

# Early Years Inspectorate Regulatory Report

## Pre School

**TUSLA Identifier:** TU2015DY010

**Name of Service:** Apples Montessori School

**Address of Service:** 5 The Rise, Off Griffith Avenue, Drumcondra, Dublin 9, Co. Dublin

**Eircode:** D09 VE02

**Name of Registered Provider:** Bernie Lanigan

**Service type:** Sessional

**Date(s) of Inspection:** 17/05/2024

<b>No of pre-school children:</b>	AM	12	PM	n/a
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate Floor 7 Brunel Building, Heuston South Quarter, St. John's Road West, Kilmainham, Dublin 8 D08 X01F
<b>Inspection undertaken by:</b>	E. Griffin & C. Kerrigan
<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).

**Conditions if applicable** Not applicable.

### Description of service

Apples Montessori School is operated by the registered provider who works in the service on a daily basis. A sessional service is provided for children aged between 2 to 6 years old. The service operates from 9.30am to 12.30pm Monday to Friday. The service participates in the Early Childhood Care and Education Programme (ECCE) There is an outdoor area at the rear of the building.

### Staffing

The registered provider employs two adults to work in the service, one adult works daily in the service and the other adult is employed to provide cover if needed. On the day of inspection, the registered provider and one adult were present in the service working directly with the children in the service.

### 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)(3)(4)(7)- Management and Recruitment.

Regulation 11(1)(3)- Staffing Levels.

Regulation 19(1)(a)-Health, Welfare and Development of Child.

Regulation 23-Safeguarding the Health, Safety, and Welfare of child.

Regulation 25- First Aid.

Regulation 26- Fire Safety.

Regulation 28- Insurance.

A sampling process was used to assess compliance under: Regulation 19 and Regulation 23. However, on inspection an additional non-compliance was identified under Regulation 8(1) Notification of Change in Circumstances and Regulation 15(1)(3) Record of a Preschool 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.

## Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, deputy person in charge 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.*

### Non-Compliance Information

The service was found to be operating outside of the hours of operation currently registered. The service is registered to operate a sessional service between 09:30 and 12:30pm. From documentation reviewed and discussion with the registered provider the service has been offering parents/guardians an option to avail of an extra half an hour childcare daily between 9am-9.30am or 12.30pm-13.00pm. A change of circumstance application to change the hours of operation was not submitted to the Registration department.

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

#### **Corrective Action**

From Sept 2024 the service will be operating with the hours that are registered with Tusla 9.30am - 12.30pm.

From June 1st, 2024, the registered provider has changed the drop off and pick up times to the times stated.

#### **Preventative Action**

The registered provider has stated from September 2024 the times of operation are from 9.30am to 12.30pm.

#### **Supporting documentation submitted**

No Support documentation submitted.

### Summary Comment

The registered provider has addressed the non-compliance identified under Regulation 8.

### 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.

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

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

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

- (a) the policies, procedures and statements of the service specified in Schedule 5;
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and
- (c) these Regulations.

### Compliance Information

- (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 unannounced to the service.
- (c) The service had a clear management structure in the service and staff were aware of their own role and responsibility.
- (2) During the Inspection, the files of the three adults who work directly with the children were reviewed.
- (a) Four written and verified references were available from recent past employers.
- (b) Two Written and verified references were available from a reputable source other than a past employer.
- (c) Garda vetting disclosures were available for all three adults. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
- (4) Documentation was available to show that all three adults who worked directly with children attending the service held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs.
- (7) The registered provider ensured that effective supervision arrangements were in place. There was an induction training record kept for new staff. From discussion with the new staff member there was evidence that the new staff member had been inducted with the policies and procedures and given time to read and ask questions in relation to these policies and procedures.

### Non-Compliance Information

- (2)(d) Evidence of International Police Vetting Disclosures were not available for one staff member who previously lived outside the jurisdiction in two different countries for a period of more than 6 months as an adult.
- (3) The registered provider had not ensured effective recruitment practices were in place. One staff member had commenced in the service on 4 September 2023, the Garda vetting available was dated 24 September 2023. This non-compliance was observed on the previous inspection February 2023 and the preventive action had not been maintained.

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

#### Corrective Action

- (2)(d) The registered provider has sought police vetting for the staff member for two jurisdictions but has not received any report from the authorities.
- (3) There was a delay in receiving the staff members Garda Vetting. The registered provider stated that they had a previous up to date vetting clearance from the staff member when they started until the register provider received Garda vetting for the staff member for the service.

## **Preventive Action**

(2)(d) The registered provider has stated they will have the correct and relevant vetting documents for any staff member prior to their start date in this school.

(3) The registered provider has stated they will ensure they have up to date Garda Vetting before staff commence in this service.

## **Supporting documentation submitted**

No supporting documentation submitted.

## **Summary Comment**

Regulation (2)(d) remains outstanding for 1 staff member until the processed disclosures have been obtained and kept on file in the service.

## 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.*

*(3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 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) therefore at that reference number is satisfied.*

## **Compliance Information**

(1) The registered provider ensured that there were sufficient adults working with the children.

(3) There were two staff adults caring for the twelve children present.

### Part IV – Information and Records

#### Regulation 15 – Record of pre-school child

*(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:*

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

#### Non-Compliance Information

(1) On review of the children's records there were no written records available (a-i) in relation to four of the of the twenty-one children registered in the service. From discussion with the registered provider two of these record forms had been sent home with children's parents to be updated with new information, one child had left the service, and one child did not have a registration record as the child was on a second week trial in the service. It is important that the registered provider ensures that a record in writing is kept in respect of each pre-school child attending the service.

#### **Corrective Action**

The service has received the forms in question back from the parents of the four children, that were not available on the premises on the day of the inspection.

#### **Preventive Action**

All children will have up to date Registration forms on the premises at all times. A record in writing for each child attending the service is kept on file and accessible at all times.

#### **Supporting documentation submitted**

No supporting documentation submitted.

## Summary Comment

The registered provider through corrective and preventive action taken has addressed the non-compliance identified under Regulation 15.

## 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*

## Compliance Information

(19)(a)

### Basic Needs:

- Children brought snacks from home. The service has a healthy eating policy which is shared with parents/guardians in advance of enrolment. Children's own drinks were available within their reach throughout the session should they feel thirsty at any stage.
- Identity and belonging were promoted in the service. For example, the children's artwork was on display throughout the care room and each child had their own personalised coat hook labelled with their name and accessible at their level.
- There was a tent with cushions for rest and relaxation present. This was observed to be used by the children during the inspection.
- Children were observed to access the outdoor play area this supports their social, cognitive, gross, and fine motor development.

### Supporting Relationships:

- Children were observed to take part in free play and group work. Staff were engaged with the children and their play. They were responsive to the children and were observed to give them choices regarding their play activities for example, children were given the choice to stay indoors to do an activity or go outside to play.

- Children were given sufficient time to enjoy their morning snack. Staff were observed sitting with children during snack time. This facilitated snack time to be a social occasion for children to engage with peers and staff.
- Language and literacy were supported through discussion, songs, and stories. For example, the adult discussed with the children where snakes are from, and the children were given opportunities to ask questions.
- Staff were observed to have informal chats with parents/guardians at collection time.

### **Physical and Material Environment:**

- The furniture provided in the care room was low level and suitable to the needs and age of the children. There were sufficient number of low tables and chairs to accommodate children whilst they played and ate in the care room.
- Equipment available included a library, arts and craft area and sensory materials. There was a range of construction toys to include jigsaws and wooden puzzles, wooden building blocks, plastic building bricks, magnetics, sorting and stacking toys, dinosaurs, toys for transporting such as cars and trucks. Montessori materials supporting the areas of practical life, sensorial, language, maths and culture were also present. These play materials facilitated literacy and numeracy development, fine motor skills, and cognitive and language development.
- An outdoor play area was available to the back of the service. The equipment and toys available included two child sized cars, a lidded sand box with buckets and spades available, a rocking toy and a slide for children to climb up and slide down providing learning opportunities for children. The children were observed to play in this area during the 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

##### General Safety:

- Toys and equipment used by the children in the care room were observed to be well maintained and in a good state of repair.
- There were no flexes or cables observed that were accessible to the children.
- All sockets accessible to children had socket protector covers.
- The radiators were fitted with protective covers.
- Cleaning agents and medication were stored safely out of the reach to the children.

##### Infection Control:

- Handwashing facilities for hand hygiene included warm water, liquid soap, and paper towels.
- Windows in the care room and sanitary area were open to allow for circulation and reduce cross infection.

##### Fire Safety:

- The emergency exit doors were clear from obstruction and staff were knowledgeable of the fire evacuation procedure. This helped ensure the safe effective evacuation of children and staff in the event of an emergency.

#### Non-Compliance Information

##### General Safety:

1. There were two light fittings in the care room and one light fitting in the sanitary area which did not have shatterproof coverings. In addition, the second light fitting in the sanitary area was not working. This posed a risk of injury. The registered provider had not implemented their actions following the previous two inspections to install covers on the light fittings.

##### Infection Control:

2. The children were not observed to wash their hands before snack. This posed a risk of cross infection. Children should be facilitated to wash their hands before mealtimes in line with HSPC guidance in relation to infection control protection measures.
3. Toilet rolls were not hygienically dispensed in the sanitary area used by the children. This posed a risk of cross infection.

- The bin in the sanitary area was not foot pedal operated and posed a risk of cross infection. This non-compliance was observed on the previous inspection in February 2023 and the preventive action had not been sustained.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

- The registered provider has informed the owners of the building about the covers for the lights and hopes to have them fitted during the summer holidays.

##### Infection Control:

- The washing of the children's hands before snack time is carried out every day. Due to the inspector on the premises on this day in question it was mistakenly and genuinely forgotten about. Everyday washing of the children's hands is carried out.
- The toilet rolls have been installed for use by the children. The service will make sure the toilet roll holders are in an easily accessible and hygienic way for the children.
- A foot pedal bin is accessible to the children in the bathroom. The service will make sure a foot pedal bin will be available at all times for the children.

#### Supporting documentation submitted

##### General Safety:

- No supporting documentation submitted.

##### Infection Control:

- Photographic evidence of pedal bin.
- Photographic evidence of toilet roll holder.

### Summary Comment

The registered provider through corrective and preventive actions taken has addressed the non-compliances identified under Regulation 23.

## 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)(b) The first aid boxes within the service were suitably equipped, stored in an easily accessible and conspicuous position on the premises and were available to the adults caring for the children at all times.

#### Non-Compliance Information

(1) On review of the staff files it was observed that there was no adult with First Aid Responder (FAR) training available to the children. It is acknowledged that the three adults employed in the service were trained in paediatric first aid. A person trained to the First Aid Responder level must be on the premises at all times during the operation of the service.

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

##### Corrective Action

The registered provider has stated they will apply for FAR training to be carried out in July.

##### Preventive Action

A staff member with FAR training will be always present on the premises.

##### Supporting documentation submitted

Photographic evidence of FAR training booking.

#### Summary Comment

Regulatory compliance remains outstanding for Regulation 25 until the FAR training course is completed and certification obtained. It is acknowledged that this course will be undertaken during the summer when the service is closed.

## 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.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,
  - (b) an employee, and
  - (c) an authorised person.
- (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 record of monthly fire drills was available in the service. The most recent fire drill took place on 14 April 2024.
- (b) The number, type and maintenance record of the firefighting equipment was up to date. Fire extinguishers were last serviced in March 2024 and the smoke detection system in April 2024.
- (2)(c) Records were open to inspection by an authorised person. All records requested by the inspector were provided.
- (4) The procedure to be followed in the event of a fire was on display in prominent positions in the premises.

### 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 service was insured. The insurance certificate provided for review showed cover for twenty-two children and an expiry date of 27 November 2024.