

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015CC071
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<b>Name of Service:</b>	Bright Sparks Montessori School
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<b>Address of Service:</b>	85 Beech Rd., Muskerry Estate, Ballincollig, Co. Cork
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<b>Eircode:</b>	P31 CK79
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<b>Name of Registered Provider:</b>	Claire Connolly, Marguerite Morley
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<b>Service type:</b>	Part Time
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<b>Date(s) of Inspection:</b>	19/04/2023
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<b>No of pre-school children:</b>	AM	29	PM	No.
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Child & Family Agency St. Mary's Health Campus, Gurrabraher, Cork
<b>Inspection undertaken by:</b>	C. Stokes
<b>Title:</b>	Early Years Inspector

### Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

<b>Conditions if applicable</b>	Not Applicable
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### Description of service

Bright Sparks Montessori School also known as Ballincollig Montessori School is a long-established childcare facility, which changed ownership in 2022. It is in a residential area of Ballincollig, in a converted premises. It has two playrooms and an outdoor area to the rear. It is registered to cater for children aged 2-6 years on a part-time basis from Monday to Friday. It follows a play and Montessori based pedagogical approach.

### Staffing

The setting is run by two registered providers who are not service based. The service has a 5 staff with major awards in Early Childhood Care and Education, plus one unqualified student.

### Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child/ safety. The inspections may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9,11, 19, 22, 23, 26, 28; however, on inspection additional non-compliance which posed significant risk was identified under Regulation 8. The findings are outlined within the relevant regulations within this report.

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings. Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness, and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

### Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered providers, person in charge, staff and children who were present on the day of the inspection.

### Part II - Registration and Register

#### Regulation 8 - Notification of change in circumstances

*(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.*

#### Non-Compliance Information

On the day of inspection, it was observed in the attendance records that the registered providers had exceeded their registered number of children catered for at a given time. The service was registered with the Agency to cater for 29 children at a given time however attendance records indicated 31 children had attended on a regular basis, most recently 31 were noted in the attendance record on the day prior to the day of inspection on the 18 April 2023. The registered provider confirmed this was the case and that the service had not notified the Agency in writing for a proposed increase to the numbers to be catered for at a given time.

#### Corrective & Preventive Action submitted by the Registered Provider

##### **Corrective and Preventive Action**

The registered providers advised that the numbers of children have been reduced to 29 and that this number will not be exceeded.

##### **Supporting documentation submitted**

The statement from the registered provider that the service would not exceed 29 children was accepted as evidence.

#### Summary Comment

The response from the registered providers was assessed and accepted as meeting the regulatory requirements of this regulation.

### Part III – Management and Staff

#### Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

#### Compliance Information

(1)

- (a) The service had a named person in charge and a named deputy person in charge.
- (b) A person in charge was available at the service when the unannounced inspection commenced.
- (c) The service had a clear management structure.

(2)

All 8 staff files (including 1 student) were reviewed as the service had changed ownership and staff since the previous inspection.

- (a) There were 10 written and validated references on file from past employers.
- (b) There were 4 written references available from sources other than previous employers, with satisfactory records of validation.

- (c) Garda vetting disclosure from the National Vetting Bureau was in place for all adults.
- (d) Police vetting was in place for 2 adults (of 3 adults) who had lived outside the jurisdiction.
- (4) A recognised award in Early Childhood Care and Education or equivalent had been attained by the adults, except for the student on placement.

### Non-Compliance Information

- (2)(a/b) One adult did not have 2 validated references on file, one reference was available for inspection. There was no record of validation for this. A second reference was not on file for this adult. These documents were submitted on the 25 April 2023.
- (2d) One adult did not have translated police vetting on file. This document was submitted on the 25 April 2023.

### Corrective & Preventive Action submitted by the Registered Provider

#### **Corrective and Preventive Action**

The required validations and translations of police vetting were submitted as evidence to the Offices of the Early Years Inspectorate and the registered providers referred to new procedures in place to prevent a reoccurrence of these issues of noncompliance.

#### **Supporting documentation submitted**

Supporting documents were received on 25<sup>th</sup> April 2023 for (2, a/b, and d).

### Summary Comment

The response from the registered providers was assessed and accepted as meeting the regulatory requirements of this regulation.

### Part III – Management and Staff

#### Regulation 11 - Staffing levels

*(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.*

*(2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.*

*(8) Without prejudice to paragraphs (2) to (7)-*

*(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times*

#### Compliance Information

(1) The registered providers ensured that there were an adequate number of adults working directly with the children.

(2) The ratio of adults to children was adequate with 2 adults working with 9 children in the playroom 1 and 3 adults plus a student with 19 children in playroom 2.

#### Non-Compliance Information

(8)(a) The registered providers did not ensure there were at least 2 adults on the premises at all times. This service operated singlehandedly for the period after the sessional hours finished to 12.45pm. During this period a cohort of children attend on a part time basis (3 or 4 children) were cared for when there was 1 adult on the premises, according to the registered provider and person in charge. While there was no staff roster in place to verify the number of adults working in the service and their hours, both the registered providers and the person in charge verified this.

#### Corrective & Preventive Action submitted by the Registered Provider

##### Corrective and Preventive Action

The registered providers advised in their CAPA reply that the service had reverted to operating on a sessional basis within its registered numbers with 2 adults in place at all times.

##### Supporting documentation submitted

The registered providers submitted a staff roster on the 25 April 2023 to address this issue.

#### Summary Comment

The response from the registered providers was assessed and accepted as meeting the regulatory requirements of this regulation.

### Part V - Care of Child in Pre-school Service

#### Regulation 19 - Health, welfare and development of child

(1) A registered provider shall, in providing a pre-school service, ensure that-

(a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and

#### Compliance Information

##### BASIC NEEDS:

- Adults were observed to assist then sit with the children and converse to make the mealtime a social occasion.
- Children were encouraged and supported to develop independence regarding personal care, particularly, with hand washing prior to lunchtime.
- The children were largely independent using the toilet and were supported appropriately by the adults to use the toilet, as necessary.
- Children's need for mobility was met with both the indoor and outdoor play area being used on the day of inspection. In addition, the children attending room 1 staying for parttime hours, spent the last 45 minutes of their time in room 2 which facilitated the children's need for mobility and offered a new and different learning and play environment.
- A drama/music/movement session with external providers was observed in the setting on the day of inspection which the children were observed to enjoy. This promoted learning through movement and music adding to children's opportunities for mobility.
- The adults were observed to support the children to interact positively with each other. There was a calm and positive approach and adults were observed to communicate clearly and gently with the children, modelling and providing positive example to the children in their care.

##### PHYSICAL AND MATERIAL ENVIRONMENT:

- The indoor environment of both playrooms was child friendly, and the rooms were laid out in defined interest areas, with an emphasis on Montessori play materials and equipment.
- There was open shelving with play materials and items laid out so that the children could identify and access them easily and independently.
- Children's artwork was on display at an appropriate level for children.

- There was a variety of materials and defined interest areas in the outdoor area, a canopy area and impact absorbing matting which facilitated all year around use of the outdoors.
- Chalkboard/ Whiteboard, tuft trays, slide, playhouse, slides, kitchen area and ride on toys provided varied opportunities for the children to follow their own interests in the outdoor learning and play environment.

## Non-Compliance Information

- There were no adequate facilities to provide for the children's need for rest and relaxation for children attending on a sessional basis. In addition, there were no facilities to accommodate the sleep needs of children as required for children attending on a part-time basis for 4 hours daily.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

The service no longer offers a part time service according to the response from the registered providers and a new child sized sofa was purchased for the requirements of children attending on a sessional basis.

### Supporting documentation submitted

Photographic evidence of the new sofa was submitted on the 28<sup>th</sup> June 2023.

## Summary Comment

The response from the registered providers was assessed and accepted as meeting the regulatory requirements of this regulation.

### Part V - Care of Child in Pre-school Service

#### Regulation 22 – Food and drink

*A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.*

#### Compliance Information

- The snacks observed were suitable, adequate, and varied.
- The parents/guardians provided the meal/snack served in the morning at 11am
- On the day of inspection, the snacks observed in room 1 included sandwiches, crackers and cheese, yoghurts, and fruits.
- Water was served at the snack/mealtimes and was available throughout the day.

#### Non-Compliance Information

- While the service had a Healthy eating policy in place and it detailed the regulatory requirements for children attending on a part-time basis, this was not adhered to. The service did not offer or facilitate any snack/meal other than that of the 11am snack time. This was confirmed by staff and the fridge was examined after this snack and was found to be empty. There was no extra food available to those children staying until 12.45pm (for part-time care).

#### Corrective & Preventive Action submitted by the Registered Provider

##### **Corrective and Preventive Action**

The service no longer offers a part time service according to the response from the registered providers and a supply of crackers are available for children.

##### **Supporting documentation submitted**

The statement from the registered providers and approved change in circumstance of the service reverting to a sessional basis was accepted as evidence.

#### Summary Comment

The response from the registered providers was assessed and accepted as meeting the regulatory requirements of this regulation.

### Part VI - Safety

#### Regulation 23 - Safeguarding health, safety and welfare of child

*A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.*

#### Compliance Information

##### General Safety:

- The main door to the premises was secured to prevent the unauthorised access of a person or the leaving of an unsupervised child.
- Individual hooks were provided in the playrooms for the storage of each child's coat and personal belongings.
- A fridge was available to store perishable foods (snacks/meals) provided by the children's respective parents and guardians.
- The cleaning agents were stored out of children's reach.
- The outdoor play area was surrounded by walls and was observed to be secure.

##### Infection Control:

- The service had a supply of thermostatically controlled hot water, liquid soap, and paper towels for hand washing. The water temperature measured 31 and 36 degrees Celsius respectively on the day of inspection.

##### Administration of Medication:

- Not Applicable. Medication was not observed to be administered on the day of inspection. Storage facilities for medication was appropriate.

##### Safe Sleep:

- Not Applicable. Sleep was not facilitated, as no children under two years were present, no cots were required.

##### Fire Safety:

- No fire safety concerns were observed.
- The date of the most recent fire drill was the 30.03.23

##### Outing:

- Not Applicable. No outings were conducted on the day of inspection.

#### Non-Compliance Information

##### Infection Control:

- On the day of inspection, there were no lidded pedal operated bins for the disposal of paper towels in place. This may lead to the spread of infection.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action & Evidence Submitted

The registered providers advised that new pedal bins with lids have been purchased. Photographic evidence was submitted on the 28<sup>th</sup> June 2023.

#### Summary Comment

The response from the registered providers was assessed and accepted as meeting the regulatory requirements of this regulation.

### Part VI - Safety

#### Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-
- (a) any fire drill that takes place in the premises, and
  - (b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

#### Compliance Information

- (1)(a) A monthly fire drill record was available for inspection.
- (1)(b) A record of the number and type of firefighting equipment was available on file.
- Records were available to demonstrate that the fire equipment was serviced in August 2022 and that the wired smoke alarm was serviced in March 2023.
- (4) A notice of procedures to be followed in the event of a fire was displayed on the wall with the relevant information.

### Part VI - Safety

#### Regulation 28 - Insurance

*A registered provider shall ensure that the pre-school service is adequately insured.*

#### Compliance Information

Insurance cover was in place for up to 29 children to attend on a part-time basis. The policy was valid until 29/03/2024.