

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015CC102
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<b>Name of Service:</b>	Clonakilty Montessori Pre-School
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<b>Address of Service:</b>	Kent Street, Kent Street, Clonakilty, Co. Cork
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<b>Eircode:</b>	P85Y062
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<b>Name of Registered Provider:</b>	Marjorie O'Leary
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<b>Service type:</b>	Part Time, Sessional
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<b>Date of Inspection:</b>	04/06/2024
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<b>No of pre-school children:</b>	AM	18	PM	4
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate Administration Building St Mary's Health Campus Gurranabraher Cork T23X440
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<b>Inspection undertaken by:</b>	V. McCarthy
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<b>Title:</b>	Early Years Inspector
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### Authority to Inspect

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

<b>Conditions if applicable</b>	N/A
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## Description of service

Clonakilty Montessori Pre-School is a part-time day care service located in in the town of Clonakilty. The service provides sessional and part time care to children aged between 2 and 6 years of age. Clonakilty Montessori Pre-School is a service that is carried out in a hall that is attached to the Methodist church in Clonakilty town. The 1 storey building has 2 interconnecting care rooms namely the Classroom and the Kitchen room. There are toilet facilities available off the classroom and there is an outdoor play area available to the rear of the premises.

## Staffing

There were 5 adults including the registered provider present on the day of inspection and all were working directly with the children.

## 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/ premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9,11,16,22,25,26 and 28; however, on inspection additional non-compliances which posed risks were identified under regulations 8 and 23. These findings are outlined within the relevant regulations within this report.

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

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

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

### Additional Information

The non-compliance detailed under Regulation 11(8)(a), that is outlined in the body of the report, had already been identified on 2 previous inspections that were carried out on 15 January 2019 and 27 April 2022.

### Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, 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.*

### Compliance Information

(1) The service was operating as a part -time service as per its registration status.

### Non-Compliance Information

(1)  
The service was operating outside of its approved times. On assessment of the services' records for the 04 June 2024, it was noted that the service was in operation from 8.30am to 1.30pm, whereas the service was sanctioned by the registration office to operate from 9am onwards. The records on file demonstrated that this breach occurred up to 3 times weekly.

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

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

The registered provider replied to state they would only operate between the hours of 09:00 and 13:30 going forward, and that all staff and children would arrive from 9am onward.

#### **Supporting documentation submitted**

A Change in Circumstance for the new opening times of 09:00 to 13:30 was submitted to the registration office by the registered provider, and this was approved on July 12<sup>th</sup>, 2024.

### Summary Comment

The requirement for Regulation 8 has been met.

## Part III – Management and Staff

### Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and

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

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,

*(c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and*

*(d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.*

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

## Compliance Information

(1)

(a) The service had a named person in charge and a named deputy that could deputise as required.

(b) The registered provider who was the person in charge and the deputy were both on duty when the inspector arrived at the premises and 1 or the other was always on the premises throughout the inspection.

(2)

(a) There were 9 references and required validations available on file from past employers in respect of the 5 adults attached to the service.

(b) There was 1 reference and required validation from a source other than a past employer.

(c) A Garda vetting disclosure was available on file for review in respect of each of the 5 adults. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every 3 years in respect of 4 of the 5 adults.

(d) Police vetting was not applicable as no adult had lived outside the jurisdiction for a period of more than 6 consecutive months.

(4)

A copy of a childcare qualification as listed on the National Qualifications Framework was available on file in respect of each of the 5 adults that worked directly with the children.

### 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 provider ensured that there were an adequate number of adults working directly with the children.

(2) On the day of the inspection there were 5 adults working directly with 18 early years children between 9am and 12 mid-day. There were 2 adults working directly with 4 children between 12midday and 1.30pm and there was 1 adult with 1 child between 8.30am and 9am.

(8)(a) There were 5 qualified adults on the premises between 9am and 12 mid-day and 2 of these adults remained on the premises between 12 midday and 1.30pm up to when the service closed.

#### Non-Compliance Information

(8)(a) There was only 1 adult on the premises whilst the service was in operation between 8.30am and 9am whereas the regulations require that 2 adults are always on the premises. This non-compliance had already been identified during the 2 previous inspections dated 15 January 2019 and 27 April 2022 at which times the registered provider returned responses stating she would ensure that 2 adults were always on the premises.

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

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

The registered provider replied to state the opening time was 9am and that all staff would be onsite at this time. The service will not operate prior to 9am.

#### **Supporting documentation submitted**

A Change in Circumstance for the new opening times of 09:00 to 13:30 was submitted to the registration office by the registered provider, and this was approved on July 12<sup>th</sup>, 2024.

#### **Summary Comment**

The requirement for Regulation 11 has been met.

### Part IV – Information and Records

#### **Regulation 16 – Record in relation to pre-school service**

*(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:*

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

#### **Compliance Information**

(1)

(h) The details of each child and adult's daily attendance were available on file.

#### **Non-Compliance Information**

(1)

(h) Some of the services' records assessed by the inspector during the inspection were noted not to be maintained accurately.

During the service overview, the registered provider informed the inspector that 4 of the 5 adults were working between 9am and 12 mid-day and that 1 adult was working 8.30am to 1.30pm. This was the same as what the inspector was told by 4 other adults that were interviewed - they were due to finish work at 12mid-day on 04 June 2024 and that the registered provider would remain alone on the premises with 4 children between 12midday and 1.30pm. However, on assessing the records it was recorded that 2 adults would remain on the premises between 12 mid-day and 1.30pm. At 12 mid-day it was observed that 1 of the adults, that had earlier informed the inspector that she would be finishing work at 12 mid-day, remained on the premises as a second adult until 1.30pm.

Also, the records demonstrated that 2 adults were on the premises between 8.30am and 9am, however when 1 of these adults was interviewed, she informed the inspector that she began work at 9am. This adult was requested by the inspector to correct the inaccurate record regarding her arrival time. It was noted that the proposed departure time of each child from the service were all carried out by 1 of the adults at 11am while the children were participating in their circle time activities. The records maintained each day were not accurately capturing the actual arrival and departure times of the children and adults to and from the premises. It was also noted that some of the records were blotchy and indistinct.

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

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

The registered provider stated that two staff now remain on site until 1:30 each day, and that rosters submitted show the correct times of staff arriving and departing.

#### **Supporting documentation submitted**

Four weeks of rosters were submitted which showed two staff members onsite for the entirety of the opening hours of 9:00 am to 1:30 pm.

### Summary Comment

The requirement for Regulation 16 has been met.

### 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 adults attached to the service prepared a healthy and attractive daily platter of food for the children's mid-morning snack break.
- The platter consisting of a selection of sliced cucumber, carrots, cheese, banana, crackers and flat bread was placed on a low table that was provided with 4 child sized chairs. A trolley stocked with cups, plates, a jug of water and a jug of milk was stationed beside this table. It was setup in a way that children could choose when they wanted to eat and could come and go to the table as they chose.
- The children that attended part time care had food for a second meal provided by their respective parents or guardians. This food consisted of either pasta with tomato and chicken or sandwiches. These children each had their own water bottle.
- A fridge was provided in the kitchen for the safe storage of the children's perishable food.

- The children's individual bottles of water were stored in the low fridge or on a shelf and were easily accessible to the children.

## 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 entrance door leading into the care room was secured and prevented unauthorised access by an adult or the leaving of an unsupervised child.
- The adult's jackets and personal belongings were stored on high positioned hooks in the care room and were kept out of children's reach.

#### Non-Compliance Information

##### General Safety:

Garda vetting was available for 5 adults. However, a disclosure in respect of 1 adult was not dated within the 3 years in adherence with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.

#### Action submitted by the Registered Provider

##### Corrective & Preventive Action

##### General Safety:

The registered provider sought the required garda vetting disclosure and stated a regular check of garda vetting dates would be done going forward.

##### Supporting documentation submitted

##### General Safety:

A garda vetting disclosure was submitted.

#### Summary Comment

The requirement for Regulation 23 has been met.

### Part VI - Safety

#### Regulation 25 - First aid

*(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.*

*(2) A registered provider shall ensure that a suitably equipped first aid box for children-*

*(a) is safely stored in an easily accessible and conspicuous position on the premises, and*

*(b) is available to the children attending the pre-school service at all times.*

#### Compliance Information

(1)

(a)

An adult with training in First Aid Response (FAR) was on the premises between 8.30am and 10.40am and again between 11.15am and 1.30pm.

(2)

(a) There was a fully equipped first aid box available at the premises and it was stored in a high press in the kitchen out of children's reach.

(b) The first aid box was always available on the premises.

#### Non-Compliance Information

(1)(a)

The adult with training in First Aid Response (FAR) had a pre-arranged appointment and left the premises between 10.40am and 11.15am, therefore no adult with FAR training was available on the premises during this time. It was acknowledged that the 1 of the 4 adults that remained on the premises had training in paediatric first aid.

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

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

The registered provider replied to state that a second staff member was due to receive FAR training in September, and that they would ensure that a FAR trained staff would remain on the premises at all times.

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

The statement of the registered provider is accepted as evidence.

### Summary Comment

The requirement of Regulation 25 has been met; this will be reviewed at the next inspection.

### 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) There were records of monthly fire drills carried out at the service available on file. A fire drill was last carried out at the service on the 15 May 2024.
  - (b) A record of the number, type and maintenance record of firefighting equipment and smoke alarms was maintained. It was recorded that the fire equipment was last serviced on 20 March 2024 and the wired smoke alarm was last serviced during March 2024.

### Non-Compliance Information

- (4)
- A record of a fire evacuation procedure for the service which contained details in relation to the procedure to be followed in the event of a fire was not available for review by the inspector.

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

#### Corrective and Preventive Action

- (4)
- The registered provider wrote up a fire procedure notice whilst the inspector was carrying out the inspection and provided it to the inspector towards the end of the inspection.

#### Supporting documentation submitted

- (4)
- The fire procedure record was displayed on a wall in a prominent position close to the entrance door.

## Summary Comment

The requirement of regulation 26 has been met.

## Part VI - Safety

### Regulation 28 - Insurance

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

### Compliance Information

The insurance certificate demonstrated that the service was adequately insured. The information provided on the insurance certificate included details of the number of children covered at any one time which was 22, the start date, which was 28 March 2024, the end date, which was 27 March 2025, the category of service covered which was sessional and part-time care and the name and address of the premises. The insurance cover also referred to details regarding public liability and fire and theft cover.