

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DS099			
Name of Service:	Ashling Nursery and Montessori			
Address of Service:	4 Main Road, Tallaght, Dublin 24, Co. Dublin			
Eircode:	D24 F8C2			
Name of Registered Provider:	Vincent Traynor			
Service type:	Full Day			
Date of Inspection:	16/10/2023			
No of pre-school children:	AM	30	PM	25
Address of the Early Years Inspectorate:	The Brunel Building, Heuston South Quarter, St. John's Road West, Dublin 8			
Inspection undertaken by:	R. Brien & O. Quill			
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	Not applicable			

Description of service

Ashling Nursery and Montessori is registered to provide full time care for children from 0 to 6 years of age. The service is registered to operate from 07:00 to 18:30, Monday to Friday. On the day of inspection, the service was operating from 07:30 to 17:30.

The service is located in a purposely adapted, two storey residential property in Tallaght, south Dublin. There are three preschool rooms in the service. The Toddler room caters for children from 11 months to 2 years of age. The Honeybees Early Childhood Care and Education (ECCE) room caters for children from 3 to 4 years of age. These rooms are located on the ground floor and children attend on a full-time basis. The Ladybirds ECCE room is located on the first floor and operates on a sessional basis and caters for children from 2 to 3 years of age. There is also a dedicated sleep room. The children have access to a large, fully enclosed outdoor play area to the rear of the premises.

Staffing

The service currently employs 7 staff including a manager. There were 5 staff working directly with the children on the day of inspection. The registered provider does not work directly with the children and was 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 the area of governance/ health, welfare and development of child/ safety/ premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 8, 9, 10, 11, 16, 19, 20, 23, 25, 29 and 30. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under regulation 16 (j)(k) – Record in relation to pre-school service and 29(c) – Premises.

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

Inspectors also observed that there were repeat non-compliances in relation to regulation 9, Management and recruitment and in relation to regulation 23, Safeguarding health, safety and welfare of child regarding safe sleep practices on this inspection which has a direct impact on the safety and well-being of children.

This demonstrated an inability to maintain and sustain compliance as the previous corrective and preventive action plan submitted by the registered provider from the inspection of 10 May 2023 had failed.

Therefore, the Inspectorate was not assured of the overall governance structure of the service and that it could meet the requirements of legislation to ensure care, wellbeing and safety of children.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, 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.

Compliance Information

(1)
On the day of inspection there were 30 children present and discussion with staff evidenced that there are 34 children present on the busiest day.

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 seven adults were reviewed as part of the inspection. This included four staff members who had commenced working in the service since the last inspection on 10 May 2023. Documentation was reviewed in respect of these adults and met regulatory requirements as follows:

(a)(b) Of the fourteen validated, written references that were required, eleven were available from a past employer and three 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 seven adults.

(d) Police vetting was available for four adults who had lived outside the State for a period exceeding six months as an adult.

(4) Records were available evidencing that four staff members who were employed to work directly with the children held the required qualification or equivalent.

Non-Compliance Information

A number of issues were identified with how the service manages safer recruitment processes as detailed below:

(2)(d) Police vetting was not available for three staff members who had lived outside the State for a period exceeding six months as an 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)(d)

Police Vetting from outside Ireland has been requested and obtained from 2 staff members. Another Police Vetting application from outside Ireland is in progress. Copy of cert will be submitted to Tusla on receipt. All new staff members from outside Ireland will be required to submit evidence of Police Vetting from their country and also complete Garda Vetting in Ireland prior to commencement of employment in the Creche.

(4)

Obtained DCEDIY Letter of Qualification Recognition for 1 new staff member. Another staff member has submitted a DCEDIY application in relation to a Teaching certification, awaiting a reply from DCEDIY to see if this is acceptable for working in the Creche. If approved, a copy will be sent to Tusla. If not approved, the staff member will commence a course from the approved list.

Supporting documentation submitted

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

(4) Written evidence was presented to demonstrate that one adult held a relevant qualification.

Summary Comment

(2)(d) Police vetting remains outstanding for one staff member. The regulatory requirement has not been met.

(4) Evidence of a final award remains outstanding for 2 staff members. The regulatory requirement has not been met.

Part III – Management and Staff

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

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

Compliance Information

The written policies, procedures and statements specified in Schedule 5 were in place for the service on the day of 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.

(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) The minimum ratio of adults to children for full day care services was adhered to at all times during the inspection. There were thirty children attending the service being supervised by five 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;*
- (i) details of staff rosters on a daily basis;*
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*
- (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.

(i) The staff roster was available on the day of inspection and accurately reflected the adults working in the service on the day.

(j) A sample of ten medication administration records were reviewed. These records were signed by staff and parents and were completed appropriately.

(k) A sample of ten accident and incidents records 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 service had a healthy eating policy in place and staff reported that children attending on a sessional basis in the Ladybirds ECCE room bring in their own lunch from home. Staff stated that the service provides breakfast, a morning snack and dinner for the children attending the Toddler and Honeybees ECCE room. Dinner took place at 11:15. Drinking water was accessible to children throughout the day and children were given water with their meals. Younger children were provided with bibs for dinnertime. Older children were encouraged to feed themselves. Staff were observed sitting with children during dinner and children were given time to eat their meal. Three children in the Toddler room who did not eat the dinner provided by the service were provided with an alternative from home.

Children's care needs were observed to be met promptly. Staff were observed cleaning children's faces after dinner. Older children were encouraged to clean their own faces after their dinner. Children in the Ladybirds and Honeybees ECCE room were encouraged and supported to be independent, including using the toilet independently and cleaning up after their play. Children's nappies were changed regularly and staff were observed engaging warmly with children when providing this care.

Children's sleep needs were observed to be met on the day of inspection. There was a designated sleep time in the Toddler room. The sleep needs of the younger children in the Toddler room were met with children placed to sleep when they displayed signs of tiredness. An older child in the Toddler room who does not have a nap during the day was brought to the Honeybees ECCE room during the designated sleep time and three children who required a nap from the Honeybees ECCE and Ladybirds rooms were brought to the Toddler room for their nap.

Staff demonstrated a good awareness of the needs of each child in their care. Staff interacted warmly with the children throughout the inspection and were observed to use encouragement, gentle tones and praise when promoting positive behaviour in line with the service's policy on behaviour management policy.

Staff described how they communicate with parents regarding their child's day at arrival and collection times and parents were observed in the service during these times. Staff in the Toddler room described how they record information about each child's day detailing information on food, sleep, nappy changes and activities in a booklet.

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, jigsaws, mark making stations, home corners and dress up materials. These 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. Family photos, birthday displays, children's photos and children's artwork were displayed in the care rooms.

A fully enclosed outdoor play area was available to the rear of the premises with a mix of artificial grass, real grass and bark surfacing. The outdoor area was well resourced with a range of developmentally appropriate play equipment. Children from the Honeybees and Ladybirds ECCE groups accessed the outdoor area on the day of inspection and were observed engaging in energetic and imaginary play.

Non-Compliance Information

1. Two children in the Toddler room, aged 11 months were not provided with the opportunity to feed themselves during dinnertime to promote independence and to develop hand-eye coordination and fine motor skills. The children were observed being spoon fed by staff.

This non-compliance was present on the last inspection on 10 May 2023. The corrective and preventive actions submitted by the registered provider did not prevent the reoccurrence of this non-compliance.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. Manager discussed with all staff, particularly new staff, about encouraging Toddlers to feed themselves. This was reiterated at the staff meeting. Regular monitoring/discussion with staff by Manager on feeding practices within the Creche. Reviewed and discussed at staff monthly meeting.

Supporting documentation submitted

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

Summary Comment

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

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-

(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)(b)

The care rooms were equipped with a cosy area for children to rest or take time away from the group as required.

Sleep facilities for children in the Toddler room and adjacent cot room were observed to be suitable on the day of inspection.

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 inspectors 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.
- Hand sanitisers, medicines and hazardous materials were stored safely out of reach of children.
- All storage facilities were inaccessible to children.
- The toys and play equipment observed in use by the children on the day of inspection were safe and in good working order.

Infection Control:

- Liquid soap, warm water and paper towels were available to facilitate hand washing.
- Waste was managed appropriately with the use of pedal bins.
- A system was in place for effective sterilisation of soothers.
- Individual bed linen was provided for the children in the Toddler room and staff stated that all bed linen is laundered twice per week or as required.
- Children's nappies were changed in line with the service's nappy changing policy to reduce the risk of the spread of infection.

Administration of Medication:

- An administration of medication policy was available to evidence the procedures to follow in relation to the storage and use of medication and staff were familiar with the procedures to follow when administering medication.

Fire Safety:

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

Non-Compliance Information

Infection Control:

Inspectors observed a number of practices which posed a risk of transmission of infection within the service:

1. The handwashing practices observed were inconsistent on the day of inspection and at variance with the policy in place in the service as follows:
 - In the Ladybirds room, adult's hands were not consistently washed after cleaning children's noses and before serving food.
 - Children's hands were cleaned with a wet wipe before dinner in the Toddler room which is ineffective for infection control.
2. In the Toddler room, the meal for two children who do not eat the dinner provided by the service was served directly onto the table posing a risk of the spread of infection.
3. The five cot mattresses in the cot room did not have a waterproof cover posing a risk of the spread of infection as they could not be adequately cleaned and disinfected.

4. The lunches for three children in the Toddler room who do not eat the dinner provided by the service were stored in lunchboxes on a shelf in the care room despite a fridge being available. This practice is contrary to the service's policy on food storage.

Safe Sleep:

5. Procedures and practices in place in relation to safe sleep for children attending the Toddler room were inadequate and contrary to the service's policy on safe sleep posing a potential risk to the health and safety of children as follows;
 - a. A child under one, who was sleeping in the cot room on the arrival of the inspectors, was not sufficiently checked. An adult was observed checking the child from a window panel outside the cot room where an adequate assessment could not be completed.
 - b. No sleep check was recorded for this child for a period of twenty-five minutes.
 - c. A fleece blanket was used as bedding for a child under one year which can pose a risk of overheating.
 - d. Sleep checks for six children in the Toddler care room were not carried out for a period of twenty minutes. Children were placed to sleep at 11:50 and the first sleep check was recorded at 12:10.
 - e. Sleep checks in the Toddler care room were not sufficient. Individual, physical sleep checks were not carried out, staff were observed checking children from the centre of the room.

Concerns regarding unsafe sleep practices had been identified on previous inspections in 2021, 2022 and 2023.

Action submitted by the Registered Provider

Corrective & Preventive Action

Infection Control:

1. & 2. New staff updated with handwashing & hygiene procedures in all rooms and given the Infection Control policies to review. Manager to monitor and review procedures with staff to ensure all infection control guidelines are being adhered to. Reviewed and discussed at staff monthly meeting.

3. Waterproof mattress protectors/covers were purchased to facilitate cleaning & disinfecting mattresses in the cot room. Manager and staff to ensure all mattresses and mattresses covers are in good, clean condition. Worn and torn items will be replaced as needed.
4. New Staff members were informed that all food is to be stored in the fridge until lunch time/feeding time. Bags are to be checked on arrival each morning for food containers and they are to be stored in the fridge until the required eating time.

Safe Sleep:

5. Sleep procedures were discussed with all staff, in particular the new staff members. These procedures and the importance of them were reiterated again at the staff meeting. The importance of physically checking all children, correct and accurate recording of sleep checks, use of appropriate bedding was discussed at the staff meeting.

Regular monitoring/reviewing procedures with staff will be carried out by Manager and will also be discussed at monthly staff meetings.

We have organised a Safe Sleep Seminar for next month. Attendance at the seminar is mandatory for all staff members, including management so that all are fully informed of the latest Safe Sleep policies and procedures.

Supporting documentation submitted

Infection Control:

1. Written evidence was presented to demonstrate the corrective and preventive actions submitted by the registered provider.
2. Written evidence was presented to demonstrate the corrective and preventive actions submitted by the registered provider.
3. Photographic evidence was presented to demonstrate the corrective and preventive actions submitted by the registered provider.
4. Written evidence was presented to demonstrate the corrective and preventive actions submitted by the registered provider.

Safe Sleep:

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

Summary Comment

1. – 4. 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.
5. Concerns regarding unsafe sleep practices had been identified on previous inspections in 2021, 2022 and 2023. The inspectorate is not assured that the preventive and corrective actions as stated by the registered provider will prevent re-occurrence of this non-compliance. These actions will be assessed on the next inspection.

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.

Compliance Information

(1) A person trained in first aid was immediately available to the children at all times on the day of 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

Compliance Information

(c) The service appeared to be adequately lit, heated and ventilated.

Part VII - Premises and Space Requirements

Regulation 30 - Minimum space requirements

(1) Subject to paragraphs (2) to (6), a registered provider shall ensure that adequate clear floor space is available in the premises for the work, play and movement of children attending the pre-school service.

(2) A registered provider of a full day care service or a part-time day care service shall ensure that the minimum amount of clear floor space specified in column (3) of Schedule 7 opposite a particular reference number specified in column (1) of that Schedule in respect of the age range of children specified in column (2) thereof at that reference number is available for each child in that age range attending the service.

(3) A registered provider of a sessional pre-school service or a pre-school service in a drop-in centre shall ensure that a minimum of 1.818 square metres of clear floor space is available for each child attending the service.

Compliance Information

(1)(2)(3) The service had adequate clear floor space for the work, play and movement of the number of children registered to attend.