

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY140
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<b>Name of Service:</b>	Mellow Spring Childcare Development Centre
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<b>Address of Service:</b>	Mellowes Road, Finglas, Dublin 11, Co. Dublin
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<b>Eircode:</b>	D11 K250
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<b>Name of Registered Provider:</b>	Rachel Duff
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	25/04/2023
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<b>No of pre-school children:</b>	AM	79	PM	45
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, 2 <sup>nd</sup> Floor, Brunel Building, Heuston South Quarter, Kilmainham, Dublin 8
<b>Inspection undertaken by:</b>	E. Finnegan Hayes & A. Bradshaw
<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).

<b>Conditions if applicable</b>	Not applicable.
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### Description of service

Mellow Spring Childcare Development Centre is community run service offering full time, part-time and sessional care and education to children from 0 to 6 years of age. A registered school age service also operates in the afternoon. The service opens 8am-6pm Monday to Friday from a purpose-built single storey building. The service has a large reception area, 7 care rooms, two cot rooms, a kitchen and office space. The service participates in the Early Childhood Care and Education (ECCE) scheme. A large outdoor area is located to the rear of the service

### Staffing

The registered provider employs 30 staff and also works in the service in a supernumerary position. Twenty-six staff work directly with the children in the service. The service also employs an administrator, housekeeper, kitchen staff, cleaner and a caretaker. One staff member is employed through the community employment scheme.

### 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

The inspection focused on an examination of compliance under regulations 9 (1)(2)(a)(b)(c)(d)(4), 11(1)(2), 16(1)(a-k), 23, 24(1)(3)(a)(b)(4). Regulation 19(1)(a) was added on inspection in relation to a previous non-compliance.

A sampling process was used to assess compliance under the following:

- Regulation 16– Record in relation to Preschool children
- Regulation 23 – Safeguarding Health, Safety and Welfare of Child
- Regulation 24- Checking in and out and record of attendance.

As a result, the scope of the inspection included the Baby room, Waddler room, Toddler room and Preschool 4. Regulation 9 Management and Recruitment was assessed in relation to all staff and a student currently working in the service and Regulation 11 Staffing Levels was assessed 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 inspectors wish to acknowledge the cooperation of the 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.

(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) There was a designated person in charge and a named person to deputise when required.
  - (b) The deputy person in charge was present when the inspectors arrived in the service and remained in the service for the duration of the inspection.
  - (c) There was a clear management structure in the service which staff were familiar with.
- (2) A review of the roster and discussion with management and staff established that there were 31 staff currently employed in the service. A student was also present on the day of inspection. The files of all staff and the student were reviewed.

- (a) Thirty-one written and verified references were available from a past employer in relation to 25 adults.
  - (b) Thirty-one written and verified references were available from a source other than a past employer in relation to 25 adults.
  - (c) Garda vetting disclosures were available in relation to 32 adults.
  - (d) Police vetting was available for 2 adults who had lived outside of Ireland for a period of more than 6 months.
- (4) Evidence was available to show that 27 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)
- (b) There was no evidence to show that two written references from a source other than a past employer which were available in relation to 1 adult had been verified.
- (d)
  1. Police vetting was not available for one adult who had lived outside of Ireland for a period of more than 6 months as an adult.
  2. Evidence was not available to show that four staff do not require police vetting.

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

#### **Corrective and Preventive Action**

(2)(b) Both references have been verified.

- (d)
  1. The police vetting was present in a file but in an envelope. It is now available to read.
  2. Cv's have been added to the file of the four staff members. Police vetting is not required.

#### **Supporting documentation submitted**

Documentation in relation to above has been reviewed by the Inspectorate.

### Summary Comment

The registered provider has addressed the non-compliance under Regulation 9.

## 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) There were 79 preschool children being cared for by 23 adults on the morning of inspection.

(2) Ratios were maintained during the inspection. The following was observed:

Room	Age range	No. of children	No. of Adults present	Adults required
Baby room	10months-2years	6	3	2
Waddler room	1-2 years	8	2	2
Toddler room	2-3 years	9	2	2
Preschool 1	3-4 years	12	3	2
Preschool 2	3- 5 years	16	2	2
Preschool 3	3- 5 years	15	3	2
Preschool 4	4-5 years	13	3	2

### 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:*

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult: child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (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

(1) The registered provider ensured that records in relation to the following were maintained as required.

- (a) The name, position, qualifications and experience of the person in charge and of every other employee was maintained in the staff files of the service.
- (b)(c)(d)(e) The statement of purpose and function detailed information which included the class of service, the age profile of children for which the service is registered to provide services, details of the adult: child ratios in the service, the type of care or programme provided in the service and the facilities available.
- (f) The service fee policy which was present in the policy folder and also displayed in the reception area detailed the opening hours and fees charged by the service.

(g) The service maintained the policies, procedures and statements required in accordance with Regulation 10.

(h) Attendance records were maintained in each care room of the service. These records were observed to be updated promptly as required throughout the day.

(i) A staff roster which is updated daily to reflect changes was available in the service.

(j) A sample of 21 medication records were reviewed. These were observed to have all the necessary information completed with signed parental consent.

### Non-Compliance Information

(1) (k) A sample of 21 accident/incident records were reviewed. Some records were observed to be incomplete the following information had not been recorded on all forms;

- A parent signature confirming they had been informed of the accident was not recorded on 1 record.
- A manager signature confirming they had been informed of the accident was not recorded on 6 records.

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

#### **Corrective and Preventive Action**

(1)(k) staff have been reminded of the importance of notifying parents of accidents and ensuring both parents and the manager sign the report form.

#### **Supporting documentation submitted**

Documentation in relation to above has been reviewed by the Inspectorate.

### Summary Comment

The registered provider has addressed the non-compliance under Regulation 16.

### 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

#### Non-Compliance Information

(1)(a) A table and chairs were not available in the Baby room for a child who was 18months old; a highchair was observed to be used for mealtimes. Staff advised that a table was available and would be brought in for mealtimes however this practice was not observed. The child was developmentally ready to sit independently for meals and tabletop activities. This was noted as a non-compliance on the last inspection.

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

##### Corrective and Preventive Action

Provide a table for use in the baby room and ensure it is used as needed.

##### Supporting documentation submitted

Documentation in relation to above has been reviewed by the Inspectorate.

#### Summary Comment

The registered provider has addressed the non-compliance under Regulation 19.

### 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:

- A manned reception area and coded door prevented unauthorised persons entering the building while high handles and safety gates where required prevented children from leaving care rooms unsupervised.
- The gate used by parents to drop and collect the children was securely locked during the inspection with staff having to physically attend the gate to allow access.
- Toys and equipment available in the care rooms were maintained in good working order and free from hazards.
- Finger pinch protectors were fitted on doors where required to prevent injury to the children.

- The nappy changing units used in the service appeared sturdy and safe for changing children.
- Low level cupboards were fitted with bolt locks where required to prevent access to unsafe items by children.
- Cleaning equipment and sprays were stored appropriately out of reach of the children.
- Blind cords were out of reach of children or appropriately secured to prevent injury to the children.
- Flexes were appropriately secured in the care rooms.

### Infection Control:

- Childrens hands were observed to be washed frequently throughout the day for example after activities and before mealtimes.
- Tables were observed to be cleaned regularly throughout the day for example after activities and before mealtimes.

### Administration of Medication:

- Health care plans which clearly detailed the steps to be taken in the event of a child needing emergency medication were available to staff.

### Safe Sleep:

- Staff were knowledgeable of safe sleep procedures for the children in the baby room.
- Staff maintained physical checks of sleeping children every 10minutes and recorded details of these checks.

### Fire Safety:

- Emergency exits were clearly marked.
- Emergency evacuation plans were visible throughout the service and staff were knowledgeable of the procedure for evacuation in the event of a fire emergency.
- Emergency exits were unobstructed on the day of inspection.

## Non-Compliance Information

### General Safety:

1. A gap was observed between the mattress and the cot bars in one cot in the cot room used by the babies. Mattresses should fit snugly without gaps to avoid injury to the children.
2. Handwashing during nappy changing was inconsistent and not completed in line with the service nappy changing policy.

### Infection Control:

3. A mattress in one cot in the cot room used by the babies did not have a wipeable or removeable protective cover, this posed an infection control risk as the cots were shared between the children.
4. Toilet roll was not hygienically dispensed in the sanitary area in the Toddler room. This posed a cross contamination risk due to excessive touching of the toilet roll.
5. The door to the sanitary area in the toddler room was propped open throughout the day. This posed a cross contamination risk.

### Safe Sleep:

6. An ambient temperature was not maintained in the Toddler room while children were sleeping. The temperature recorded was 21°C. Staff immediately took measures to cool the room such as opening the door and turning on a fan.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

1. New mattresses have been purchased and are being used in the cots.
2. Staff have been reminded to follow the nappy changing procedure.

#### Infection Control:

3. Four new wipeable mattresses have been ordered and are in place in the cots.
4. A new toilet roll holder has been fitted.
5. The doorstop has been removed to prevent the door being left open.

#### Safe Sleep:

6. A new air conditioning unit has been fitted.

#### Supporting documentation submitted

Documentation in relation to above has been reviewed by the Inspectorate.

### Summary Comment

The registered provider has addressed the non-compliances under Regulation 23.

### Part VI - Safety

#### Regulation 24 - Checking in and out and record of attendance

*(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.*

*(3) A registered provider shall ensure that-*

*(a) no person other than-*

*(i) pre-school child attending the service,*

*(ii) a person dropping or collecting such a child,*

*(iii) an employee, or*

*(iv) an unpaid worker, can enter the premises without his or her entry being approved by an employee, and*

*(b) a daily record in writing is kept of the entry on the premises of any such person.*

*(4) A registered provider shall ensure that a record in writing referred to in paragraph (3)(b) is retained for a period of one year from the date to which it relates.*

#### Compliance Information

(1) The registered provider ensured that the children were checked into and out of the service on a daily basis by staff. Observation and conversation with staff showed that staff greet the children at a designated entry on arrival and bring the child to their classroom. When a parent arrives to collect time the child, staff bring the child to the designated exit to meet their parent. Attendance records are maintained in each care room and were observed to be completed promptly on the day of inspection.

(3)(a) Visitors to the service enter through the reception area which is secured and manned by staff to prevent unauthorised persons entering the service.

(4) Records of visitors dating back more than 1 year were maintained by the service and available for review on the day of inspection.

#### Non-Compliance Information

(3)(b) The visitor record did not include all the required information such as contact number, reason for entry and the name of the person who approved access.

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

## **Corrective and Preventive Action**

(3)(b) A new visitor record book has been purchased for use.

## **Supporting documentation submitted**

Documentation in relation to above has been reviewed by the Inspectorate.

## **Summary Comment**

The registered provider has addressed the non-compliance under Regulation 24.