regulation 8*, including Garda vetting and staff references, are examined under Sub-theme 1 above, relating to management and staffing. *Regulation 9* focuses mainly on managing challenging behaviours among children and having appropriate policies in place to do so. However, Regulation 9(2) refers to having a child protection policy, based on the *Children First* national guidance, that outlines written guidelines for identifying or reporting any child protection and welfare issues.

Where staff in services had undertaken training or attended a workshop based on *Children First*, this was identified as positive, as was having a child protection policy in place.

Non-compliance information highlighted services that did not have a ‘written child protection policy’ in place on the day of inspection. Other comments noted that 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. For example, one comment noted:

‘There was no proof/certification available to show that any of the staff had up to date “Keeping Safe” and “Children First” training.’

Information contained in policies

While there was commentary around a number of different policies, in general the focus of non-compliance information was on the behavioural management policy, child protection policy, sleep policies and policies around infection control.

There were a number of references to the inclusion of ‘time-out’ in behavioural management policies and this was considered unacceptable by inspectors, as illustrated by the following comment:

‘Children should never be excluded, ignored, neglected or isolated. Emphasis should be on positively promoting good behaviour. A positive behaviour management policy is required which ensure that practices are age and developmentally appropriate and it should support the child to manage his/her behaviour.’

Non-compliance information was also presented in respect of child protection policies, where it was variously noted that the information contained was ‘incorrect’, ‘inadequate’, ‘needed to be expanded’ or was ‘minimal’.

There were a number of areas of concern with the child protection policies, as illustrated below:

‘The child protection policy for the service does not contain clear guidelines on identifying and reporting child abuse. It does not contain the name of a designated person within the service for the reporting of abuse or the contact details for the duty social worker.’

This was also the case in respect of infection control procedures, which focused on hand-washing, general hygiene and information for parents in the event of an outbreak.

Commentary in respect of the safe sleep policy noted that it should contain information about safe sleep position for children under 2 years of age; room temperatures; removal of outer clothing; monitoring infants and children while sleeping; training of staff on the importance of the policy; and the recording of sleep checks.

Adherence to the policy

Non-adherence to the policy can be a significant issue. In the reporting that took place, however, this issue did not generally arise and only a small number of reports referred to deviations from the policy. These included a hand-washing policy being in place but children not washing their hands, and parents not giving written consent for medication to be given to their children during the day despite this being a requirement of the medical policy.

Summary on policies and procedures

In summary, the number of policies expected to be in place in pre-school services is extensive and wide-ranging. Non-compliance issues arose in respect of the availability, content and, to a lesser extent, the implementation of policies. Issues relating to the child protection policy are also highlighted under this heading.

Sub-theme 4: Information about the service to appropriate authority

The final area to be addressed under the issue of governance relates to regulations that require the service to provide information to the HSE. There are 4 main regulations relevant to this area and these are Regulations 10, 11, 29 and 31 (see Table 17).

Table 17: Text of Regulations 10, 11, 29 and 31

REGULATION 10: NOTICE TO BE GIVEN BY A PERSON PROPOSING TO CARRY ON A PRE-SCHOOL SERVICE
<p>(1) Where a person proposes to carry on a pre-school service, that person shall, at least 28 days before the commencement of the service, give notice in writing to the Health Service Executive.</p> <p>(2) Notwithstanding paragraph (1) herein, where a person proposes to carry on a pre-school service in a temporary drop-in centre, that person shall, at least 14 days before the commencement of the service, give notice in writing to the Health Service Executive.</p> <p>(3) A notice under paragraph (1) or (2) of this Regulation shall be in the form set out in the Schedule to these Regulations or in a form to the like effect which shall contain all the particulars specified in that form.</p> <p>Notification procedure A person proposing to develop a pre-school service should seek advice from the Health Service Executive at an early stage in the development of the project, so as to ensure that the requirements of the Regulations are taken into account in planning and costing the service. Notification is the procedure by which a person proposing to carry on a pre-school service gives notice</p>

in writing to the Health Service Executive at least 28 days before the commencement of the service. Notification should be given on a form, available from the Health Service Executive, as set out in the Schedule to these Regulations.

A person or organisation intending to set up a temporary drop-in childcare service for pre-school children to meet the needs of parents attending an event should seek advice from the Health Service Executive at an early stage in the development of the service and notify the Health Service Executive 14 days prior to the event.

Purpose of notification

The main purposes of notification include:

- to safeguard the health, safety and welfare of pre-school children;
- to promote the development of pre-school children;
- to ensure compliance with the Regulations made under Part VII of the Act.

Notification also enables the Health Service Executive to discharge its duty under Section 56(3) of the Act in regard to the provision of information on pre-school services to any interested person.

Consequence of notification

Following notification, the Health Service Executive will acknowledge receipt of the notification, provide relevant information to the applicant and arrange for the service provider to be inspected by an authorised person. The Health Service Executive should also consider whether the provider requires advice, guidance or support and, where appropriate, provide information or alternative sources of information.

Voluntary notification

Childminders who are exempt from the provisions of these Regulations because they are caring for three

pre-school children or less, pre-school children of relatives or pre-school children of the same family, in the childminder's own home, can avail of the voluntary notification and support system which has been put in place by the City/County Childcare Committee/Health Service Executive. On voluntary notification to the City/County Childcare Committee or the Health Service Executive, these childminders will be put in contact with their local childminder advisory officer. They can then avail of information and training on a range of topics, advisory visits to their home to assist them in developing best practice and be part of a local childminders and childcare network and have access to support organisations.

REGULATION 11: NOTIFICATION OF CHANGE IN CIRCUMSTANCES

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.

REGULATION 29: FURNISHING OF INFORMATION TO THE HSE

29. 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.

REGULATION 31: ANNUAL FEES

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.

The 4 regulations outlined above deal variously with notification to the HSE of the service (Regulation 10) and of any changes to the service (Regulation 11), providing information to

the HSE (Regulation 29) and annual fees in respect of the inspection (Regulation 31). None of these areas generated any significant information in terms of compliance or non-compliance in the inspection reports.

Compliance information in respect of *Regulation 10* simply documented that ‘sufficient’ notice had been given ‘regarding the operation of the pre-school service’ and there was no non-compliance commentary or no actions to be taken. The situation in respect of *Regulation 11* was similar, 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’. There were, however, a small number of comments in respect of non-compliance, with one report noting that ‘we were informed during our inspection’ about a change and others identifying specific changes that had not been notified prior to the inspection. These included 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 29 deals with the furnishing of information to the HSE and almost all comments presented in the reports under this regulation related to compliance. This information noted that ‘All relevant information was supplied to the HSE inspector during this inspection’; the ‘service provider’ of ‘the 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.

There were only three references to non-compliance under this regulation and 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. An example of this was: ‘Details of all staff changes, including staff leaving employment, shall be forwarded as they arise and any changes in the operation of the service shall be brought to the attention of HSE Pre-School Inspection Team.’

The final regulation dealt with under this area is *Regulation 31*, where most commentary noted that ‘the annual fee had been paid’ or ‘there were no outstanding fees due’. A small number of comments in the compliance information 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 information noted that ‘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’. In general, actions required related to payment of outstanding fees, with comments such as ‘Either the annual fee or the waiver request must be forwarded to the HSE’ and ‘All outstanding fees must be paid’.

Summary of Thematic Area 3: Is the service well governed?

In summary, the question of whether a service is well governed is determined under 4 broad areas, relating to the management and staffing, the records maintained and made available, policies and procedures in place, and information about the service as required by the relevant authority. These areas are mainly covered under 8 regulations (Regulations 8, 10, 11, 13, 14, 15, 29 and 31), although issues relating to having specific policies and procedures in place are also relevant to several other regulations.

Issues arising in respect of the management and staffing of services are closely linked with, and reflect, the text of Regulation 8. Key issues arising in respect of the staff–child ratio, the training of staff, Garda vetting, references and photographic ID were all identified in terms of non-compliance and in remedial action to be taken. The extent of the commentary under each of these areas varied considerably and a surprisingly large number of comments were made in respect of Garda vetting, while only a small number emerged in respect of training of staff, although the actions identified under this area suggest a need for some support.

There are an extensive number of different records to be held by individual services and the content of these are, for the most part, laid down in individual regulations (mainly Regulations 13, 14 and 15). In general, the commentary arising reflects commonly promoted good practices in record-keeping, including availability, comprehensiveness, accuracy, keeping records up to date and storage of information.

An extensive number of policies and procedures are also required under individual regulations and some generated substantial commentary. In terms of governance, 3 key issues arose – the availability, content and, to a lesser extent, the implementation of policies.

The final area emerging under governance is focused on the provision of information/fees to the HSE and this is explicitly dealt with under Regulations 10, 11, 29 and 31. This area generated very little commentary and almost all services were compliant across these areas.

Thematic Area 4: Are the premises and facilities structurally sound and fit for purpose?

Overview

This thematic area focuses on issues arising in respect of the structure of the premises and facilities in buildings where pre-school services are provided. Specific areas highlighted under individual regulations include the comfort, cleanliness and safety of premises (*Regulation 18*), the space available for children (*Regulations 12 and 18*), heating (*Regulation 19*), ventilation (*Regulation 20*), lighting (*Regulation 21*), sanitary accommodation (*Regulation 22*), drainage and sewage disposal (*Regulation 23*), waste disposal (*Regulation 24*) and materials and equipment (*Regulation 25*).

Two broad sub-themes emerge in respect of this thematic area: comfort, cleanliness and safety of the premises and facilities for children, and to a lesser extent for adults working in the service; and the structural soundness, particularly in respect of the service utilities. As previously noted, safety emerged as an important issue across a number of different areas and these are dealt with in the section on safety (*see Thematic Area 1*). Some specific safety issues arise in respect of structure of the service and these are dealt with below.

Sub-theme 1: Comfort, cleanliness and safety of premises and facilities

Regulation 18 has an overarching focus on the premises and facilities, and 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. Both these regulations are presented in Table 18.

Table 18: Text of Regulations 18 and 12

REGULATION 18: PREMISES AND FACILITIES
<p>A person carrying on a pre-school service shall ensure that –</p> <ol style="list-style-type: none"> a) the premises are of sound and stable structure, are safe and secure and are suitable for the purposes of providing a pre-school service, b) adequate space per child is provided in the premises, c) the premises, fixtures and fittings are kept in a proper state of repair and in a clean and hygienic condition and protected from infestation, d) suitable and secure storage facilities are provided for cleaning chemicals and unsafe, toxic, dangerous or hazardous materials, substances or equipment, e) adequate and suitable storage is provided for prams, pushchairs, carrycots, play and work equipment and personal belongings, and f) the premises are adequately rodent-proofed in a manner which does not compromise the safety of the pre-school children or constructed in such a manner as to prevent the ingress of pests.
REGULATION 12: NUMBER OF PRE-SCHOOL CHILDREN WHO MAY BE CATERED FOR IN THE PREMISES
<ol style="list-style-type: none"> (1) After inspection of a premises, the Health Service Executive may make a proposal to fix the maximum number of pre-school children who may be catered for at the same time in a premises in which a pre-school service is being carried on. The Health Service Executive shall, when making such a proposal, have regard to the age range of the pre-school children, the adult/child ratios, the group size and the space per child. The Executive shall notify in writing the person carrying on the service of its proposal and of the reasons for it and the notification shall include a statement that the person concerned may make representations to the Executive within 21 days of the receipt by that person of the notification. (2) A person carrying on a pre-school service who has been notified of a proposal under paragraph (2)

of this Regulation may, within 21 days of the receipt of the notification, make representations in writing to the Chief Executive Officer of the Health Service Executive and the Chief Executive Officer or his designated officer shall –

- (i) before deciding the matter, take into consideration any representations duly made to it under this paragraph in relation to the proposal, and
 - (ii) notify the person in writing of the decision and of the reasons for it.
- (3) The person carrying on the pre-school service shall comply with the decision referred to at paragraph (2) herein.
- (4) Without prejudice to the obligation to comply set out in paragraph (3), such person may apply in writing to the Chief Executive Officer of the Health Service Executive at any time after the decision in paragraph (2) is made, seeking amendment of the decision on the grounds that the circumstances which led to the decision have changed.
- (5) Upon receipt of such application, the Chief Executive Officer or his designated officer shall consider the representations made and decide on whether the maximum number fixed be amended.
- (6) The decision referred to in paragraph (5) and the reasons for it shall be notified to the person carrying on the pre-school service who shall comply with such decision.

Fixing numbers

This Regulation is aimed at preventing overcrowding in pre-school services. In the overall interests of safety and a quality service, the maximum number of places for the different classes of pre-school services may be fixed by the Health Service Executive, taking into account the age range of the pre-school children, the adult/child ratios, the group size and the space per child.

Reporting in respect of *Regulation 18* related to all 6 areas identified (safety of the premises; space available; cleanliness of the building and state of repair; storage of cleaning materials; storage for equipment; and rodent control) and significant comment was generated across compliance, non-compliance and actions required.

Compliance

In some reports, an overall statement that dealt with more than one sub-clause of the regulation was made. Examples included:

‘All fixtures and fittings are kept in a proper state of repair and in a clean and hygienic condition and are protected from infestation of rodents.’

Other 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. Most comments referred to more than one sub-clause of the regulation.

Non-compliance

It is clear 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-compliance information. The following commentary, taken from a single report, highlights the extensiveness of the issues identified in terms of safety, comfort and cleanliness and also provides an insight into the forensic-type inspection that takes place:

‘The following areas were found to be in a dirty condition and/or in a poor state of repair. The high chairs were dirty, with food debris evident in the crevices. A harness was missing from one of the high chairs. The plastic covers on the cushion seats present on two of the high chairs were torn. The bouncers were dirty, with food debris evident. One of the navy bouncers in particular appeared worn. Debris was evident at the base of one of the toy Perspex boxes. The corners of the floor mats in

the baby room were torn, exposing the internal foam material, which could present a choke hazard to the babies. Debris was evident adhering to the undersurface of floor matting when lifted off the floor in the Wobbler room. Black grime was evident on soothers found present in a lunch box in the Wobbler room. The floor in the Wobbler room was found to be in a dirty condition, particularly behind and underneath equipment. A considerable amount of food debris was evident in one high chair when the cushion part of the high chair was lifted. All windowsills in the Wobbler room were dirty and dusty. The ceiling vent in the sanitary accommodation/nappy-changing area situated between the Wobbler and Toddler rooms was dirty, with an accumulation of dust evident. 18(e) Equipment and toys were found stacked high in an unstable manner on top of the play house, presenting a risk to children should they fall.'

Non-compliance was also identified across a number of other areas, including in terms of overcrowding, the absence of an appropriate outdoor area, cleanliness and state of repair, and pest control. These are now discussed.

Overcrowding

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 internal space is provided for the children to play in the pre-school'. In some reports, measurements were presented in tabular form, giving access to sanitation and the number of children that can be accommodated according to the space available.

There is some overlap between Regulation 18 and Regulation 12, the latter setting down the number of children that can be catered for in a service. *Regulation 12* generated only a small number of comments and these generally referred to the number of children the service was allowed to have. One report, for example, 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'. Actions requiring attention were only presented in one case under Regulation 12, where the report commented that the situation relating to the number of pre-school children to be catered for is currently under review and on completion the provider was asked to advise the HSE of proposals for the service. A small number of non-compliance commentary related to this aspect of the inspection, as documented in one report:

'The total size of this room is 30.43 sq. metres. This amount of space cannot accommodate this number of pre-school children. This issue relating to overcrowding in this room was highlighted to you in a previous inspection report ...'

Absence of an outdoor play area

The issue of an outdoor play area has been addressed earlier (*see Thematic Area 2*), but it was also raised under this area since some services did not have access to an outdoor play area for children in their care. The impact of this on children was highlighted in one comment, which noted:

'There is no outdoor play provision and while not mandatory for sessional services, it would enhance the experience for children and allow for a greater range of physical and exploratory play opportunities.'

Overall cleanliness and state of repair

Throughout the inspection reports, there are many references to deficits in the cleanliness of toys, equipment and furnishings, and specific rooms were 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’. The comment below was typical of the compliant information provided:

‘There is a comprehensive cleaning schedule in place and the premises were found to be in a clean and hygienic condition at the time of inspection.’

However, there were a number of concerns raised under this sub-clause in the non-compliance 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 a specific area of the service such as ‘the floor, walls, ceiling, toilet bowls and wash hand basin in the staff toilet were very dirty’.

A small number of reports identified extensive issues relating to the state of repair of the service and issues relating to dampness, mould and poor hygienic conditions, both internally in the building and externally in the outdoor play area, were raised. The comment below highlights this issue:

‘18(c) The premises, fixtures and fittings have not been kept in a proper state of repair and in a clean and hygienic condition. The following were noted. 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 baby room was dusty and dirty. The sand tray in the outdoor play area did not have the benefit of a close-fitting cover and could facilitate easy access to rodents. Stagnant water was in the trays. Outdoor play equipment was unclean and left open to weather elements. There was a number of obsolete toys and items of equipment strewn throughout the outdoor play area. The metal legs of the tables and chairs have the paintwork chipped and worn away and rust is evident, thus making cleaning difficult. The furniture appears worn and dirty.’

While many reports made reference to dust (on book shelves, at the back of play equipment, hat boxes, rugs, skirting boards, etc), these tended to be part of more general concerns about hygiene in the service. While individual examples are presented below, in general where these were identified, they were part of a more extensive list of areas where problems had been identified:

- The wall around the light switch to the children’s toilet in the extension was dirty.
- There was dust on book storage shelves and the back of play equipment and a line of grey dust balls behind the lobby door into the toilet.
- There was considerable dust and waste paper in hat boxes above coat hooks inside the door.
- There was a build up of dust in both rugs used in the pre-school room.
- The floor brush was full of dust and debris and stored in close proximity to the area where children eat.
- The stained dust pan and brush were stored on the windowsill.
- Hinges on some of the windows have rusted and were difficult to close.
- Plaster dust has accumulated on the floor.
- Dust was present on the toy kitchen, pink castle and garage and in the red and green containers in the shelving unit.

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), although there was no evidence of actual infestation. Other comments in this area related to the availability of a pest control policy being in place and to having

documentation around that. Comments included: ‘A contract is in place to prevent the ingress of pests and a recent visit by the pest control company [date given] indicated no activity internally and externally.’

Summary

In summary, structural issues relating to the comfort, overall cleanliness and state of repair focused on the space available for children and overcrowding, the outdoor area, cleanliness, state of repair and pest control. Issues relating to safe storage of materials and equipment are presented under the broad thematic area of safety (see *Thematic Area 1*).

Sub-theme 2: Structural soundness, particularly service utilities

While the structural soundness of a service is based on the building and premises, there is a strong focus in the regulations on utilities such as heating, ventilation, lighting, drainage and sewage disposal, waste storage and disposal, and sanitary accommodation, and each of these is governed by a specific regulation. Information presented under each regulation focuses specifically on where the specific regulation is compliant or non-compliant, and in general the commentary is much less extensive than in other areas.

Each regulation has a separate focus and the commentary is differentiated in that way, with only a small amount of information presented where a regulation is compliant. The non-compliant information 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.

Heating

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. Reports included a number of comments in respect of this issue under Regulation 5. However, *Regulation 19* deals specifically with heating (see *Table 19*).

Table 19: Text of Regulation 19

REGULATION 19: HEATING
<p>A person carrying on a pre-school shall ensure that –</p> <p>(a) the premises are adequately heated throughout with suitable means of heating from the time of occupancy of the premises to the end of the occupancy, having regard to the needs of the pre-school children attending the service,</p> <p>(b) a heating system liable to emit into the premises offensive or harmful gases, fumes or odours is not permitted.</p> <p>Room heating</p> <p>19(a) Rooms should be heated within a comfortable range depending on the age and the mobility of children and the weather conditions. See <i>Caring for Your Child – ISIDA</i> in relation to babies’ sleeping environment.</p> <p>19(b) See Appendix G re. Gas and Electrical Safety</p>

In respect of *Regulation 19*, 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 document, 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. One comment noted:

‘The premises were 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.’

One report noted that parts of the premises used were difficult to heat, ‘so children must wear coats during the winter months whilst using the hall’.

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.

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.

Ventilation

Adequate and appropriate ventilation is a requirement for comfort and safety and is regulated for under *Regulation 20* (see *Table 20*).

Table 20: Text of Regulation 20

REGULATION 20: VENTILATION
<p>A person carrying on a pre-school service shall ensure that suitable and adequate means of ventilation is provided in the premises.</p> <p>Ventilation Standards relating to ventilation are set out in Part F of the Second Schedule to the Building Regulations 1997 – 2006. Guidance on how to comply with these requirements are given in the accompanying Technical Guidance Document F (Ventilation). In a pre-school facility, occupiable rooms, within the definition of the Building Regulations, include playrooms, sleeprooms, classrooms, activity rooms and other similar type rooms.</p>

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). The consequences of this were also documented in terms of malodours and smells, as outlined in the following comment:

‘There was a strong malodour of dampness throughout the whole premises. 2. There is no ventilation in the playrooms during the morning as no windows were open and this is the only means of ventilation in these rooms. There was a musty malodour in the sleep room at time of inspection as there was no ventilation in this area. The

window was not opened throughout the day and this is the only means of ventilation in this area.’

Dampness was identified as problematic in a number of services and attention was drawn to problems with dampness (e.g. ‘The plaster would crumble to the touch’) and 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’.

Sometimes there was an urgency assigned to the action to be completed, such as:

‘The ventilation in the baby room and sleep room requires your immediate attention. You are required to address the issue of ventilation within both areas to ensure the safety and well-being of the children.’

Lighting

Issues relating to adequate lighting are provided for under *Regulation 21* (see *Table 21*).

Table 21: Text of Regulation 21

REGULATION 21: LIGHTING
A person carrying on a pre-school service shall ensure that suitable and adequate lighting is provided in the premises.
Lighting – type and safety The pre-school service provider shall ensure suitable and adequate means of natural lighting are provided, supplemented by safe and suitable artificial lighting where necessary. Shatter-proof diffusers or a safe means of lighting protection should be used.

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’). The impact of poor lighting on children was noted in one comment: ‘There was poor lighting in the sleep room and the room could not be brightened if required to attend to a child who was ill, distressed, etc.’ 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 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.

Sanitary facilities

Regulation 22 refers to sanitary facilities (see Table 22).

Table 22: Text of Regulation 22

REGULATION 22: SANITARY FACILITIES									
<p>A person carrying on a pre-school service shall ensure that adequate and suitable sanitary facilities are provided within the building.</p> <p>Sanitary facilities</p> <p>It is recommended that the following facilities should be provided:</p> <ul style="list-style-type: none">(i) adequate, suitable and hygienic nappy changing facilities,(ii) separate toilet facilities for adults where necessary,(iii) an adequate number of wash-hand basins with running cold and thermostatically controlled hot water, soap and suitable means of hand drying at or near the sanitary accommodation and nappy-changing area,(iv) the sanitary accommodation and nappy-changing area should not communicate with any occupied room or food room, except by means of a hall, corridor, ventilated lobby or ventilated space, See Technical Guidance Document G (Hygiene) of the Building Regulations 1997 (BS 6465, Sanitary Installations Part 1: 1994) and European Communities (Hygiene of Foodstuffs) Regulations, 2000 and Food Hygiene Regulations, 1950/89.(v) adequate and suitable facilities for the safe and hygienic storage and disposal of soiled nappies, and(vi) a shower/bath/facility for washing, with thermostatically controlled hot water and a designated area for sluicing soiled garments should be provided in full day care services. <p>With regard to paragraph (ii) and (iii) above, the recommended ratios are:</p> <table><tr><td>No. of Persons</td><td>Water Closets (toilet)</td><td>Wash-hand Basins</td></tr><tr><td>For every 10 toilet using children</td><td>1</td><td>1</td></tr><tr><td>For every 8 adults</td><td>1</td><td>1</td></tr></table> <p>Re. paragraph (iii) above, see also Regulation 27(a) and Appendix G on Gas and Electrical Safety.</p>	No. of Persons	Water Closets (toilet)	Wash-hand Basins	For every 10 toilet using children	1	1	For every 8 adults	1	1
No. of Persons	Water Closets (toilet)	Wash-hand Basins							
For every 10 toilet using children	1	1							
For every 8 adults	1	1							

This area generated considerably more comment than other regulations concerned with the service structure and, as noted earlier, the issue of cleanliness was a feature. 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 information, 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 Regulation 22 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. One report, for example, noted that ‘The current situation with the nappy-changing area is unacceptable as it is located in the children’s play room’.

A number of reports made specific comments in respect of cleanliness in the toilet areas, such as ‘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'.

Disposal of soiled nappies also emerged as problematic and one report noted that 'soiled nappies are not stored and disposed of correctly. They are left on an outdoor window ledge'.

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.

Drainage and sewage disposal

Regulation 23 is concerned with drainage and sewage disposal (see *Table 23*).

Table 23: Text of Regulation 23

REGULATION 23: DRAINAGE AND SEWAGE DISPOSAL
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 information, with compliance information 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 information that could be interpreted as non-compliance and this information 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 astra turf surface'. The action required noted that these should be remedied.

Waste storage and disposal

Regulation 24 is concerned with waste storage and disposal (see *Table 24*).

Table 24: Text of Regulation 24

REGULATION 24: WASTE STORAGE AND DISPOSAL
<p>A person carrying on a pre-school service shall ensure that all waste and other refuse is stored hygienically and disposed of frequently and in such a manner as not to cause a nuisance.</p> <p>All waste and other refuse must be stored hygienically and disposed of frequently and hygienically and in a manner as not to cause a nuisance.</p> <p>Storage of waste Waste should be stored in an area that is not accessible to children.</p>

Compliance information for Regulation 24 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 and, again, these mainly related to safety of the children and cleanliness. Examples of non-compliance information presented 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’.

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’.

Equipment and materials

Regulation 25 is concerned with equipment and materials (see Table 25).

Table 25: Text of Regulation 25

REGULATION 25: EQUIPMENT AND MATERIALS
<p>25. A person carrying on a pre-school service shall ensure that –</p> <ul style="list-style-type: none">(a) there is sufficient furniture, play and work equipment and materials and that such furniture, equipment and materials are suitable, non-toxic, in a proper state of repair and are maintained in a clean and hygienic condition, and(b) there is an appropriate supply of clean bedding, towels and spare clothes for the pre-school children. <p>25(a) Furniture, equipment and materials</p> <ul style="list-style-type: none">(i) The provider should ensure that sufficient furniture, play and work equipment and materials are provided, and that these are appropriate for their purpose and that they help to create an accessible, challenging and stimulating environment. They should be of suitable design and condition, well-maintained and conform to appropriate safety standards. They should be appropriate to the children’s ages and stages of development.(ii) The service provider shall ensure that there is sufficient child-sized furniture and tables to allow groups of children to play and eat together.(iii) Furniture and play and work equipment must be in good repair and must be regularly checked for defects and faults and repaired or replaced as necessary. All other materials should be provided and supervised in line with good practice and the philosophy and ethos of the service.(iv) The philosophy and ethos of each service should be taken into account and the specific materials used for the development of the child within that environment should be respected, subject to

being in line with recognised good practice and posing no safety risk to the child. See also Regulation 5 and Explanatory Guide to Regulation 14(1)(f).

25(b) Hygiene

- (v) Arrangements should be made to ensure that an adequate supply of clean bedding, towels and spare clothes are available as necessary. Soiled items should be stored in a suitable, designated area which is not accessible to children. See also paragraphs (v) and (vi) of Explanatory Guide to Regulation 23.
- (vi) A cleaning programme and a cleaning schedule for furniture, work and play equipment should be in place. Samples forms for recording of cleaning are at Appendices E and F.

While only a small number of services had compliance commentary in respect of Regulation 25, there was a strong consistency in the information presented. Compliance information 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’. Specific comments noted the area or the part of the material or equipment referred to, such as the following comment:

‘One of the buggies present at the time of inspection was in a very dirty condition. The soft padded area on which the child is placed was stained and dirty. There were paw prints in the outdoor sand pit.’

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’). Another report referred to sheets not being changed between children:

‘Bed sheets and blankets were not labelled for each child or changed after use. The sheets and blankets for all children were not stored separately for each child.’

A small number of comments noted that there was insufficient furniture, play and work equipment and material available at the service, giving details such as:

‘There are no low-level tables or chairs for the children to sit and do table-top activities independently.’

and

‘The range of toys/equipment does not facilitate age-appropriate play.’

A small number of comments 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.

Summary of Thematic Area 4: Are the premises and facilities structurally sound and fit for purpose?

In summary, a determination of whether the service is structurally sound and fit for purpose is regulated for under 8 regulations that deal with the general overview of the structure, equipment and materials, as well as issues arising under various facilities including heating, lighting, ventilation, sanitation and waste disposal. Two broad sub-themes emerge in respect of these, relating to the comfort of children and staff in the service, and cleanliness and safety issues arising; and the structural soundness of the building, including the utilities. Safety emerged as an overarching theme in this analysis and consequently some safety issues specifically regulated for under Regulation 18 are dealt with in the section on safety (*see Thematic Area 1*).

6. Discussion and Conclusions

This report presents a quantitative and qualitative analysis of pre-school inspection reports. Over 3,000 reports were included in the quantitative analysis, which focused on a description of level of compliance across services and also across individual regulations. In the analysis conducted for this study, findings are presented in respect of 81,189 regulation references and the extent to which these regulations varied according to different classificatory variables.

A more in-depth thematic analysis was conducted on 500 randomly selected reports drawn from the overall sample. A two-stage approach was adopted to the thematic analysis. First, the information provided in the pre-school reports relating to compliance, non-compliance and actions required was analysed and key areas arising under individual regulations were identified. Following this, a cross-regulation analysis was undertaken and broad thematic areas were identified.

This chapter now draws on the main issues arising from the findings in order to identify key messages, conclusions and areas for consideration in respect of pre-school provision as assessed under the pre-school regulations.

Key issues of concern

Some issues of deep concern were identified during the course of inspections

While most services are compliant with most regulations, some reports contained observations and information that raise deep concerns. There were several instances of personnel working in pre-school settings who had not been Garda vetted despite a clear requirement for this to take place. A number of immediate safety issues arose, including, for example, children having access to sharp knives, cord blinds, matches and toxic materials, as well as children being left unsupervised. There was a surprisingly high number of comments about children being given food that was lacking in nutrition and a small number of comments highlighting specific instances of children being hungry. Other comments related to premises being damp, in poor physical condition, rodent-infested and malodorous, and there were many references to toys, materials and furnishings being dirty. Although most commentary about heating related to the risk of children being burnt, there were several comments noting that the playroom or other areas (particularly toilets, lobby, hallway) were too cold and these comments were generally supported by a record of the temperature taken on the day of inspection. One report noted the children had to keep their coats on because it was so cold. Some disturbing comments, also emerged in respect of the care of children and in a small number of instances, the inspector described observations of staff being disengaged from the children, behaviour inappropriately managed and children not adequately cared for in a way that met their individual needs. Finally, a small number of services did not have insurance or sufficient insurance for the number of children in their care. Given that the pre-school services were under inspection at the time these incidents were observed, it is clear there are some poor practices taking place, albeit in a small number of settings.

The pre-school regulations identify more than 100 areas of pre-school provision to be assessed and this places an onerous responsibility on both providers and inspectors

Pre-school inspections are based on the legislative framework and explanatory guide to requirements for pre-school provision, which are presented in the *Child Care (Pre-School Services) Regulations 2006* (S.I. No. 604 of 2006).¹⁰ This legislation identifies some 33 regulations across 6 parts and Pre-School Inspectors focus on 27 of these regulations. Across these 27 regulations, there are 21 sub-clauses and 76 sub-sections, giving a total of 124 potential areas for inspection. Each of these areas provides a focus for examination and while the overall regulations are sufficiently broad to allow the inspectors to use their professional judgement in assessing compliance and non-compliance, the large number of named issues identified across regulations does give rise to a need to assess each of these areas. Consequently, some regulations can create an onerous responsibility on service providers to ensure that they meet individual requirements, as well as on the inspectors to ensure that the requirements are met.

Most pre-school services are compliant with most regulations

The findings of this study show that most pre-school services are compliant with most regulations and about three-quarters of all regulatory requirements inspected are assessed as compliant. However, the extensiveness of the regulations and their diversity is evident in the findings in respect of compliance according to individual services. Almost three-quarters of regulations (74%; n=60,079) are assessed as compliant and just under 14% (13.7%; n=11,156) are assessed as non-compliant. The remainder were reported by inspectors as not applicable, not assessed or were not classified. Overall, however, less than 1 in 4 services (23.6%; n=724) were reported to have no elements of the regulations assessed as non-compliant. The number of regulations with which individual services were non-compliant ranged from none to 20, with a mean of 3.7. A wide standard deviation, however, confirms the substantial variation that exists across services. The number of reports recording non-compliance with high numbers of regulations (more than 11) is very low – less than 200 (6.5% of the total sample).

This is a positive finding in terms of the overall operation of pre-school services and suggests that most services are operating at an acceptable level across most areas relevant to the pre-school regulations.

Regulations with low levels of non-compliance have requirements that are relatively straightforward for providers to meet, while those with high levels of non-compliance are generally more complex

The level of non-compliance in respect of individual services varied from less than 1% (*Regulation 10*, Notice to HSE: 0.7%; *Regulation 12*, Number who can be catered for: 0.7%; *Regulation 23*, Drainage and sewage disposal: 0.8%) to more than 40% (*Regulation 8*, Management and staffing: 46%; *Regulation 27*, Safety measures: 43%; *Regulation 14*, Records: 35%). In addition to Regulations 8, 27 and 14, there were other areas, mainly to do with the premises and facilities, that had relatively high levels of non-compliance. These were *Regulation 18* (Premises and facilities), *Regulation 22* (Sanitary accommodation) and

¹⁰ These can be accessed at: http://www.hse.ie/eng/services/list/4/ChildrenandFamilyServices/Pre-school_Services/Child_Care_Pre-school_Services_Regulations_2006.pdf

Regulation 13 (Register of pre-school children), all of which were found to be non-compliant in more than 20% of reports.

The findings provide support for the contention that regulations with low levels of non-compliance have requirements that are relatively straightforward for providers to meet, while those with high levels of non-compliance are more multifaceted and require more complex remedies.

In general, issues arising under each thematic area directly reflect the text of childcare regulations

It is clear from the issues arising that there is a close relationship between the focus of the inspection and the text of the regulations, and, in general, reporting reflects the content and wording of individual regulations. This is particularly obvious in respect of regulations dealing with fire safety, records, management and staffing, medical assistance and first aid, and the physical structure of the service (including waste, draining, lighting, ventilation and heating). There are a small number of regulations, however, where the relationship is less clear and, in general, this reflects the complexity of the area. *Regulation 5* is particularly problematic in this regard and while there is consistency in how it is reported, the extensiveness of the information presented means that there are multiple issues arising under this regulation that are also relevant to other regulations. In summary, reports on inspections reflect the regulations themselves and there is clear evidence that inspectors closely align their findings with the regulations themselves.

There are differences in the level of compliance and non-compliance according to the type of inspection conducted, the type of service provided and the geographic region where the service is conducted

There are three main types of inspections carried out – (1) annual inspections (accounting for 87% of reports), which are considered routine in nature; (2) initial inspections (accounting for 7.2% of reports), which are carried out at the inception of the service; and (3) follow-up inspections (accounting for 4.9% of reports), which, as the title suggests, take place for the purpose of assessing an issue previously identified as problematic. While the numbers of inspections in each type differ considerably, the findings are nevertheless in line with what would be expected. Regulations assessed in the course of an annual/routine inspection are most likely to be identified as compliant (75.5%), while those assessed in a follow-up inspection are least likely to be recorded as compliant (54.8%). Almost 70% of regulations (69.1%) assessed during initial inspections are found to be compliant. A similar pattern is reflected in respect of non-compliance, where 1 in 5 regulations (21.1%) in follow-up assessments are identified as non-compliant, compared with 13.1% in annual inspections. The findings do suggest, however, that in some cases actions required following an assessment of non-compliance are not carried out in all cases and this is an issue that may need some consideration.

There were also differences recorded in the level of compliance of services according to the type of service. Drop-in services were identified as being more likely than other types of service to be assessed as non-compliant. While the number of drop-in services was small, it does, nevertheless, raise some questions about the extent to which they do not comply with the regulations.

The HSE is divided into 4 regions and substantial differences were identified in the status of regulations in this category. The percentage of regulations assessed as compliant in the HSE Dublin North East Region was considerably lower (52.95%; n=6,819) than that of other regions, while the HSE West reported the highest levels of compliance (82.3%; n=22,649).

The HSE South (74.25%; n=14,614) and Dublin Mid-Leinster (75.19%; n=15,450) were similar to each other in their pattern of compliance. The findings in respect of non-compliance with regulations shows a similar pattern, with almost 1 in 4 regulations (23.2%) in reports from the HSE Dublin North East Region being assessed as non-compliant, compared with less than 10% in the HSE West (9.4%; n=2,580). While it is not clear why these differences emerge, consideration needs to be given to whether the differences reflect variation in the services themselves or to how the inspections are conducted and compliance or non-compliance assessed. This is an area that requires further exploration.

Pre-school services are most likely to be assessed as non-compliant in areas relating to management and staffing, safety measures and records

As stated above, the areas with the highest levels of non-compliance were management and staffing (*Regulation 8*), safety measures (*Regulation 27*) and records (*Regulation 14*). *Regulation 8* has 3 sub-sections, focusing variously on the staff–child ratio, the designated person and appropriate vetting of all staff prior to their being appointed (including Garda vetting and having references). All of these issues emerged in the thematic analysis on non-compliance and it is not possible to identify which specific area (or how many areas) resulted in the assessment of non-compliance. It could be due to an incorrect staff–child ratio, the absence of a designated person or appropriate vetting procedures not having taken place. It may be due to one or two areas or all three. The volume of non-compliance information generated in respect of Garda vetting not being in place for all staff, however, was more extensive than that relating to the other two areas, and while all three issues are important, it is clear that non-compliance in this area could have substantial implications for the care of children.

Contrary to the consistency of the information emerging under *Regulation 8*, there were a vast number of issues arising under *Regulation 27*, which deals with safety measures. These are discussed in greater detail later, but in summary, they included structural issues relating to hazards, garden or outdoor play areas, temperature control (particularly in respect of radiators and hot water) and many different issues to do with the processes in place to protect children, prevent the spread of infection, ensure they are appropriately supervised (including when they are at rest or asleep) and unsafe storage of materials and equipment. A long list of hazards was identified under this regulation (*see Box 1 in Chapter 5*). Similar to *Regulation 5*, a number of issues of relevance to this area were also documented under other regulations and sometimes the same information was provided in respect of both.

Regulation 14 is focused on records that the service is required to have and make available for inspection, by inspectors as well as by parents. The non-compliance commentary reflected almost all sub-sections of this regulation, which, as noted earlier, includes 5 sections and a further 13 sub-sections. The main issues arising related to the absence of key records in respect of the service (e.g. details about the facility), the staff (e.g. qualifications of staff members, staff rotas, details of the staff–child ratio) and the children (e.g. arrival and departure times).

The volume of information set out in the regulations that providers are required to record is very considerable and it is not surprising that this area had a high level of non-compliance. Issues relating to safety matters, many of which were specific to children’s safety, as well as those relating to management and staffing (particularly on Garda vetting and staff–child ratios) are a cause for concern and some consideration may need to be given to how these can be addressed at a more systemic level.

ICT systems, including a central repository

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.

Pre-school inspections focus on answering the following questions: (1) Is the service safe?; (2) Does the service support the health, welfare and development of children in its care?; (3) Is the service well governed?; and (4) Are the premises and facilities structurally sound and fit for purpose?

The thematic analysis of 500 randomly selected reports, drawn from the overall sample of 3,007, identified 4 broad thematic areas, namely: safety; health, welfare and development of children; governance; and structural soundness. Each is summarised below.

(1) Is the service safe?

While safety matters are regulated for specifically under *Regulation 27*, issues relating to children's safety emerges as an overriding concern across the entire inspection process and this reflects the overall childcare regulations. In addition to *Regulation 27*, safety concerns are identified in respect of *Regulation 6* (First aid), *Regulation 7* (Medical assistance) and *Regulation 16* (Fire safety measures), as well as specific sub-sections of various regulations such as *Regulation 9(2)* which deals with child welfare and protection guidelines.

The main problems identified in respect of children's safety were:

- **Structural issues**, relating to control of temperature, potential for unauthorised access by children to hazards and to the pre-school by others, first aid box, unsafe storage issues and specific hazards arising.
- **Process issues**, relating to supervision of children, dealing with medical emergencies, infection control, fire safety, child protection and insurance.

Where remedial actions were noted in reports, there were varying levels of urgency. In situations, however, where significant hazards were identified, or where children were in unsupervised situations, immediate action was generally taken or required to remedy the situation.

(2) Does the service support the health, welfare and development of children in its care?

Four main sub-themes were identified from the reports:

- **the extent to which the children's basic needs were met** (including personal care of children in areas such as toileting, rest and sleep, and personal hygiene, as well as nutrition);
- **the extent to which the physical and material environment supported children's health, welfare and development** (incorporating the design and layout of services, the positioning of special interest areas, and the availability and accessibility of diverse, stimulating and age-appropriate toys and equipment);
- **the programme of activities being implemented** (including the extent of free play, availability and implementation of a programme of activities based on

individualised needs of children, allowing children to make choices and providing opportunities for initiating and leading activities to maintain their interest);

- **relationships around children** (including those between staff and children; between children themselves; between staff and parents; and between the service and the broader community, as well as with organisations/structures for support.

Within each of these sub-themes, there were a number of key issues arising, including the importance of caring for children and ensuring they are looked after in a healthy, respectful, engaging and positive way; that the activities they engage in support their development and that each child is encouraged to take part in activities and initiate, lead and make choices; that the service provided is appropriate to their age and developmental needs; and that the relationships around children take account of their individual needs.

(3) Is the service well governed?

The question of whether a service is well governed is determined under 4 broad areas relating to:

- management and staffing;
- records maintained and made available;
- policies and procedures in place;
- information about the service as required by the relevant authority.

These areas are mainly covered under 8 regulations (Regulations 8, 10, 11, 13, 14, 15, 29 and 31), although issues relating to having specific policies and procedures in place are relevant to several different regulations.

Issues arising in respect of the **management and staffing** of services are closely linked with, and reflect, the text of *Regulation 8* and, as noted earlier, this regulation includes information on the staff–child ratio, Garda vetting and references, as well as training of staff and the presence of a designated person. The extent of the commentary under each of these areas varied considerably: a surprisingly large number of comments were made in respect of Garda vetting, while only a small number emerged in respect of training of staff, although the actions identified under this area suggest a need for some support. There are an extensive number of different **records** to be held by individual services and the content of these are, for the most part, laid down in individual regulations (mainly Regulations 13, 14 and 15). In general, the commentary arising reflects commonly promoted good practice in record-keeping, including availability, comprehensiveness, accuracy, keeping records up-to-date and storage of information. There is also an extensive number of **policy and procedures** required under individual regulations and some generated substantial commentary. In terms of **governance**, there were 3 key issues – the availability, content and, to a lesser extent, the implementation of the policy. The final area emerging under governance is focused on the provision of information/fees to the HSE and this is explicitly dealt with under Regulations 10, 11, 29 and 31. This area generated very little commentary and almost all services were compliant across these areas.

(4) Are the premises and facilities structurally sound and fit for purpose?

The final thematic area refers to the extent to which the physical structure of the service and the facilities are fit for purpose and this area is regulated for under a number of different regulations, including premises and facilities (*Regulation 18*), space available for children (*Regulations 12 and 18*), heating (*Regulation 19*), ventilation (*Regulation 20*), lighting (*Regulation 21*), sanitary accommodation (*Regulation 22*), drainage and sewage disposal (*Regulation 23*), waste disposal (*Regulation 24*) and materials and equipment (*Regulation 25*). Three broad sub-themes emerged in respect of this thematic area, namely: comfort of

the building and facilities for children and to a lesser extent, for adults working in the service; cleanliness; and safety.

Areas for consideration

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

1. The number of regulations, with their various sections and sub-sections, provide an extensive framework for examining all aspects of pre-school services. While this is very helpful in identifying areas for assessment, it does mean that the potential for non-compliance is very high across multiple regulations. Some consideration may need to be given to how differentiation in respect of compliance and non-compliance takes place. One approach that might be considered is to base the overall assessment of whether the service is compliant or non-compliant on the **4 broad thematic areas** identified in this study, namely:
 - 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. There is an urgent need to address the issues relating to **Garda vetting, children's safety** and the **volume, content and extent of the records required**. These issues require a systematic response from organisations that provide support for services.
3. It may be helpful to consider an **information campaign for service providers and parents**, with a small number of key messages to draw attention to specific areas of non-compliance and their recognition.
4. There is currently no mechanism in place for **taking account of the views of parents or children** in the annual inspection process. Some consideration may need to be given to incorporating their views and to mechanisms for facilitating this.
5. The **higher levels of non-compliance** in respect of drop-in services, regional variation and follow-up inspections require further and more in-depth examination.
6. Some consideration needs to be given to **extending the breadth and range of sanctions** that can be applied where a service is found to be non-compliant so that the level of non-compliance on follow-up inspections can be reduced.
7. There is a need for **improvements in the information technology system** underpinning the inspection process.
8. 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.

9. 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.

Appendix: Pre-School Inspection Outcome Report

Information on Service

Name of Service:									
Address of Service:									
Date of Issue of Report:									
Service Provider: (person carrying on Pre-school)									
Type of Service as per Notification Form:									
Type of Inspection:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; text-align: center; width: 10%;">Initial</td> <td style="border: 1px solid black; width: 10%;"></td> <td style="border: 1px solid black; text-align: center; width: 10%;">Annual</td> <td style="border: 1px solid black; width: 10%;"></td> <td style="border: 1px solid black; text-align: center; width: 10%;">Follow-Up</td> <td style="border: 1px solid black; width: 10%;"></td> <td style="border: 1px solid black; text-align: center; width: 10%;">Review</td> <td style="border: 1px solid black; width: 10%;"></td> </tr> </table>	Initial		Annual		Follow-Up		Review	
Initial		Annual		Follow-Up		Review			
Date of Inspection:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; text-align: center; width: 15%;">Day</td> <td style="border: 1px solid black; width: 15%;"></td> <td style="border: 1px solid black; text-align: center; width: 15%;">Month</td> <td style="border: 1px solid black; width: 15%;"></td> <td style="border: 1px solid black; text-align: center; width: 15%;">Year</td> <td style="border: 1px solid black; width: 15%;"></td> </tr> </table>	Day		Month		Year			
Day		Month		Year					
Number of places as per Notification Form:									
HSE Local Health Office Area:									

For electronic use copy and paste the tick provided to indicate compliance/non-compliance in the relevant column.

Disclaimer: This report is based on the tool which is used by the HSE Pre-School Inspectors in assessing compliance with the Child Care(Pre-School Services) (No. 2) Regulations 2006. The areas covered are provided to enable the Pre-School Inspectors to use their professional judgement in assessing compliance/non-compliance. The decision of the Inspector is based on an amalgamation of the information in each section and not in any one question. The weighting of the non-compliances in relation to each other is based on the nature of the non-compliance and not on the number of non-compliances. It is at the professional discretion of the Pre-School Inspector to assess whether prosecution is recommended.

Information on Pre-School Setting		
Regulation 10 (Notice to be Given by Person Proposing to Carrying 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:		

Information on Pre-School Setting		
Regulation 11 (Notification of Change in Circumstances)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Pre-School Setting		
Regulation 31 (Annual Fees)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Management and Staffing		
Regulation 8 (Management and Staffing)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Management and Staffing		
Regulation 12 (Number of Pre-School Children who may be catered for in Premises)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Health, Welfare & Development of Child		
Regulation 5 (Health, Welfare and Development of the Child)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Health, Welfare & Development of Child		
Regulation 9 (Behaviour Management)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Premises and Facilities		
Regulation 18 (Premises and Facilities)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Premises and Facilities		
Regulation 19 (Heating)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Premises and Facilities		
Regulation 20 (Ventilation)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Premises and Facilities		
Regulation 21 (Lighting)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Premises and Facilities		
Regulation 22 (Sanitary Accommodation)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Premises and Facilities		
Regulation 23 (Drainage and Sewage Disposal)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Premises and Facilities		
Regulation 24 (Waste Storage and Disposal)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Premises and Facilities		
Regulation 25 (Equipment and Materials)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Premises and Facilities		
Regulation 28 (Facilities for Rest and Play)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Safety Measures		
Regulation 6 (First Aid)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Safety Measures		
Regulation 7 (Medical Assistance)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Safety Measures		
Regulation 16 (Fire Safety Measures)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Safety Measures		
Regulation 27 (Safety Measures)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Food and Drink		
Regulation 26 (Food and Drink)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Records		
Regulation 13 (Register of Pre-School Children)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Records		
Regulation 14 (Records)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Records		
Regulation 15 (Information for Parents)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Records		
Regulation 17 (Copy of Act & Regulations)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

Information on Records		
Regulation 30 (Insurance)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		

General Information		
Regulation 29 (Furnishing of Information to the HSE)		
Compliant <input type="checkbox"/>	Non- Compliant <input type="checkbox"/>	Not Applicable <input type="checkbox"/>
Compliance Information:		
Non-Compliance Information:		
Action Required:		