

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY135
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Name of Service:	Magic Days Creche & Montessori School
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Address of Service:	Dublin City University Campus, Glasnevin, Dublin 9, Co. Dublin
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Eircode:	D09 Y998
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Name of Registered Provider:	Ciara Fitzgerald
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	29/01/2024
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No of pre-school children:	AM	39	PM	36
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Address of the Early Years Inspectorate:	Early Years Inspectorate 2 nd Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15 D15 CF9K
Inspection undertaken by:	T. Nelson
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.

Description of service

Magic Days Creche and Montessori School is a full day care service located on Dublin City University Campus, in Dublin 9. The service participates in the Early Childhood Care and Education (ECCE) programme, which is delivered on a sessional basis from 9.30am to 12.30pm and also offers a part-time service.

This purpose-built premises is a single-story, detached building comprising of five care rooms, to include the Baby Room (0 – 14 months), Wobbler Room (1 to 2 years), Toddler room (18 months to 2 years and 6 months), Junior Montessori Room (2 years 6 months to 3 years 6 months) and the Senior Montessori Room (3 years to 5 years).

There are sanitary facilities and cot rooms located off the Baby, Wobbler and Toddler rooms, with further sanitary facilities in the corridor and in the Senior Montessori room. There is a kitchen, an office and staff sanitary accommodation available.

The Baby Room was not open on the morning of the inspection, and the child attending that room was present in the Wobbler room. In the afternoon, the children from both rooms were in the Baby Room.

The outdoor play area is situated to the rear of the premises.

Staffing

Magic Days Creche and Montessori School employs a total of 13 staff, including an administration staff member.

There were 12 adults present on the day of inspection including the administrative staff member, the deputy person in charge and two students. The registered provider works in the service in a supernumerary capacity managing the oversight of the service but was not present on the day of 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:

- Regulation 9(1),(2)(a)(b)(c)(d), (3)(4) Management and Recruitment
- Regulation 11(1),(2), Staffing Levels
- Regulation 21 Equipment and Materials
- Regulation 22 Food and Drink
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child
- Regulation 26 Fire Safety Measures

However, on inspection an additional non-compliance which posed a risk was identified under Regulation 27. These findings are outlined within the relevant regulation within this report.

A sampling process was used to assess compliance under Regulation 9 Management and Recruitment, Regulation 21 Equipment and Materials, Regulation 22 Food and Drink, and Regulation 23 Safeguarding the Health, Safety and Welfare of the Child. As a result, the scope of the inspection included the Baby/Wobbler rooms and the Toddler Room. Regulation 11 was inspected across all of the rooms.

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

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

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

Acknowledgments

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

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,*
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and*

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

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

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

Compliance Information

- (1)(a) The service had a designated person in charge and named person to deputise as required.
(b) The person in charge was present during the inspection.

The files of two new staff members recruited since the last inspection held on the 27 March 2023 and two students were reviewed and the Garda Vetting disclosures for the remaining 11 adults were reviewed.

The registered provider had completed the following checks:

- (2)
- (a) Two validated written references were available from recent past employers.
(b) Four validated written references were available from a source other than a past employer.
(c) Completed Garda vetting disclosures were available in respect of the 15 adults
- (4) The two staff 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.

Non-Compliance Information

- (2)(d) A review of documentary evidence showed that International Police vetting was not available for one staff member who had resided outside of the jurisdiction for more than six months as an adult.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

The service arranged for the adult to not have contact with children until the police check was available.

Preventive action

All adults working with the children that are on the premises will have police check before starting work/placement, this was applied with immediate effect.

Supporting documentation submitted

Evidence of relevant police vetting.

Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliance identified under Regulation 9(2)(d) has been adequately addressed.

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.

(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

(4) The adult to child ratios were correct when the inspector arrived unannounced to the service at 9.48am. Eight staff were allocated to work directly with the 39 children who were present on the day of the inspection with a breakdown as follows:

- Wobbler room (with Baby room children present) - 2 adults to 5 children aged between 1-2 years old.
- Toddler room - 2 adults to 7 children aged between 1-3 years old.
- Junior Montessori room - 2 adults to 10 children aged between 2 -3 years old.
- Senior Montessori room - 2 adults to 17 children aged between 3 -5 years old.

(8)(a) The review of the staff roster provided for a minimum of two adults to be on the premises during the service's operational hours.

Non-Compliance Information

The registered provider did not ensure the following:

(1) There was not an adequate number of adults working directly with the children all times. During the period when the staff were on their lunch break there was not enough adults to tend to the care needs of children. At 1.40pm there were only 5 adults available to the 36 children present. As a result, a child was left unsupervised in the Baby room. This is detailed under the non-compliance section of Regulation 27.

(4) The registered provider did not ensure that the minimum ratio of adults to children was maintained in the service. An insufficient number of adults were available to the children in the Senior Montessori room during the inspection. After the sessional service had finished at 12.30pm, when the inspector was in the room at 1.40pm there were 17 children with 2 adults. The ratio for this age group is 1 adult to 8 children. A minimum of 3 adults was required with the 17 children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1) **Corrective action:** The service roster was updated to provide cover for lunch hours, ratios were correct for the rest of the morning and afternoon.

Preventive action: the service commits to update the roster at the end of every week for the following week and all lunch hours will be covered.

(4) **Corrective action:** The Following day the roster was changed and the ratio was rectified working with the Junior Montessori room to fit in with Ratios.

Preventive action: The registered provider and supervisors ensures that this will not happen again. By ensuring roster is done in advance, in order to cover all breaks and situations in which a staff member may not be present. This will ensure correct ratios are always maintained.

Supporting documentation submitted

(1) Copy of updated roster

(4) Copy of updated roster including reminders of ratios.

Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliances identified under Regulation 11 have been addressed and will be reviewed on the next inspection.

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 following are examples of the adequate and suitable furniture and equipment that was available:

- There was an adequate supply and range of play materials and equipment available to the children according to their age and stage of development, to include: arts and crafts materials, home areas with associated props; range of jigsaws; range of construction toys; sorting and stacking toys; range of toys for transporting such as cars and trains with tracks, small world play toys such as animals and dinosaurs.
- Sand play, with a range of accessories to support the play experience was available in all of the care rooms.
- The Baby and Wobbler rooms had mirrors with pull up bars on the wall to facilitate young children in early movement skills.
- Cosy areas were available where children could take a break from activities and rest.
- The furniture and equipment was observed to be well maintained, durable and easy to clean.

Non-Compliance Information

The table in the Toddler room was not at a suitable height to meet the needs of the children in the room. The table was observed to be at chest height to the seven children seated at the table for dinner. Furniture provided must be appropriate for children to use to encourage them to participate comfortably in the mealtime experience and tabletop activities.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

The table was removed, and the legs made shorter.

Preventive action

The registered provider and staff will ensure that all tables are at the right level going forward

Supporting documentation submitted

Photographic evidence of table.

Summary Comment

The inspector has reviewed the action taken and evidence submitted. The non-compliance identified under Regulation 21 has been addressed.

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 registered provider ensured adequate and suitable, nutritious and varied food and drink was available. The following was observed:

- Parents provided all of the meals for the children which are stored in the service fridge. This was heated and served to the children, and the children had the use of appropriate cutlery and utensils according to their age and stage of development.
- The children were provided with a varied range of food at lunchtime to include beef stew, chicken with rice and vegetables and bean casserole.
- A review of records of the previous week showed details are maintained on the food the children eat on a daily basis in order to track and establish the child's diet over the course of a week. This is shared with parents.
- Staff reported that there is food available in the service should a parent not send in food for a child.
- Staff discussed how they shared the healthy food policy with parents and offered menu suggestions to support parents to provide a varied and nutritious diet for their children. There was a display of recipe suggestions and strategies for fussy eaters visible to the parents.
- Drinks were available to the children throughout the day, and mealtimes were observed to be relaxed sociable experiences for the children.

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 registered provider had the following measures in place to ensure the safety of children:

General Safety:

- The service had an intercom entry system which was managed by staff to restrict unauthorised persons from gaining access to the premise and to prevent children from exiting the service unsupervised.
- Cleaning products were stored up high out of reach of children.
- The kitchenette between the Baby and Wobbler room was inaccessible to the children.
- Windows were fitted with restrictors and all blinds cords were secured.

Infection Control:

- The premises were in a clean and hygienic condition and documented up to date cleaning records were available and displayed in the rooms.
- Thermostatically controlled warm water, liquid soap and dispensed paper towels were available at all wash hand basins used by the children and the staff members.
- Staff were observed to support children to hand wash before dinner, and there was daily handwash routine displayed in the Toddler room.
- Lows beds were stored appropriately covered in the hallway, and children's bed linen was stored separately.
- There was an adequate supply of gloves and aprons available in the sanitary accommodation and nappy changing areas, and the nappy changing mats were observed to be in good condition.

Administration of Medication:

- Appropriate care plans were available for those children who required specific medication, and these were displayed in a prominent position in the care rooms. Staff were aware of the procedures for the administration of the medication.
- Medication was stored out of reach of children and was clearly labelled with the child's name and details of the date of the medication.

Safe Sleep:

- A log was maintained where the temperature of the room and the colour, breathing and position of sleeping children was checked every 10 minutes.
- Children were observed to use appropriate sleep equipment according to their age, in line with guidance on safe sleep.

Fire Safety:

- Emergency exits throughout the premises were unobstructed.
- Recent fire drills records detailed a plan for the next fire drill to incorporate a scenario where staff members are in different rooms, showing consideration for a range of possibilities that may arise..

Non-Compliance Information

General Safety:

1. The finger protector behind the door to the Wobbler room was cracked and loose, which posed a finger pinch risk to the children.

Infection Control:

The following increased the potential risk of infection:

2. A staff member was observed to use the same gloves to apply cream which had been used to remove the nappy and clean the child with, increasing the risk of cross contamination.
3. The waste disposal unit in the nappy changing area used by the Baby and Wobbler room required repeated hand contact with the disposal unit. This does not support effective infection control.
4. The flooring in the hall by the door of the Senior Montessori room was damaged, leaving a surface that did not allow for effective cleaning.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Corrective action: Finger protectors were ordered that evening and replaced once received.
Preventive action: Registered provider and supervisor will check these weekly and this has been added to the daily risk assessment check list.

Infection Control:

2. Corrective action: The service spoke with all staff individually and went through nappy changing routine step by step.
Preventive action: Registered provider /supervisor will check nappy changing routines weekly. Discuss at staff meetings and communicate to staff to always refer to guidelines on the wall.

3. Corrective action: The waste disposal unit in Wobbler Nappy Room was removed Immediately and new peddle bin provided.
Preventive action: All waste disposal bins will be kept as foot peddle bins going forward.
4. Corrective action: The flooring in hallway outside Senior Montessori has been replaced to a smooth finish.
Preventive action: Registered provider will check flooring on a daily basis.

Supporting documentation submitted

General Safety:

1. Photographic evidence of replaced finger protector. Updated daily risk assessment.

Infection Control:

2. Photographic evidence nappy changing routine.
3. Photographic evidence of new peddle bin, receipt of new bin.
4. Photographic evidence of repaired flooring.

Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliances identified under Regulation 23 have been addressed.

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

The registered provider ensured the following:

- (1)
 - (a) A record of fire drills was available on the premises with the last drill dated as having been carried out on the 2 January 2024.

(b) An up-to-date maintenance record was available for the Fire extinguishers and smoke alarms in the premises. The fire extinguishers were serviced in June 2023 and the smoke alarms were maintained on the 27 November 2023.

(4) A procedure to be followed in the event of a fire was on display in each of the care rooms

Part VI - Safety

Regulation 27 – Supervision

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

Non-Compliance Information

The registered provider did not ensure the children were supervised at all times. The following was observed:

- At 1.35pm when the inspector entered the Baby room, a child was in the room with no staff member present. The staff member had left to go to the cot room which was not directly adjacent to the Baby room but was situated off the Wobbler room. It is acknowledged the child was seated in an activity centre.
- At 1.40pm the inspector was left in the room briefly with 3 children, while a staff member went to get another child from the cot room which was situated off the Wobbler room. These children were not under the supervision of staff member.

Children must be under the direct supervision of a qualified staff member at all times in order to ensure their safety.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

The service will now use the Wobbler Care room while children are sleeping going forward, which is adjacent to the cot room. A review of the staff roster had provided for cover during the lunch breaks.

Preventive Action

Using the wobbler room for children who have woken, which is adjacent to the cot room will rectify this issue. Roster will be reviewed daily to ensure adequate supervision of children. The service ensures if there are staff shortages following a review of the roster, they will close rooms before lunch breaks.

Supporting documentation submitted

Copy of updated service roster.

Early Years Inspectorate Regulatory Report Pre School

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 27 has been addressed and will be reviewed on the next inspection.