

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DR192
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<b>Name of Service:</b>	Smarties Academy
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<b>Address of Service:</b>	5A Beaumont Avenue, Churchtown, Dublin 14, Co. Dublin
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<b>Eircode:</b>	D14 HE94
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<b>Name of Registered Provider:</b>	Gema Martos
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<b>Service type:</b>	Full Day, Part Time
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<b>Date of Inspection:</b>	01/04/2025
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<b>No of pre-school children:</b>	AM	21	PM	6
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<b>Address of the Early Years Inspectorate:</b>	Brunel Building, Heuston South Quarter, Saint John's Road West, Dublin 8. D08 X01F.
<b>Inspection undertaken by:</b>	R. Duff
<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).

### Description of service

Smarties academy is a full day privately owned service located in South Co. Dublin. Early education and care is provided for children aged two years to six years between the hours of 8:15am and 6pm. Care of the children is facilitated across two rooms, Junior Montessori room and Senior Montessori room. The senior Montessori room is utilised for school aged children in the afternoon. An enclosed outdoor play area with artificial grass surfacing is available to the rear of the premises

### Staffing

There are a total of 6 adults employed in the service including the registered provider. The registered provider works directly with the children. On the day of the inspection, there were 5 adults caring for 21 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 areas of governance, health, welfare and development of child and safety. The inspection may also focus on other areas as required. The following regulations were reviewed:

Regulation 9 (1)(2) and (4)-Management and recruitment.

Regulation 11(1)(3) Staffing levels.

Regulation 19 (1) (a)(b) Health, welfare and development of child.

Regulation 20 Facilities for rest and play

Regulation 23 Safeguarding the health, safety, and welfare of child.

Regulation 28-Insurance.

A sampling process was used to assess compliance under regulation 19 and 23 in both care rooms.

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

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

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

## Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, deputy person in charge, staff 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
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

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

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

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

#### Compliance Information

- (1) (a) The service had a designated person in charge and a named person to deputise as needed.
- (b) The designated person in charge was present when the inspector arrived to the service.
- (c) The service had a clear management structure and staff were aware of their own role and responsibilities.
- (2) The files of the registered provider and five staff who work in the service were reviewed.
- (a) Seven written and verified references were available from past employers.
- (b) Five written and verified references were available from a reputable source other than a past employer.
- (c) Garda vetting disclosures were available for the registered provider and six adults. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) International Police vetting was available for four staff members who had resided outside of the country for six months or more as an adult.

(4) Evidence was available to show that ten adults who worked directly with the children in the service 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.

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

(2) During the Inspection, there were 5 adults caring for 21 children aged 2years 8 months - 5 years old. The minimum ratios of adults to children was maintained at all times during the inspection.

### 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*

*(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

A calm and relaxed atmosphere was evident on arrival at the service and throughout the inspection. Children in the senior Montessori room were listening to a story and children in the junior Montessori were engaged in a range of activities and had the opportunity to move freely to a new activity. Staff demonstrated warmth and affection in their interactions with the children. They addressed children by name, used gentle tones and interacted with them in a positive manner. Language used by the staff members was observed to be encouraging, supportive and informative. Identity and belonging were promoted in both care rooms with children's family photos, and artwork displayed on the walls of the care room and visible to children.

Children were given advance warnings to support transitions to a new activity and for mealtimes. The service provides healthy snacks and meals for all children with consideration of allergies and intolerances. Drinks were readily available within the two care rooms. The service has a healthy eating policy which is shared with parents/guardians in advance of enrolment. Mealtimes in both rooms were social occasions with children and adults sitting together having the opportunity to chat about the morning's activities.

Child sized tables and chairs allowed the children to eat and engage in tabletop activities. There was evidence that equipment and materials provided were based on the children's individual needs and emergent interests. Both rooms had a mix of Montessori materials, toys and equipment which were laid out on low level shelving units and accessible to children. The rooms also had cushions and floor mats to facilitate rest or provide a place for children to take a break from activities.

The outdoor area was equipped with a range of toys and materials to support play experiences.

Children enjoyed freedom of movement in the outdoor play area and were observed to engage in a range of activities without restriction, this supports their social, cognitive, gross and fine motor development.

Engagement with families and parents is facilitated by the daily sharing of information on the child's day. This is shared through conversations at drop off and collection and supported by electronic means. On the day of inspection transitions from preschool to home were observed to be friendly and informative to parents or guardians collecting children.

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

### Regulation 20 – Facilities for rest and play

- (1) Subject to this regulation, a registered provider shall ensure that-
- (a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoors and, where required by these Regulations, outdoors, during the day, and
  - (b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

### Compliance Information

- (1) (a) The registered provider ensured that there were adequate and suitable facilities for each child to play indoors and outdoors. Children attending the service have access to the outdoor area on a daily basis.
- (b) The registered provider ensured a rest area was available to the children throughout the day for example, a child sizes sofa was available in the senior Montessori room and soft mats and cushions were available in the junior Montessori room for children to rest and take a break from activities if needed.

### 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:

- When the inspector arrived at the service, access to the main door was monitored and controlled by staff to restrict unauthorized persons from gaining access to the premises and to prevent children from exiting the service unsupervised. In addition, the outdoor play area was securely gated restricting unauthorized persons from gaining access to this area and to prevent children from exiting the service unsupervised.
- Toys and equipment were maintained in good condition free from hazards.
- There were no flexes or cables observed that were accessible to the children.
- The outdoor area was observed to be suitable and safe with domestic bins stored out of children's reach and all outdoor play materials maintained and in good condition free from hazards.
- Anti-febrile medication was stored in a locked press or out of reach of children.

##### Infection Control:

- Both the indoor and outdoor environment were maintained in a clean condition. Daily and weekly cleaning checklists were followed by staff and displayed on the walls in the service.
- The sanitary facilities were equipped with warm water, liquid soap, disposable paper towels.

##### Administration of Medication:

- Medications were stored in their original packaging out of reach of children. Staff demonstrated a clear understanding of procedures to safeguard children when administering medicine. This included getting written consent from parents or guardians, having a second staff member present as a witness during administration, and maintaining detailed records shared with parents or guardians upon collection.

##### Fire Safety:

- The designated fire escape routes were clearly indicated and free from obstruction on the day of inspection.

#### Non-Compliance Information

##### General Safety:

1. Cleaning products were stored on the floor in the adults' toilet, this room is also used for nappy changing. The room was unlocked during the inspection, posing a potential risk of poisoning to a child accessing the area unsupervised.

### Infection Control:

1. Nappy changing was not observed to be in line with best practice.
  - One child did not have their hands washed following nappy changing.
  - A staff member did not wash their hands following the nappy change.
  - The inspector observed a staff member use the same gloves throughout the nappy changing procedure this included cleaning and applying cream to child, redressing the child and disinfecting the nappy changing mat. This is at variance with the services nappy changing policy.
2. A pedal operated bin was available in the nappy changing facility however it was inaccessible as it was situated behind cleaning agents and the toilet bowl. Multiple touch points were required to access it, posing a potential risk of cross contamination.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

1. The registered provider has stated all cleaning products have been moved to a high shelf which is out of reach of children.

##### Infection Control:

1. The registered provider stated that a staff meeting was held, and during the meeting staff were reminded of the policies and procedures in place. Regular refresher training will take place during staff meetings to ensure all staff are aware of all policies and procedures in the service.
2. The register provider has stated that the pedal operated bin has been moved to a new location where staff can access it easily.

#### Supporting documentation submitted

##### General Safety:

Supporting documentation was submitted and reviewed by the inspector.

##### Infection Control:

Supporting documentation was submitted and reviewed by the inspector.

### Summary Comment

The actions outlined as stated by the registered provider will address the non-compliance. These actions will be assessed on the next inspection of the service. The regulatory requirement 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 registered provider ensured the full day service was insured. The insurance certificate provided for review showed cover for the 25 children the service is registered for and an expiry date of 27 March 2026.