

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DR097
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Name of Service:	Bright Beginnings Nursery and Creche
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Address of Service:	Upper Churchtown Road, Churchtown, Dublin 14, Co. Dublin
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Name of Registered Provider:	Deirdre Conroy
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Service type:	Full Day
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Date of Inspection:	05/09/2023
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No of pre-school children:	AM	73	PM	78
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Address of the Early Years Inspectorate:	1st floor Trinity Building, IDA Business Park, Southern Cross Road, Bray, Co. Wicklow.
Inspection undertaken by:	Sarah Quigley & Fiona Carty
Title:	Early Years Inspectors

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	12 th October 2023 Due to the efforts to attain regulatory compliance these conditions have been extended until 16 th January 2024.
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Condition attached against Regulation 23 & 29

These conditions requires that the Registered Provider must:

- The registered provider shall take immediate actions to ensure that care rooms used for the care of children are properly ventilated and any associated dampness permanently corrected in order to prevent children being exposed to mould and mildew spores. The affected areas must be immediately cleaned and treated. The recommendations of the report by Argo Ireland must be implemented in full.

- The registered provider shall take immediate actions to safeguard the health and wellbeing of children from exposure to the impact of poor hygiene by undertaking of the following.

1. Immediate removal of the nappy changing mat from the surface of the dishwasher
2. The purchase and installation of proper close top hygienic waste disposal and nappy bins.
3. A thorough deep clean of the premises, its furniture, and surfaces and ventilation units.
4. Immediate removal and disposal of stained cot mattress and replacement with wipeable ones fitted with a permanent waterproof cover.

- The registered provider must have the premises brought to an acceptable state of repair and presentation by

1. By ensuring the surface of the outside play area is always maintained to avoid becoming a slip hazard to staff and children.
2. That all trip and fall hazards posed by floor surfaces are addressed by permanent repair.
3. That damaged wall surfaces are repaired as an infection control measure.
4. That all hanging electrical cable cables, and multi-instillation electrical sockets in the premises are secured or removed and certified as safe by an electrician or electrical engineer.
5. Leak in the sanitary accommodation roof is addressed.

These conditions are in place until the 16th January 2024.

Description of service

Bright Beginnings Nursery & Creche is a large full day care service located in a residential area of Churchtown, South County Dublin. Care and education is provided to children aged between 1 and 6 years and the service is currently registered to operate from Monday to Friday between 08:30 and 17:30 hours. Bright Beginnings operates from within a secondary school building, part of which has been purposely adapted to accommodate the early years service. Seven rooms and 4 dedicated sleep rooms are available. Three outdoor play areas are located to the front of the premises and available to the children for play. On the day of inspection, 6 care rooms were in operation. The Wobbler 2 room is currently closed.

Staffing

The service currently employs 19 adults, including a cook and the registered provider who is the designated person in charge and works directly in the service. On 5th September 2023, 17 adults were present and working directly with the children. The registered provider was not present on the day of inspection.

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 an assessment of the conditions attached to the service in the areas of safety/ premises and facilities. The inspections may also focus on other areas as required.

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 service is currently in escalation pathway with the National Enforcement panel. A letter was issued to the registered provider by the National Registration and Enforcement Panel (NREP) on the 28th July 2023 outlining that the operation and registration of the service will be subject to conditions under Regulation 23, Safeguarding Health, Safety and Welfare of Child and Regulation 29, Premises. The inspection incorporated a review of the aforementioned conditions and focused on an examination of compliance under regulations 9, 11, 16, 23 and 29. Inspectors observed that some improvements have been made since the previous inspection. However, significant non compliances remain under Regulation 29 and 23 whereby a certificate of electrical compliance was not submitted as part of the condition of registration of the service.

An immediate action notice was issued to the registered provider on the 6th September 2023 in respect of Regulation 23 Safeguarding Health, Safety and Welfare of child.

A response and accompanying evidence were received from the registered provider on the 6th September 2023 outlining that the risk identified pertaining to the immediate action notice had been addressed.

A Regulatory Enforcement Meeting was held on the 10th October 2023 to discuss the conditions attached and non compliances under regulation 23 and 29. A plan of actions and assurances were provided by the service to address the non compliances. The services condition has been extended until the 16th January 2024.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the children, the deputising person in charge, and staff who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(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.

(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

(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

(2) The assessment of documentation under Regulation 9 was limited to five staff members who had commenced employment since regulation 9 was last inspected on the 26th July 2023. The following records were available for the adults:

(a) (b)

The registered provider demonstrated that they had verified the references obtained from two sources for each of the five adults.

(c) A Garda vetting disclosure from The National Vetting Bureau for the five adults.

(d) International police vetting was required for each of the five adults. The required vetting was available for two of the adults who had lived outside the state for a period exceeding six months as an adult.

(4) There was evidence that five of the staff members had attained at least a major award in Early Childhood Care and Education at Level 5 on the National Framework for Qualifications, or a qualification deemed to be equivalent.

Non-Compliance Information

(2) International police vetting was not available for three of the adults who required it.

(3) Documentation reviewed evidenced that the procedures specified under part 2(d) of regulation 9 had not been carried out prior to three of the adults commencing employment in the service. International police vetting was not available for the three adults who required it.

In 2022 the registered provider submitted corrective and preventive actions following an inspection of the service and stated that 'Staff induction checklists have now been added to all staff members files. These checklists ensure that all adults have all completed documentation on file prior to commencing their employment in the service'.

It is acknowledged that checklists had been added to staff members files. However, the corrective and preventive actions submitted following the previous inspections of the service in 2022 and 2023 did not prevent the re-occurrence of the non-compliance identified under Regulation 9(2) and (3)

Corrective & Preventive Action submitted by the Registered Provider

The registered provider provided the following response:

Corrective and Preventive Action

(2)(d), (3)

The three members of staff have now acquired the correct Spanish Police vetting. Management was confused as to which Spanish vetting was the appropriate one in which to acquire from new members of staff coming from Spain. On the day of inspection, it was explained to management that we had acquired the incorrect police vetting

for three of our newest staff members. The service now knows with 100% certainty what the appropriate Spanish vetting we must acquire when it comes to hiring any new Spanish members of staff. The service have made note of which vetting is needed to be acquired and this misunderstanding regarding vetting will not happen again.

Supporting documentation submitted

(2)(d)(3) The three required police vetting documents were submitted by the registered provider.

Summary Comment

The corrective and preventive actions submitted by the registered provider have been reviewed and are deemed to meet the requirements of Regulation 9.

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.

Compliance Information

- (1) An adequate number of adults were working directly with the pre-school children attending the service during the inspection.
- (2) The registered provider ensured that the minimum ratio of adults to children was maintained in the service on the day of inspection. There were 73 children present in the service in the morning and 78 in the afternoon being supervised by 17 adults during the inspection.

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:

- (i) details of staff rosters on a daily basis;*

Compliance Information

(1)(i)

A staffing roster was available in the service on the day of inspection. The roster was reflective of staff members present and working in the service and detailed start and end times, and cover allocated during staff lunches.

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

Cleaning products and medications were stored safely out of reach of children. Blind cords and electrical cables were secured and out of reach of children. The registered provider had taken measures to ensure the outdoor play environments were safe and free from hazards.

Infection Control:

An infection control policy was in place to inform practice. Waste was managed appropriately with the use of pedal-operated, lidded bins throughout the service. Staff and children were observed to carry out consistent hand washing as appropriate. Staff stated appropriate exclusion periods for adults and children with infectious illnesses were implemented in the service as per the policy. Nappy changing practices observed were in line with the service policy and best practice for effective infection control.

Administration of Medication:

There was written evidence of prior parental consent for the administration of both temperature reducing and prescribed medications, and there were procedures in place to safely administer and document such medication if required, including in the case of an emergency. Staff adequately detailed the procedures for administering medication when required during discussions with the inspectors. Care plans were in place for children requiring emergency medication and staff were familiar with the plans in place.

Safe Sleep:

Staff were familiar with safe sleep guidance and placed babies on their backs to sleep. Standard cots were available for children aged 0 to 1 year and low-level beds were available for children to sleep in line with their age and individual developmental requirements. The temperature of the sleep rooms were maintained at the required temperature range of 16 to 20°Celsius for children under one years and 18 to 22°Celsius for children aged over one year.

Non-Compliance Information

General Safety:

1. The magnetic lock on an internal door which was accessible to the children within the Montessori 1 room was not working on the morning of inspection. The door was not adequately secured which presented risk to the children's safety and created the potential for a child exiting the service unsupervised or an unauthorised person entering the premises as follows;

- The door led out to a corridor within the adjoining secondary school building. From this corridor, open doors led to the school sports hall, a sports storage room, and a schoolteacher's office.

It is noted that temporary corrective actions were taken by the person in charge on the day of inspection to ensure the door was not accessible following a request from the inspector.

2. A newly installed fire exit door in the Toddler 1 room was left open during the inspection which led out onto a large unsecured outdoor space which was part of the grounds of the adjoining secondary school building. A partition was in place to ensure children could not exit the door unsupervised. However, the door was left unsupervised at times which created the potential for an unauthorised person entering the premises as follows:

- The door was left open during the sleep time period from 12 – 2pm when staff and children were not present in the care room.

It is noted that following a request from the inspector on the day of inspection corrective actions were taken by the person in charge and staff were instructed to keep the door closed.

An immediate action notice was issued to the registered provider on the 6th September 2023 in respect of the non-compliances outlined above under points 1 and 2.

The corrective and preventive actions submitted by the registered provider following inspections of the service in 2022 and 2023 did not prevent the re-occurrence of the non-compliances identified under points 1 and 2. Risks to the children's safety were identified during these inspections where doors were not secured creating the potential for a child exiting the service unsupervised or unauthorised persons entering the premises.

Action submitted by the Registered Provider

The registered provider provided the following response:

Corrective & Preventive Action

General Safety:

1. The magnetic lock on an internal door within the Montessori 1 room has been repaired and operating correctly. This door is now adequately secured and longer presents a risk to the children’s safety. The service has added the checking of mag locks to be “in correct working order” onto the mangers morning checklists where the manager has to check the doors from both sides to ensure the mag locks are in working order.
2. The service has verbally informed all staff about the importance of closing the fire exit doors when the classroom is not in occupancy. The service also sent an email to all staff reiterating this important message. All members of staff are now aware of the importance of closing the fire exit doors when the classroom is not in occupancy. Management will ensure to communicate this information to any new staff going forward.

Supporting documentation submitted

General Safety:

1. A video clip of the magnetic lock in working order. A manager’s daily checklist.
2. A copy of two emails circulated to all staff members.

Summary Comment

The requirements of regulation have not been met as the corrective and preventative action plan submitted by the registered provider does not adequately address the non compliances identified under Regulation 23. Given the significant history of repeated non compliances in relation to Regulation 23 this will be reassessed on the next inspection.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are-

- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

Compliance Information

(e)

3. The service is registered to provide for a maximum of 100 children. The service was suitably equipped with an adequate number of sanitary facilities on the day of inspection for the 84 children that are currently enrolled to attend as follows:

- Three nappy changing stations were available for the 31 children currently enrolled which staff members and the person in charge stated required nappy changing.
- Five children's toilets with handwash sinks were available for the 53 children currently enrolled which staff members and the person in charge stated were toileting independently.

Non-Compliance Information

(c) The registered provider did not ensure that parts of the premises were adequately ventilated on the day of inspection as outlined below;

1. Inspectors observed that there had been further acceleration in mould growth/spores since the previous inspection of the service on the 21st August 2023. For example, a small window had been installed in Montessori 3 room as part of the previous CAPA process to improve ventilation. However, inspectors observed that in the two weeks since the last inspection that significant mould growth had occurred around the wooden frame surrounding the new window.
2. Damp malodours were noted throughout the service on the day of inspection in the nappy changing room adjacent to the Wobbler 2 room, in the cot room at the entrance to the service and in a new nappy changing room which was undergoing renovations. Significant mould growth and black mould spores were observed inside a storage press within the nappy changing room adjacent to the Wobbler 2 room.

The registered provider stated in previous representations made to the inspectorate in July 2023 that mould had been washed and painted. Areas of the ceiling in the Playschool, Toddler 1, and Wobbler 2 rooms where black mould spores had previously been noted had been cleaned and painted, however staining in the areas where the mould had been noted previously were observed on this inspection 5th Sept 2023.

The registered provider stated in the above mentioned representations that new doors in the Toddler 1 and Wobbler 2 rooms would have permanent ventilation installed and that vents would also be installed within the Wobbler 1 and Playschool rooms. There was no evidence available to show that these measures had been implemented on the day of inspection.

Whilst the children were observed to be content on inspection, mould growth poses a potential significant risk to children increasing the risk of varying health conditions.

(d)

3. Although cleaning schedules were documented as being completed in the service some of the care rooms, children's bathrooms, and some furniture were observed to be heavily soiled and required a deep clean as follows;

- Areas of the flooring, skirting boards, ledges, and shelving had heavy accumulations of dust, dirt and debris in crevices and on surfaces of the Playschool, Montessori 3, and Toddler rooms.
- There were accumulations of cobwebs in areas of the ceilings and corners of the Montessori 3 room.
- Some children's chairs were heavily stained and soiled with discolouration in parts in the Montessori 1 room.
- There were heavy accumulations of dust, dirt, and debris on the surfaces of the soft play units in the Playschool and Toddler 1 rooms.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. The wood around the window in the Montessori 3 classroom has since been replaced. The carpenter explained that he used old untreated wood which may have been exposed to damp condition prior to installing it around the window. Going forward, only new wood will be installed within the service.
2. Upon conducting a more detailed examination of the malodours noted by the inspector, it has been determined that these issues were caused by a prior leak that had already been repaired but had left stains on the timber. To address the malodour issue originating from the wobbler and cot room near the service entrance, the service plan to install a vent beneath the flooring. This vent will facilitate airflow into the room and mitigate the problem. Going forward, more attention will be made to premises and in the case of any future malodours they will be examined and dealt with as soon as possible.

In response to previous non-compliances regarding the presence of mould and damp malodours in the service, the registered provider stated the service engaged with an external company who made recommendations via a consultancy report to address the issue. The registered provider stated the report recommendations had been implemented, however the evidence gathered on inspection demonstrated that a number of these recommendations had not been implemented as follows;

- Permanent ventilation had not been installed into the new doors placed into the Toddler 1 and Wobbler 2 rooms to provide continuous ventilation as recommended.

- There was no evidence to show that new permanent vents had been installed into the Wobbler 1 and Playschool rooms.

No evidence has been submitted to show that levels of insulation in the attic and the roof build up had been increased as recommended. The person in charge stated works were yet to be completed on the roof of the service.

3. The service stated that it was important to highlight that the service dedicated the entire weekend prior to the inspection to cleaning the Toddler and Playschool rooms thoroughly and that painting of shelving took place. Cleaners have been hired to assist with cleaning the large play structures. Currently, the Montessori 3 room is undergoing a painting process, and the deep cleaning will commence immediately upon completion of the painting work. We are committed to ensuring that all areas of our facility meet the highest standards of cleanliness and maintenance.

In response to previous non-compliances regarding the cleanliness of the service, the registered provider stated that regular spot checks would be completed by management to verify that cleaning tasks are being carried out to the expected standard however this is at variance to what was observed on inspection as noted above in non-compliance point 3.

Supporting documentation submitted

Two photographs of the window in the Montessori 3 room. Two photographs of blank walls prepped for painting in the Montessori 3 room.

Summary Comment

The requirements of regulation have not been met as the corrective and preventative action plan submitted by the registered provider does not adequately address the non compliances identified under Regulation 29. Given the significant history of repeated non compliances in relation to Regulation 29 this will be reassessed on the next inspection.