

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DL065
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<b>Name of Service:</b>	Little Acorns Montessori Playschool
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<b>Address of Service:</b>	Gaelic Park, Carndonagh, Co. Donegal
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<b>Eircode:</b>	F93 WD62
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<b>Name of Registered Provider:</b>	Sarah Quigley-Burns, Jennifer Grant
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Day 1 of Inspection:</b>	26/09/2023
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<b>Day 2 of Inspection:</b>	27/09/2023
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<b>No of pre-school children day 1:</b>	AM	0	PM	0
<b>No of pre-school children day 2</b>	AM	122	PM	72

<b>Address of the Early Years Inspectorate:</b>	Donegal Early Years Inspectorate, St. Conal's Campus, Letterkenny, Co. Donegal. F95 XK94
<b>Inspection undertaken by:</b>	L Mc Glynn and N McEndoo
<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).

## Conditions if applicable

Not applicable

## Description of service

This privately operated early years' service is located in the town of Carndonagh on the Inishowen peninsula in County Donegal. The service offers full day, part time and sessional preschool care from 7.00hrs to 19.00hrs Monday to Friday. The service is registered to care for children aged 1-6 years. The service is also registered to provide a school aged programme with a breakfast club, afterschool programme and holiday camps. The service operates from 10 ground floor commercial units. One of the units is solely used for the provision of school age care. There is a kitchen on site where meals and snacks are prepared and served. There are outdoor play areas on both sides of the premises.

## Staffing

There are two registered providers, neither of which were present on the days of inspection. The childcare manager is the named person in charge and there are persons appointed to deputise in the event of her absence. There were 37 staff members working in the service. Of the 37 staff members, 28 were employed to work directly with pre-school children, 4 were employed to work solely in the school age service and 5 were employed to work in the kitchen, as maintenance or on cleaning duties. Additionally, there were three adults in the service on educational placement.

## 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, 10, 11, 16, 19 and 27; however, on inspection additional non-compliances which posed significant risk was identified under Regulation 8 and 23.

These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under regulation 19 and 27. As a result, the scope of the inspection included rooms 12, 13, 15 and 16.

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

This unannounced inspection was carried out in response to a concern received by the Early Years Inspectorate.

### Acknowledgments

The inspectors wish to acknowledge the cooperation of the person in charge, staff and children who were present on day 2 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 day 2 of the inspection, the service was found to be operating outside of its current registration status. The service is registered to provide care for children aged 1-6 years, however, on day 2 day of the inspection, 5 children aged between 10 months and one year were in attendance.

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

##### Corrective and Preventive Action

All children under the age of one year are no longer attending. All induction visits are now changed until the children has turned one.

##### Supporting documentation submitted

No documentation submitted.

#### Summary Comment

The registered providers response has been accepted in addressing the non-compliance.

### 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.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

- (a) the policies, procedures and statements of the service specified in Schedule 5;
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and
- (c) these Regulations.

### Compliance Information

- (1)
- (a) The childcare manager was the designated person in charge and there was a named person to deputise in the event of her absence.
  - (b) The designated person in charge was present throughout the two days of inspection.
  - (c) Information on the service's management structure was provided by the childcare manager identifying the lines of authority and management structure in the service.
- (2)
- The person in charge confirmed with the inspectors that there were 27 new adults working in the service since the most recent focused inspection on 9 February 2021.
- The following documents were available on file or not required for the 27 adults:
- (a) Two written validated references from past employers or a source other than a past employer, was available for 21 of the adults. One written validated reference from a past employer was available for four adults.
  - (c) The required vetting disclosures from the National Vetting Bureau of the Garda Síochána were available for 26 adults.
  - (d) International police vetting documentation was not required for 20 adults as they had not lived outside of the jurisdiction for longer than 6 months while over the age of 18 years.
- (4)
- Evidence of the completion of a major award in Early Childhood Care and Education at Level 5 or above on the National Qualifications Framework was available for 10 adults.
- (7)
- (a)(b)(c) The person in charge provided documentary evidence to demonstrate that a robust induction process was carried out with all adults and student volunteers on their recruitment to the service. The induction process involved a review of a number of documents including the policies and procedures of the service and relevant regulatory requirements. The service had also created a number of video tutorials for staff providing instructions on some of the procedures and processes within the service. The service has a detailed policy on supervision for adults which details that regular support and supervision meetings are carried out and commits to addressing any issues that arise in a timely and supportive manner.

### Non-Compliance Information

- (2)
- (a) and (b)
- There were no written, validated references on file for two adults, one of which was employed on educational placement.
  - A second written validated reference was required in relation to two adults.
  - The second reference on file for two adults were from past employers which were not listed on their employment histories.
  - One past employer reference for one adult was not validated.
- (d)
- An International Child Protection Certificate was not available for one adult who had resided outside the jurisdiction for a period of more than 6 months as an adult. It is acknowledged that a certificate was on file, however it was not the required International Child Protection Certificate.
  - International police vetting was not available for three adults from the relevant jurisdictions.
  - It could not be determined from the employment records of three adults if international police vetting was required due to gaps in their employment history.
- (4) The information on file for 10 adults was not sufficient to demonstrate that they had completed a major award in Early Childhood Care and Education at Level 5 or above, on the National Qualifications Framework.

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

#### Corrective and Preventive Action

- (d) Two adults providing contracted classes have applied for an international child protection certificate. Since the inspection, the service has ceased extra-curricular activities until the ICPC checks have been returned. Clarification was sought on the length of time one staff member stayed outside of the jurisdiction. It was confirmed that this was not longer than three months. A fourth staff member requiring international police vetting is no longer working in the service. Three staff members updated their employment record and do not require police vetting.
- (4) Two of the employees have sent their qualifications away still waiting on word back from DCEDIY.

#### Supporting documentation submitted

References, emails and confirmation of police vetting requirements were submitted with the CAPA response.

## Summary Comment

International police vetting for two adults remains in process. It could not be determined from the evidence provided that three adults held a relevant qualification. A second reference for one adult was required and not evidenced. As a result, the non-compliances identified under Regulation (9) (2) (a) (b), (d) and (4) remain outstanding and the regularity requirement has not been met.

## Part III – Management and Staff

### Regulation 10 - Policies, procedures etc. of pre-school service

*A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.*

### Compliance Information

The policies, procedures and statements specified in Schedule 5 were in place for the service. The following policies were reviewed and deemed to meet the regulatory requirement;

- Behaviour Management
- Accident and Incident
- Recruitment
- Risk Management
- Staff Training
- Supervision

### 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) On day 2 of inspection, there were an adequate number of adults working with the children.

(2) The minimum adult to child ratios were adhered to on day 2 of the inspection.

The tables below outlines the numbers of children present, adults present and number of adults required on the morning of day 2:

**Table 1: Adults and children present in rooms -27 September 2023**

Room name:	Number of adults present in room	Number of adults required	Number of children and age range	Required Adult: Child ratios.
14 a	3	3	19 aged 2.5-6 years	(2.5-6 years)= 1:11
15	4	3	17 aged 2.5-6 years	(2.5-6 years)= 1:11
16	2	2	21 aged 2.5-6 years	(2.5-6 years)= 1:11
17	2	2	19 aged 2.5-6 years	(2.5-6 years)= 1:11
8	2	2	12 aged 2-3 years	(2-3 years)= 1:6
10	4	4	18 aged 1-2 years	(1-2 years) = 1:5
12	2	2	9 aged 1-2 years	(1-2 years) = 1:5
13	2	2	7 aged 1-2 years	(1-2 years) = 1:5
Additional adults	There were three students working in the service at the time, one in room 8, one in room 15 and one in room 16			
<b>Total:</b>	21 adults		122 children	

(8)(a) There were at least two adults present at all times during the unannounced inspection. A sample of staff rosters reviewed showed that at least two adults were rostered to be present during the hours of operation.

### 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:*

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult:child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

#### Compliance Information

(1) A written record was maintained in the service of the requirements detailed in points (a)- (i) and (k) of the 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

(1) (a) Meals and snacks consumed by children throughout the day were prepared on site and the service operated a rolling menu plan that consisted of an early morning breakfast, mid-morning snack, mid-day dinner, afternoon and evening snack. The range of foods provided to children was observed to be nutritious, well balanced and varied. During mealtimes, children were observed to feed themselves with adults providing assistance when required with younger children. Each child's drinking bottle was available in the rooms with milk and water provided by the service.

Nappy changes were carried out on a scheduled basis and more frequently if required. Adults engaged with children during the process and encouraged independence where possible. Older toilet trained children were encouraged and supported to be independent when using the toilet and washing their hands. There was a supply of all weather, outdoor clothing available for each child to engage in outdoor play for all seasons.

The service operated a scheduled sleep time for younger children and the sleep rooms was appropriately darkened to facilitate restful sleep. Children attending room 15 and 16 were observed to move freely around their care room and children in room 15 were given the opportunity to play outdoors on day 2 of the inspection. Younger children attending rooms 12 and 13 were brought on walks in 6-seater stroller around the town to provide a change of environment and fresh air.

Adults were observed to be responsive in their interactions with children. The adults regularly positioned themselves alongside children while playing and were responsive to children's needs for comfort which was given in a caring manner. Children were given individual tasks during group times to promote an ethos of helping each other and working together, for example, children in room 15 were selected to distribute cutlery and crockery to the rest of the group.

Spontaneous acts of kindness by children to one another were acknowledged and praised by the adults. To promote independence, children were encouraged to clean away their own crockery once they had finished eating and were observed to perform the task with ease.

Transitions worked well in the service and each room followed a daily routine helping children to anticipate what was coming next in the day. Adults appeared to be informed and comfortable with the routine and worked together to carry out the general functions of the day. Adults demonstrated a strong awareness of individual children's needs and were alert to circumstances and transitions which some children may find challenging. Such circumstances were managed in a child friendly manner by the adults with gentle encouragement and meaningful engagement.

### Non-Compliance Information

(1)(a)

1. From 13.11hrs to 15.45hrs there was one child attending room 12 who was confined to a seating position in either an 8-seater baby table or a 6-seater stroller. Children who are confined in equipment for longer than 15 minutes have their need for freedom and mobility restricted impacting on their physical and emotional development.
2. On day 2 of inspection, there were two raised 8-seater baby tables in unit 12 and unit 13 which were observed to be in use outside of meal and snack times. The tables did not allow the children's feet to rest on a firm surface. The children using these 8-seater baby tables did not have the opportunity to move about freely and explore their environment or to opt in and opt out of an activity. There was no alternative child size tables and chairs in these rooms. This is in conflict with best practice guidance which recommends that children over the age of 1 year are seated in chairs that have a back and seating height which allows the child to rest their feet on the floor.
3. There were insufficient comfortable, cosy spaces within room 15 and 16 for children to take time out to rest or relax from the busy play environment.
4. Children were not provided with appropriate cutlery or crockery at meal and snack times. In room 15 and 16 a number of children were observed using their hands to eat as forks were not provided and in room 13, staff placed slices of banana directly on the table rather than using the plates that were available.
5. Bibs were not provided to children in room 13 for afternoon snack. Children clothes were observed to be soiled when finished eating, it is acknowledged that adults attempted to wipe the children's clothes with a facecloth after the main meal.

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

#### Corrective and Preventive Action

1. The prams will now only be used to transport the babies to and from the gardens. Walks have now been ceased. There are now small tables purchased with chairs for the children that are more independent. The tables have also been reduced to babies height they also have the option to stand and eat and stand to do activities. To combat the babies being in the tables longer than 15 minutes during mealtimes, we have now staggered eating times so three children are eating at a time.
2. There are more tables and chairs purchased for the children. The tables are for food only. There is five strap harness attached. Legs have been adjusted and food rests applied so children's feet are touching the floor while eating.
3. There are now large bean bags, pillows, blankets and child size fold out sofa beds in each classroom accessible to the children at all times to rest or relax, with fairy lights and net canapés on them.
4. Since inspection all staff have been reminded that forks have to be provided instead of spoons. All food needs to be provided on plates.
5. Disposable bibs have been provided for the children.

#### Supporting documentation submitted

Images of child height seating.

Images of cosy areas.

#### Summary Comment

The response submitted by the registered provider is accepted and the practice will be reviewed on the next inspection.

### Part VI - Safety

#### Regulation 27 – Supervision

*A registered provider shall ensure that pre-school children attending the service are supervised at all times.*

#### Compliance Information

Adequate adult to child ratios were in place in the service for supervision of the children on the day of the inspection. The adults supervised the children mainly by sight and positioned themselves within the room in areas where children were playing in small and larger groups. When using the toilet alone, children were within earshot of the adults if they needed assistance. At mealtimes adults remained close to the children to supervise them when they were eating.

### Part VI - Safety

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

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

#### Non-Compliance Information

##### General Safety:

1. Children in room 12 and 13 were not signed in and out with an accurate arrival and departure time. When reviewed by the inspectors, it was observed on day 2 of the inspection that five children were recorded on the sign in book as 'visit' rather than an actual arrival and/or departure time. Adults informed the inspectors that these children attend the service on visits to aid the settling in process however, the absence of an arrival and departure time for each of the children poses the risk that a child may be unaccounted for in the event of an emergency evacuation.
2. Whole sausages were served with the main meal in rooms 15 and 16 posing a potential choking risk to children on day 2 of the inspection.
3. A dishwasher, which was accessible to children in room 15, was switched on and in use while children were present in the room posing a safety risk.
4. Trailing leads, flexes and cables from a television, speakers, computer monitors and chargers were found to be trailing in rooms 12, 15 and 16.
5. The 8-seater baby tables in rooms 12 and 13 did not have a safety harness with a protective belt that could be securely fastened.

**Infection Control:**

6. Childrens hands were not routinely washed at appropriate intervals including before eating and after using the toilet in room 15 and 16.
7. Cleaning equipment, such as used mops and brushes were accessible to children in room 16.

**Action submitted by the Registered Provider**

**Corrective & Preventive Action**

**General Safety:**

1. Staff have been updated on the importance and procedure for marking children in and out.
2. Staff have been updated on cutting the cocktail sausages in half and then cutting them.
3. Dishwashers have been locked.
4. All chargers and speakers have been put up high not accessible to children. All computer and television flexes have been tidied in room 15, 12 and 16.
5. Five-way safety harness have been purchased to install onto seating.

**Infection Control:**

6. Staff have been since reminded the procedure for hand washing after nappy changing and toileting.
7. Both classroom and sanitary rooms have been installed with a brush/mop/dustpan holder in all the rooms to prevent the children having access to them.

**Supporting documentation submitted**

**General Safety:**

Image of a dishwasher with a child safety lock.

Image of a plastic seat with a strap.

**Infection Control:**

Image of secured cleaning equipment.

**Summary Comment**

The non-compliance identified on inspection have been adequately addressed by the registered provider.