

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DR104
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<b>Name of Service:</b>	Beechwood Childcare
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<b>Address of Service:</b>	305 Beechwood Court, Stillorgan Road, Stillorgan, Dublin 18, Co. Dublin
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<b>Eircode:</b>	A94 FH60
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<b>Name of Registered Provider:</b>	Lorraine Foy, Loraine Cahill, Lynn Ruddle
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<b>Service type:</b>	Full Day
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<b>Date(s) of Inspection:</b>	27/02/2024
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<b>No of pre-school children:</b>	AM	60	PM	60
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Tusla Child and Family Agency, 7 <sup>th</sup> Floor, Brunel Building, Heuston South Quarter, Dublin 8.
<b>Inspection undertaken by:</b>	E. Mulhern and F. Carty
<b>Title:</b>	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).

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

Beechwood Childcare offers full day care to children aged one to six years between 8am and 6pm. The service operates from the ground floor of a purpose-built facility, located in an apartment complex. There are five child-care rooms and children are allocated to the rooms according to their age and stage of development: Montessori room, Pre-Montessori room, Toddler room, Wobbler room and Pre-Wobbler room. The Pre-Wobbler room is divided into two areas named Junior Pre-Wobbler and Senior Pre-Wobbler. Separate sleep rooms are available to children attending the Wobbler and Pre-Wobbler rooms. An outdoor area is available to the rear of the premises.

### Staffing

There are 19 staff employed to work in the service including the person in charge and an operations manager.

### 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 and health, welfare and development of child. However, on inspection additional non-compliance was identified under Regulation 23 - safeguarding health, safety and welfare of child. 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

#### Immediate Action Notice - Part III - Management and Staff

Regulation 9(2)(c): An Immediate Action Notice was issued on 28 February 2024 as a mandatory Garda vetting disclosure was not available for one person who was present in the service contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. A response was received from the registered provider on 28 February 2024 outlining actions taken to address the risk. These are documented under regulation 9(2)(c) in the report.

#### Immediate Action Notice - Part VI – Safety

Regulation 23: An Immediate Action Notice was issued on 28 February 2024 due to the significant risks posed in relation to safety. A response was received from the registered providers on 28 February 2024 outlining actions taken to address the risk. These are documented under regulation 23 in the report.

#### Inspection Findings Review

The registered providers requested a review of inspection findings under regulations 9(2)(a), (b), (c) & (d) and (4). The inspection findings review concluded on 15 May 2024.

## Regulatory Compliance Meeting

A regulatory compliance meeting was held with the registered providers on 10 June 2024 due to:

- Repeat significant non-compliance with regulatory requirements
- Outstanding non-compliance following CAPA process

The registered providers submitted further actions and supporting documentation on 11, 12 & 13 June 2024.

These have been included in the report.

## Regulatory Enforcement Meeting

The National Registration Enforcement Panel held a regulatory enforcement meeting with the registered providers on the 19<sup>th</sup> August 2024 to address outstanding non-compliance and offer a final opportunity for the registered provider to demonstrate how these issues had or would be resolved.

## Acknowledgments

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

### 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 person in charge and a named person to deputise as required.
  - (b) The person in charge was on the premises throughout the inspection. The staff roster provided for the person in charge or named deputy to be present at all times of opening.
- (2)
- (a) & (b) Through review of documents, it was evident that consideration had been given to the references of 17 staff members.
  - (c) Garda vetting disclosures were available for all staff and two third level students who were present on a work experience placement.
  - (d) International police vetting was available for one staff member and three students for whom it was required.

(4) Sixteen staff members employed to work directly with children held 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.

### Non-Compliance Information

(2) The registered providers did not ensure that all employees and unpaid workers were suitable and competent to work with children as outlined.

(a) & (b) No references had been sourced for three students who were present on a third level work experience placement. References were not available from the most recent past employer of two staff members who had been employed since the previous inspection. This requirement was non-compliant on previous inspections dated 9 May 2023, 25 July 2022, 30 May 2022, and 21 January 2020. The actions submitted by the registered providers following each inspection to address non-compliance had not been effective in preventing the non-compliance.

(c) A Garda vetting disclosure was not available for one student who was present on a third level work experience placement. The operations manager told the inspectors that the service had not received Garda vetting and were aware that the person should not be present without this. The operations manager arranged for the person to be collected from the service during the inspection. An immediate action notice was issued on 28 February 2024 due to the significant risk posed. This requirement was non-compliant on previous inspections dated 9 May 2023, 25 July 2022 and 30 May 2022. The actions submitted by the registered providers following each inspection to address non-compliance had not been effective in preventing the non-compliance from re-occurring.

(d) Police vetting was not available from the states in which three staff members had lived for more than six months as an adult. Two of the staff members had been employed since the previous inspection. This requirement was non-compliant on previous inspections dated 30 May 2022, 21 January 2020, and 30 June 2017. The actions submitted by the registered providers following each inspection had not been effective in preventing the non-compliance from re-occurring.

(4) There were no records to evidence that two staff members employed to work directly with children held the required minimum qualification. One of the staff members had been employed since the previous inspection. This requirement was non-compliant on previous inspections dated 9 May 2023, 25 July 2022, 30 May 2022, 21 January 2020, and 30 June 2017. The actions submitted by the registered providers following each inspection had not been effective in preventing the non-compliance from re-occurring.

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

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

2(a) & (b) Verification phone calls were made to the schools of the students. A new file checklist for students has been created and will be followed for all new students doing work experience. The service has purchased a new reference check booklet. All management have been trained and signed off on the process.

(2)(c) The student will not be on the premises until all required documentation is complete. A new file checklist for students has been created and will be followed for all new students doing work experience. All management have been trained and signed off on the process.

(2)(d) Police vetting for one staff member was submitted to the inspectorate on 28 February 2024. An application has been made to receive police vetting for the second adult. Police vetting for the third adult is in process. A new staff file checklist has been created and will be followed for all staff going forward. All management have been trained and signed off on the process. Service policies on vetting requirements have been updated by management.

(4) Two staff members are currently completing their course. The service will hire qualified staff in future.

#### **Supporting documentation**

It is acknowledged that documentation was submitted in keeping with some of the actions stated. However, the documents did not evidence all the required actions had been taken. Further documents were received following the Regulatory Compliance Meeting and the Regulatory Enforcement Meeting and were assessed in determining compliance status.

#### **Summary Comment**

(2)(a) & (b) No actions or supporting evidence was submitted in relation to two staff members who did not have a reference from their most recent employer. It is acknowledged following the regulatory compliance meeting that the students and one staff member are no longer working in the service. A past employer reference was submitted with a record of verification for the remaining staff member. The inspectorate acknowledges that corrective actions have been taken. The regulatory requirement has been met and will be assessed on the next inspection to ensure effective preventive actions have been implemented.

(2)(c) The regulatory requirement has been met

(2)(d) The regulatory requirement has been met

(4) The registered providers submitted a document following the regulatory compliance meeting evidencing one staff member had completed the relevant programme successfully. The regulatory requirement remains outstanding for one staff member.

## 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 with the children. There were 14 adults working with 60 children.

(2) At all times the minimum required ratio of adults to children was maintained.

## 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-

(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

#### Compliance Information

The children brought snacks from home which were offered at regular intervals throughout the day. Drinking water was available in each of the rooms. Younger children were provided with bibs when eating and drinking to prevent their clothes from becoming soiled or wet.

Children's nappies were changed routinely and in between when required. Staff used these opportunities for warm one-to-one interactions. Older children were supported to use the toilet independently. Staff supported the children with handwashing at appropriate times and helped them to clean their faces after eating. They ensured the children were dressed appropriate to the weather with hats and coats when going outside.

Areas were provided within the rooms where the children could rest or take a break from activities. The children attending the Junior Pre-Wobbler room were provided with the opportunity to sleep according to their individual routine. The children were made comfortable for sleep with staff removing their shoes and outer clothing and providing soothers to those who used them. All other children were provided with an opportunity to rest or sleep after dinner.

A record was kept for staff to communicate with parents/guardians in relation to the individual children's care. This included information relating to sleep, and nappy-changes. Staff demonstrated warmth in their interactions with the use of soft and gentle tones.

#### Non-Compliance Information

1. The inspector observed that suitable care practices were not in place in the Pre-Wobbler room at mealtime. The mealtime was observed to be rushed. Adults sat with the children for a short period only. Some of the children's bowls of food and one child's drink were taken away before they had finished. The inspector observed the children showing signs that they wanted more food including reaching into other children's bowls and eating food that had been spilled onto the table.

2. The inspector observed that appropriate care was not taken to clean mucus secretions from children's faces in the Wobbler room. The inspector observed two children with large mucus secretions which were not cleaned in a timely manner. One of the children's faces was not cleaned until 30 minutes after this was observed by the inspector, despite having had one-to-one attention from a staff member during this time.

This regulation was non-compliant on previous inspections dated 9 May 2023, 25 July 2022 and 30 May 2022. The actions submitted by the registered providers following each inspection had not been effective in preventing the non-compliance from re-occurring.

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

#### Corrective and Preventive Action

1. The service has introduced a new process for mealtime to ensure a smooth enjoyable lunch time for all children. New times for eating have been introduced for the room. Staff members have been allocated to each table during eating time. Staff have been retrained to make sure children have finished eating before anything is removed from the table. This routine will be reviewed weekly to ensure an enjoyable lunch experience for all children.
2. All staff have been re-trained in this area and this will be included in all staff training and spot checks going forward.

#### Supporting documentation submitted

1. Service procedure for mealtimes signed by staff dated April 2024.
2. Service procedure for nose wiping & face cleaning signed by staff dated April 2024.

### Summary Comment

The actions submitted have been deemed appropriate in addressing the non-compliance. The regulatory requirements will be assessed on next inspection to ensure preventive actions have been implemented.

## 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. Plastic bags used for storing children's bed linen were accessible to children posing a risk of suffocation. When children were being prepared for sleep, the bags were stored in an open basket on the floor of the Pre-wobbler room. The inspector observed a child put one of the bags over his head. It is acknowledged that a staff member immediately removed the bag from the child's head, however the bags remained accessible to the children. The inspector observed that the bags were then placed in the open basket next to a cot where a child was placed to sleep.
2. Loose cables were not secured out of reach of children, posing a risk of strangulation. Inspectors observed cables from electrical equipment within reach of children in the Pre-Wobbler room, Wobbler room, Toddler room, Pre-Montessori room and both cot rooms.

An immediate action notice was issued to the registered providers on 28 February 2024 due to the significant risk posed to children's safety. This regulation was non-compliant on previous inspections dated 9 May 2023, 25 July 2022 and 30 May 2022. The actions submitted by the registered providers following each inspection had not been effective in preventing the non-compliances from re-occurring.

#### Action submitted by the Registered Provider

##### Corrective & Preventive Action

##### General Safety:

1. All plastic bags for sleep clothing have been removed from the premises. New netted bags were purchased for sleep wear. Spot checks multiple times throughout the day for hazards.
2. Loose cables have been secured to the wall using wall ties. Where possible equipment has been removed. Spot checks multiple times throughout the day for hazards.

## **Supporting documentation submitted**

### **General Safety:**

Supporting documents were submitted in keeping with the actions stated.

## **Summary Comment**

The actions submitted have been deemed appropriate in addressing the non-compliance. The regulatory requirements will be assessed on next inspection to ensure preventive actions have been implemented.