

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DS034
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Name of Service:	Kathy B's Montessori and Afterschool
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Address of Service:	1 Walnut Drive, Kingswood Heights, Tallaght, Dublin 24, Co. Dublin
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Eircode:	D24 FY54
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Name of Registered Provider:	Katherine Lynch
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	03/10/2023
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No of pre-school children:	AM	34	PM	24
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Address of the Early Years Inspectorate:	The Brunel Building, Heuston South Quarter, St. John's Road West, Dublin 8
Inspection undertaken by:	R. Brien
Title:	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
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Description of service

Kathy B's Montessori and Afterschool provides full day, part time and sessional care for children from 2 to 6 years. The service is registered to operate from 08:00 to 18:00, Monday to Friday.

The service is located in an adapted domestic dwelling in a residential area of Kingswood, south Dublin. There are three care rooms in the service. The Beginners Montessori room caters for children aged 2 years. The Montessori room caters for children aged 3 to 4 years. Both these rooms are located on the ground floor. The Senior Montessori room caters for children aged 3 to 5 years of age and is located on the first floor. There is a fully enclosed outdoor play area to the rear of the premises. There is an additional outdoor play area at the front of the property.

Staffing

The service currently employs 9 staff including the registered provider. There were 6 staff working directly with the children on the day of inspection. The registered provider was not present during the 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 the area of governance/ health, welfare and development of child/ safety. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under the following regulations:

- 9(1)(a)(b),(2),(4)- Management and Recruitment,
- 11(1),(2)(4),(8)(a) – Staffing Levels,
- 16(h)(k) - Record in relation to pre-school service
- 19(1)(a)(b) – Health, welfare and development of child,
- 23 – Safeguarding, health, safety and welfare of child,
- 25 – First Aid

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

A sampling process was used to assess compliance under regulations:

- 16(h)(k) - Record in relation to pre-school service

However, on inspection additional non-compliance which posed significant risk was identified under regulation 8 – Notification of change in circumstances,

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

Two immediate action notices were issued to the registered provider arising from findings on inspection:

An Immediate Action Notice was issued on 03 October 2023 for non-compliance with regulation 25 as there were no staff available to the children who were trained in First Aid Responder (FAR) training.

- The registered provider submitted a response on 04 October 2023 demonstrating that two staff are registered to attend FAR training which will be completed on 16 October 2023.

A mandatory Garda vetting disclosure was not available for one adult who was on the premises on the day of inspection contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. As a result, an Immediate Action Notice was issued on 05 October 2023. The registered provider submitted evidence of Garda vetting for the adult on 09 October 2023 demonstrating that this was in place prior to commencement in the service.

Acknowledgments

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

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

(3) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) or (2), as the case may be, of a 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), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.

Non-Compliance Information

(1)(3)

The registered provider did not notify the agency in advance of implementing changes to the service's registered details as follows;

1. The service extended the existing premises and added a new care room and a children's sanitary area. Staff stated that the new care room and facilities have been in operation since September 2022. An additional room, located upstairs, which was previously used as a school aged childcare care room was in use by the early years service. Staff stated that the care room and adjacent sanitary facilities have been in use by the pre-school service since September 2022.
2. The service is registered to provide care for a maximum of 32 children. The registered provider did not notify the registration office that they had increased the number of children attending the service. There were 34 children present on the morning of the inspection.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. A Notification of Proposed Changes in Circumstance Form sent to Tusla.
2. Notification of Proposed Changes in Circumstance Form sent to Tusla along with the supporting documentation on 19th October 2023 to increase our numbers from 32 to 38. Our numbers will remain at

a maximum of 32 or less until we hear back on the application for a change of circumstances in child numbers.

Supporting documentation submitted

Written evidence was presented to demonstrate the corrective and preventive action submitted by the registered provider.

Summary Comment

The corrective and preventive actions as stated by the registered provider have been deemed to address these non-compliances.

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)(b) The service had a designated person in charge and a named person to deputise as required who were both on the premises throughout the inspection.
- (2)
- The files of nine adults were reviewed as part of the inspection. This included two staff members who had commenced working in the service since the last inspection on 27 April 2021. Documentation was reviewed in respect of these adults and met regulatory requirements as follows:
- (a)(b) Of the eighteen validated, written references that were required, twelve were available from a past employer and four were available from a source other than a past employer.
- (c) Garda vetting disclosures from the National Vetting Bureau of An Garda Síochána were available for eight adults.
- (4) Records were available evidencing that six staff members who were employed to work directly with the children held the required qualification or equivalent.

Non-Compliance Information

- (2)
- (a)(b) There were no references available in respect of one adult.
- (c) A mandatory Garda vetting disclosure was not available for one adult who had commenced working in the service in September 2022 contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. An Immediate Action Notice was issued on 05 October 2023. The registered provider submitted a response on the same day which outlined the actions being taken to address this non-compliance. Evidence of Garda vetting for the adult was submitted on 09 October 2023 demonstrating that this was in place prior to commencement in the service.
- (d) It was not possible to determine whether there was a requirement for police vetting for one adult present on the day of inspection as there was no record of experience on file for this adult.

(4) There was no evidence available to show that three adults who were working directly with the children in the service held a relevant major award in Early Childhood Care and Education on the National Framework of Qualifications.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)

(a)(b) The 2 references have been provided by the employee. A new Employee Checklist will be used for all future employees to ensure all information required is received from them before they start.

(c) A full and complete file is now available in our employee file including Garda vetting which was in place when staff member commenced but not available to the inspector on the day. The employee checklist form will be used by the Manager before any employee commences in Kathy B's and all employee documentation / id / garda vetting, etc. must be filed in our Employee File and signed off as complete by the Manager before they can commence. The Assistant Manager will also check and co-sign the employee checklist that all documentation required for the new employee is complete and in our Employee File before they can start in Kathy B's.

(d) A CV is on file for staff member now. Staff member does not require Police vetting. The employee checklist form must be signed and co-signed by the Manager and Assistant Manager before any new employee can commence. The Assistant Manager has been made aware of this. This will ensure that a complete file for any new employees will be in our Employee file before they commence and will be available for information and inspection purposes.

(4) The 2 After School leaders without a major award in Early Childhood Care and Education will not do any emergency cover or break cover for our preschool classes. Any emergency cover required will be facilitated by the registered provider. A third staff member is enrolled on a relevant course which will be completed in June 2024. In the interim, this staff member will not be included in the adult child ratio.

Supporting documentation submitted

(2)(a)(b) Written evidence was presented to demonstrate the corrective and preventive action submitted by the registered provider.

(c) Written evidence was presented to demonstrate the corrective and preventive action submitted by the registered provider.

(d) Written evidence was presented to demonstrate the corrective and preventive action submitted by the registered provider.

(4) No supporting documentation submitted.

Summary Comment

The corrective and preventive actions as stated by the registered provider have been deemed to address these non-compliances. These actions will be assessed on the next inspection.

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.

(4) Subject to paragraph (5), where a registered provider contemporaneously provides-

(a) a sessional pre-school service, and

(b) a full day care service or a part-time day care service, or both, the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).

(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) An adequate number of adults were working directly with the children at all times during the inspection.
- (2)(4) The minimum ratio of adults to children for full time services and services contemporaneously providing a sessional and full day care service was adhered to at all times during the inspection. There were thirty-four children attending the service being supervised by six adults on the day of inspection.
- (8)(a) There were at least two adults on the premises at all times.

Part IV – Information and Records

Regulation 16 – Record in relation to pre-school service

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

- (h) details of attendance by each pre-school child on a daily basis;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

Compliance Information

- (h) Details of the attendance of each child were recorded at the time of entering and leaving the service.
- (k) A sample of eight accident and incidents records were available and were reviewed. These records were signed by staff and parents and were completed appropriately.

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

(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

(1)(a)(b)

The person in charge reported that children bring in their own snacks from home and that dinner is provided by the service. Meals were provided at regular intervals. A morning snack was provided at 11:00. The main meal, which was provided by an external catering company, was served to the children who attend for the full day at 13:30 and an afternoon snack was provided at 15:30. Children were given responsibility appropriate to their age and were observed taking their own lunches and drinks from their bags. Staff sat with children during their meals. Children were observed engaging in conversation with their peers during their meals. Additional servings of dinner were available and were provided to children who requested more. Drinking water was available to children throughout the day.

Children's care needs were observed to be met promptly. Staff were observed cleaning children's noses as required. Children were encouraged and supported to be independent including using the toilet independently and cleaning up after their play and meals. Low level hooks were provided for coats and bags to support children's independence. Children's nappies were changed regularly and staff were observed engaging warmly with children when providing this care. There was a designated sleep time in the Beginners Montessori room.

Staff demonstrated a good awareness of the needs of each child in their care and responded to children's cues promptly. Staff interacted warmly with the children throughout the inspection and were observed supporting children in their play. Staff were observed to use encouragement, gentle tones and praise when promoting positive behaviour in line with the service's behaviour management policy. The atmosphere in the service appeared calm and relaxed.

Staff described how they record information about each child's day using an online application detailing information on nappy changes and activities. Staff also communicate with parents at arrival and collection times.

Care rooms were arranged to provide a range of play materials and areas of interest providing children with the freedom to play and explore. Areas of interest included small world toys, construction toys, rest areas with books and home corners. The care rooms provided a range of developmentally appropriate play experiences for the children and were adequately resourced with a variety of materials. The materials were observed to be accessible to the children on low level shelving. Low level tables and chairs were available in the care rooms. The children's artwork and birthday displays were displayed throughout the care rooms. Family photos were displayed in the care rooms at the children's level.

A fully enclosed outdoor area was located to the rear of the premises and had an artificial grass surface. A range of developmentally appropriate play equipment was provided in the outdoor play area. Children also had access to a sheltered play area. All children accessed the outdoor play area on the day of inspection and were observed engaging in energetic and imaginative play.

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

The inspector found by observation of practice, review of documentation, discussion with staff and inspection of the premises that the registered provider had taken the following steps to safeguard children attending:

General Safety:

- The entrance door to the service was adequately secured to ensure the safety of the children within and to avoid unauthorised persons accessing the service or children exiting unsupervised.
- The toys and play equipment observed in use by the children on the day of inspection appeared in good working order.
- All blind cords were secured.
- Hand sanitisers, medicines and cleaning agents were stored safely out of reach of children.
- All storage facilities were inaccessible to children.

Infection Control:

- Liquid soap, warm water and paper towels were available to facilitate hand washing. Staff were observed to carry out hand washing as appropriate. The children were supported to wash their hands at regular intervals including after using the toilet and before meals.
- An infection control policy was in place to inform practice. The service had a cleaning schedule in place and the premises, equipment and materials appeared clean and maintained in good condition.
- Individual bed linen was provided for the children in the Beginners Montessori room and staff stated that all bed linen is laundered weekly or as required.

Safe Sleep:

- Children were physically monitored while sleeping and sleep checks were documented every ten minutes. Discussion with staff demonstrated that staff were familiar with safe sleep guidelines.

Non-Compliance Information

Infection Control:

1. The nappy bin in use in the downstairs sanitary area was not pedal operated and staff were observed handling the lid of the bin to dispose of waste posing a risk of cross infection.

Administration of Medication:

2. Practices in place for a child attending the service requiring emergency medication were contrary to the service policy, posing a potential risk to the health and safety of children. There was no documented care plan available for one child attending the service who required emergency medication for an allergy, posing a risk to the timely treatment of the child in the event of an emergency.

Fire Safety:

3. There were no up to date maintenance records available for the smoke alarm system. Records available on the day of inspection demonstrated that maintenance of the fire detection and alarm system had last taken place in April 2021.

Outing:

4. The registered provider did not ensure that adequate steps were taken to minimise the risk to children's safety on outings. Staff told the inspector that they regularly bring children to the local playground and children and staff were observed in the playground on the inspector's arrival to the service.
 - a. The procedures detailed in the outings policy did not include the details of management of a critical incident on outings (e.g., missing child).
 - b. There were no completed risk assessment records available for review for previous outings including the outing to the local playground that took place on the day of inspection.

Action submitted by the Registered Provider

Corrective & Preventive Action

Infection Control:

1. The nappy bin has been replaced by a pedal bin. The Manager will ensure that only pedal bins are used throughout the premises.

Administration of Medication:

2. All care plans have been added to each child's file on our app Little Vista. The care plans have been completed by the parents and signed off by the Manager and shared with all staff. When a child starts in Kathy b's the Manager will ensure that any medical / emergency information relating to the child will be added to their file on Little Vista from their Registration form at their set up stage. Parents will be requested to complete any care plan for their child on Little Vista before their child can start. This information will be signed off by the Manager and shared with all staff.

Fire Safety:

3. The smoke alarm system was serviced on 16th October 2023. The manager will ensure that the smoke alarm is serviced at the same time annually and has added a reminder on her annual checklist.

Outing:

4.
 - a. Details of management of a critical incident (e.g., a missing child have been added to our Outings policy. Our Outings policy has been updated and included in our Parent's Handbook. The Manager will ensure that the Outings policy includes details of management of a critical incident when reviewing and updating Kathy b's Policies & Procedures annually.
 - b. A Risk Assessment Form has been added to our Little Vista App which must be completed by staff and signed by the Manager / Assistant Manager / DLP before any outings take place. Previous manually completed risk assessment forms from 2022 / 2023 and prior had been filed by the Manager at home and had been previously inspected and approved during previous inspections. The new Risk Assessment Form on Little Vista will be completed before any outing. The manual paper Risk Assessment form will no longer be used.

Supporting documentation submitted

Infection Control:

1. Photographic evidence was presented to demonstrate the corrective and preventive action submitted by the registered provider.

Administration of Medication:

2. Written evidence was presented to demonstrate the corrective and preventive action submitted by the registered provider.

Fire Safety:

3. Written evidence was presented to demonstrate the corrective and preventive action submitted by the registered provider.

Outing:

4. Written evidence was presented to demonstrate the corrective and preventive action submitted by the registered provider.

Summary Comment

The corrective and preventive actions as stated by the registered provider have been deemed to address these non-compliances.

Part VI - Safety

Regulation 25 - First aid

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

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

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

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

Compliance Information

(2)

(a) A first aid box was safely stored in an easily accessible and conspicuous location within the service.

(b) A first aid box was available to the children in the service at all times.

Non-Compliance Information

(1)

An Immediate Action Notice was issued on 03 October 2023 as a person trained in first aid was not immediately available to the children on the day of inspection. The registered provider submitted a response on 04 October 2023 demonstrating that two staff are registered to attend FAR training which will be completed on 16 October 2023.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

2 staff completed FAR training on 16th October 2023. The Manager will review all training dates as part of her annual checklist to ensure that all training is in date and up to date.

Supporting documentation submitted

Written evidence was presented to demonstrate the corrective and preventive action submitted by the registered provider. Training certificates for these staff members were submitted on 07 November 2023.

Summary Comment

The corrective and preventive actions as stated by the registered provider have been deemed to address this non-compliance.

Part VI - Safety

Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-*
- (a) any fire drill that takes place in the premises, and*
 - (b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.*
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.*

Compliance Information

- (1)
- (a) A written record was available detailing monthly fire drills that had taken place in the service. The last fire drill had been recorded as undertaken on the 28 September 2023.
 - (b) The number, type and maintenance record of firefighting equipment on the premises was available. There was a record to show that firefighting equipment had been serviced on 07 November 2022.
 - (4) The procedures to be followed during a fire drill and in the event of a fire were displayed in a conspicuous location within the service.