

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY098
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Name of Service:	Jonix Educational Services
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Address of Service:	Unit 1(a), Bakers Yard, Portland Street North, Dublin 1
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Name of Registered Provider:	Nicola Hansen
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Service type:	Part Time
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Date of Inspection:	01/10/2024
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No of pre-school children:	AM	10	PM	10
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Floor 7 Brunel Building, Heuston South Quarter, St. John's Road West, Kilmainham, Dublin 8
Inspection undertaken by:	E. Finnegan Hayes & Y. Kelly
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.
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Description of service

Jonix Educational Services is a private run specialist service offering a part time service to children with an Autistic Spectrum Disorder; one of seven owned and operated by the registered provider. The service operates one session daily from 9am-1pm Monday-Friday from two classrooms in converted retail unit in North Dublin. The care rooms; namely room 5 and room 6 cater for 6 children aged 3-6 years old. The service has an enclosed outdoor area to the rear of the building.

Staffing

The registered provider employs ten staff to work directly with the children in the service including an Early year's facilitator, person in charge and eight tutors. Eight staff were present on the day of inspection. The registered provider does not work 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 area of governance, health, welfare and development of the child, safety and premises and facilities. The inspection may also focus on other areas as required.

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

An immediate action notice was issued to the registered provider on 2nd October 2024 in relation to concerns under Regulation 9 Management and Recruitment. A response which adequately addressed the concern was received on 3rd October 2024. Further details are available under Regulation 9.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the early years' facilitator, 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.*

(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.

Compliance Information

- (1)
- (a) The service had a designated person in charge and a named persons to deputise when required.
 - (b) A review of the roster showed that a designated person in charge is available at all times in the service.
 - (c) The service had a clear management structure in the service and staff were aware of their own role and responsibilities.
- (2) A review of the roster and discussion with management, there are currently ten staff working in the service. The files of all ten staff were reviewed as part of the inspection.
- (a) (b) Eighteen written and verified references were available in relation to nine staff members.
 - (c) Garda vetting disclosures had been obtained for eight adults. However, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under regulation 23 of this report.
 - (d) Police vetting was available for seven staff members who had lived in a country other than Ireland for a period of more than 6 months.
- (4) Evidence was available to show that four staff members who worked directly with the children held at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework, or a qualification deemed by the Minister to be equivalent.

Non-Compliance Information

- (2)
- (a) (b) Two written and validated references were not available for one staff member who was present on the day of inspection. It is acknowledged a document labelled reference was forwarded to the inspector following the inspection however the content of the letter could not be verified.
 - (c) Garda vetting disclosures were not available for two staff members who were present in the care rooms working with the children when the inspectors arrived in the service. An immediate action notice was issued to the registered provider.
- (3) The registered provider did not ensure that the checks required under (2) above were carried out before the staff members were appointed, assigned or allowed access to or contact with a child attending the pre-school service as evidenced by above non compliances.
- (4) Evidence was not available to show that six staff members who worked directly with the children held at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework, or a qualification deemed by the Minister to be equivalent. This was a non-compliance on the previous inspection in 2021.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (2) (a)(b) Both references are now on file and have been verified. This issue has been brought to the attention of the management team responsible for maintaining and ensuring the accurate staff documentation. We have also updated our tracking system to help prevent similar oversights in the future.
- (c) Staff were removed from providing direct care to the children and engaged in paperwork duties while awaiting Garda vetting. Garda Vetting disclosures are now on file for both staff. This was immediately addressed in a management meeting. We will ensure not to have any new staff on the premises whilst awaiting vetting.
- (3) All staff files have been thoroughly reviewed to ensure that each contains the necessary documentation and all required records. This matter has been immediately brought to the attention of the management team responsible for maintaining accurate staff documentation. Additionally, our tracking system has been enhanced to ensure similar oversights are prevented moving forward.

(4) The Minister for Children, Equality, Disability, Integration, and Youth is aware of our current situation regarding the dual qualification criteria. We are actively corresponding with the Department of Children, Equality, Disability, Integration and Youth and are also in communication with the Department of Education. This issue has been ongoing, and we are committed to working closely with both departments to find a fair solution. All the staff members are registered/in the process of registration with the Teaching Council in accordance with Department of Education criteria. Our HR department continues to prioritise candidates who hold a qualification in Early Childhood Care and Education and are recognised by the Teaching Council.

Supporting documentation submitted

Copies of references and Garda vetting have been reviewed.

Summary Comment

The corrective and preventive actions proposed by the registered provider are sufficient to address the non-compliance under Regulation 9 (2)(a)(b)(c) and (3). It is acknowledged that the service is engaged in correspondence with the Department of Children, Equality, Disability, Integration, and Youth regarding the qualification requirement for staff however compliance under Regulation 9 (4) remains outstanding as evidence has not been provided to show that the qualifications are accepted.

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 an adequate number of adults were working with the children in the service at all times throughout the day. Eight staff were working directly with 10 children on the morning of inspection.
- (2) The registered provider ensured that ratios were maintained at all times throughout the day for example;
- In classroom 5 three staff were caring for five children aged 4-5 years old.
 - In classroom 6 four staff were caring for five children aged 3-4 years old.

The person in charge was available to cover in rooms as needed and was observed to work directly with the children throughout the day.

Part V - Care of Child in Pre-school Service

Regulation 21 – Equipment and materials

A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.

Compliance Information

The registered provider ensured that an adequate supply of suitable materials and equipment were available to the children in the service. The following was observed;

- The furniture and equipment in the care rooms were observed to be well maintained, durable, easy to clean, and suitable for the age and stage of the children attending.
- A range of toys and equipment which supported a variety of play experiences were readily available on low level shelving accessible by the children.
- A range of sensory equipment for available to support the children to regulate as required and individual strategies were used to help the children self sooth.
- The outdoor area provided opportunities for gross motor play not suited to the indoor environment.

Part V - Care of Child in Pre-school Service

Regulation 22 – Food and drink

A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.

Compliance Information

- The service has a healthy eating policy.
- Drinks were available and accessible to the children during the day.
- Lunch is provided by the parents each day in line with the service policy.

Non-Compliance Information

1. Discussion with management showed that children attending the service on a part-time basis are provided with food at one set mealtime each day unless advised by the children's parents that they have not eaten well in the morning. Children's lunches were observed to be stored in the hallway of the service so not accessible to the children if they are hungry. Children attending a part-time service should be offered two meals and one snack each day.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. A notice has been issued; please see the attached document. We would also like to emphasise that pictures, symbols, and signs are used in the classroom to help children communicate when they are hungry. In some cases, concrete object references, such as lunch boxes, are also used, depending on the child's individual needs. Additionally, for many of the children in our service, food can be a sensitive subject. We often work closely with a child's disability services or in-house Behaviour Support team to address specific needs related to food, including aversions, sensitivities, swallowing issues, rigidity and restriction, and eating disorders such as AFRID (Avoidant/Restrictive Food Intake Disorder). Monitor and observe lunch and snack times, as well as the availability of food items within the preschool, and communicate any relevant information to the class teacher.

Supporting documentation submitted

A copy of the notice provided to staff and parents was reviewed.

Summary Comment

The corrective and preventative actions proposed by the registered provider are sufficient to address the non-compliance under Regulation 22.

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:

- The service entrance was secured throughout the day which prevented unknown persons entering the premises. A second internal coded door prevented children leaving the service unsupervised.
- Staff in classroom 5 were observed to accompany children to the toilet which was located in the hallway of the service.
- High shelves were adequately secured to prevent tipping.
- Hazardous items such as cleaning sprays and hand sanitiser were stored out of reach of the children.
- A radiator in classroom 6 was thermostatically controlled to prevent injury to the children.

Infection Control:

- Thermostatically controlled warm water, liquid hand soap were available in the sanitary facilities to support adequate hand hygiene.
- Handwashing was observed to be completed as needed throughout the day after toilet use and activities and before meals.
- Pedal operated bins were available for disposal of contaminated items.
- Windows were open to allow fresh air to circulate.

Fire Safety:

- Fire exits were unobstructed.
- Staff were knowledgeable of the procedure for evacuation in the event of a fire emergency.

Non-Compliance Information

General Safety:

1. A Garda vetting disclosure that was available for one staff member was not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.
2. A drain in the outdoor area was set below the flooring which posed a potential tripping hazard.

Infection Control:

3. Lunches which contained perishable items such as yoghurts were not refrigerated and were observed to be stored in the children's school bags in the hallway of the service on the morning of inspection.
4. Two large mats one in classroom 5 and one in classroom 6 were observed to be torn with the foam exposed. This posed an infection control risk as well as a potential choking hazard. It is acknowledged that these mats were removed from the rooms following the inspection.
5. Paper handtowels were not hygienically dispensed in one of the sanitary areas used by the children in Classroom 6. Handtowels were observed stacked on a shelf behind the toilet which posed an infection control risk.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. With direction from management, the staff member promptly contacted the Teaching Council regarding the process of her re-vetting. While management informs staff about the re-vetting process, we have enhanced our tracking system to prevent similar oversights in the future and to ensure regular correspondence and updates are maintained. Management will also advise staff to initiate this process much earlier, as lead times have significantly increased.
2. The trip hazard has been eliminated. Management/Person in charge (class teacher) to continue to perform regular reviews of the safety of the immediate environment.

Infection Control:

3. A conversation was had with the Person in charge (class teacher) to go over the importance of refrigerating perishable goods. A notice was issued to all Jonix preschools highlighting the importance of this area and emphasising it's the class teacher's responsibility to ensure its actioned.
4. The mats were removed from the classrooms following the inspection. The Person in charge (class teacher) was informed that it's imperative to perform regular checks to ensure classroom equipment is safe and doesn't pose a threat.
5. A new tissue dispenser has been installed. Management/Person in charge (class teacher) to perform regular checks of the premises and improve communication when a piece of equipment breaks and needs to be replaced.

Supporting documentation submitted

Evidence of the Garda vetting application, drain cover, and tissue dispenser were reviewed.

Summary Comment

The corrective and preventive actions proposed by the registered provider are sufficient to address the non-compliances identified under Regulation 23.

Part VI - Safety

Regulation 27 – Supervision

A registered provider shall ensure that pre-school children attending the service are supervised at all times.

Compliance Information

The registered provider ensured adequate supervision of the children in the service. A high ratio of adults to children was observed and staff were observed to engage in the children's activities. Children were observed to receive one to one support from staff as needed.