

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY159
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Name of Service:	Our Ladys Nursery Ballymun Ltd
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Address of Service:	121 Sillogue Gardens, Ballymun, Dublin 11, Co. Dublin
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Name of Registered Provider:	Bernie Kelly
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Service type:	Full Day
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Date of Inspection: Day 1	02/10/2024
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Day 2:	07/10/2024
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No of pre-school children Day 1:	AM	66	PM	Not counted
No of pre-school children Day 2	AM	66	PM	57

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:	Day 1: T. Nelson and Y. Kelly Day 2: T. Nelson
Title:	Early Years Inspectors

Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

Conditions if applicable

Not applicable.

Description of service

Our Lady's Nursery Ballymun Ltd is a fulltime day care service located in a residential area of Dublin 11 and is registered to provide early childhood care and education to a maximum of 88 children aged 0 to 6 years old, Monday to Friday from 9.00am to 4.00pm. The service operates an Early Childhood Care and Education (ECCE) programme, sessional service from 9.00am to 12.00pm.

Our Lady's Nursery Ballymun operates from a two-story purpose-built premises and has seven care rooms. On the ground floor is the Beginners Room (8 to 15 months old), Adventurers Room (14 to 21 months old), Investigators room (2 to 2.5 years old) and Voyagers room (2 years 8 months to 4 years old). Also on this floor is a cot room off the Beginners Room, an office and reception area, the staff canteen and the kitchen. On the first floor is the Innovators room (2 years 8 months to 5 years old), Explorers room (2 years 8 months to 5 years old) and Discoveries room (2 years 8 months to 5 years old). The Innovators room provides sessional care only so operates between 9.00am and 12.00pm. There are meeting rooms and 2 sensory rooms located on this floor. Sanitary facilities are located off each of the care rooms, and further sanitary facilities are available for staff.

There are three fully enclosed outdoor areas, one located off the Beginners and Adventurers rooms, another off the Investigators and Voyagers Room, and a roof-top outdoor play area available for the first-floor care rooms.

Staffing

There are currently 37 staff employed by the service including the registered provider, two members of the management team, an administrative worker, a caretaker, reception staff member, four kitchen staff, a CE staff member and 26 childcare staff who work directly with the children.

Present on day one of the inspection was the registered provider, the deputy person in charge, the caretaker, a reception staff member, two kitchen staff, 20 childcare staff, a student and a visiting support worker from an external support agency. Present on day two was the registered provider, two deputy persons in charge, the caretaker, a reception staff member, two kitchen staff, 19 childcare staff, a student and a visiting support worker from an external support agency

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.

On day one, the inspection focused on an examination of compliance under:

- Regulation 9(1),(2)(a)(b)(c)(d), (4) Management and Recruitment
- Regulation 11(1),(2),(9) Staffing Levels
- Regulation 20(1)(a)(b) Facilities for Rest and Play
- Regulation 22 Food and Drink
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child
- Regulation 25 First Aid

On day two the inspection focused on an examination of compliance under:

- Regulation 9(1),(2)(a)(b)(c)(d), (4) Management and Recruitment
- Regulation 11(1),(2),(9) Staffing Levels

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

- Regulation 20(1)(a)(b) Facilities for Rest and Play
- Regulation 22 Food and Drink

- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child

As a result, the scope of the inspection included the Beginners and Investigators rooms and did not include the Adventurers, Voyagers, Innovators, Explorers and Discoverers 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.

Additional Information

An Immediate Action Notice was issued to the registered provider on day one of the inspection under Regulation 23, in relation to a non-compliance identified under Regulation 23. A response was received from the registered provider on the 3 October 2024 which mitigated the risk identified. See body of report for details.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, deputy persons in charge, staff and children who were present on the two days 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 two named persons to deputise as required.

(b) The person in charge was present during the inspection.

(2) Thirty-nine files were reviewed, including the file of a student and an external support worker. The registered provider had made the following checks:

- (a)(b) Seventy-seven validated written references were available from recent past employers or a source other than a past employer for the 39 full files reviewed.
- (c) Garda vetting disclosures had been obtained for all 39 adults in the service. 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 for one staff member. Please refer to the information outlined under Regulation 23 of this report.

(d) Documentary evidence showed that three adults had lived outside of the state for six months or more as adults and international police vetting from that state was available for inspection.

(4) Twenty-eight staff who worked directly with children attending the service held either a minimum of 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

The registered provider had not ensured the following:

(2)(a)(b) Documentation was not available for the following:

- o One adult had only one written validated reference available.

(2) (d) 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.

(4) The registered provider did not ensure that one employee who was working directly with children attending the service held at least a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

(2)(a)(b) Written reference was obtained on 8th October, validated and is now on file for this staff member.

(d) Relevant police vetting was applied for, which is currently in progress and should be received in due course.

(4) The staff member has applied to DCEDIY for a letter to eligibility to practice which was received on 6 November 2024. Until this was available the service did not count this staff member in Adult/Child ratios.

Preventive Action

(2)(a)(b)(d) (4) A checklist was developed for staff files. The checklist has been placed on everyone's file showing all essential documents required. The service ensures regular quarterly monitoring of all staff files, with an alert system in place when documents need reviewing and updating.

Supporting documentation submitted

(2)(a)(b). Evidence of validated written reference. Evidence of file checklist. Evidence of alert system.

(d) Evidence of application for police vetting.

(4) Evidence of application to DECDIY. Evidence of letter of qualification recognition from DECDIY.

Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliances identified under Regulation 9(2)(a)(b)(d) and (4) have been addressed. Regulation 9(2)(d) remains outstanding and will be reviewed on the next inspection.

Part III – Management and Staff

Regulation 11 - Staffing levels

(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.

(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).

(9) In assessing compliance with the adult: child ratios specified in Schedule 6, unpaid workers and, where applicable, the person referred to in Regulation 24(2), shall not be taken into account.

Compliance Information

The registered provider ensured the following:

(1) On the two days of inspection there were an adequate number of adults working directly with the children attending the service to meet their basic care needs. On day one there were 21 staff available to the 66 children and on day two there were 22 staff available to the 66 children.

(4) The adult to child ratios were correct when the inspectors arrived unannounced to the service and throughout the inspection with a breakdown of adults providing direct care to the children as follows:

Day one:

- Beginners room - 2 adults to 5 children aged between 11 to 15 months old.
- Adventurers room - 2 adults to 3 children aged between 18 to 24 months old.
- Investigators room - 3 adults to 12 children aged between 2 to 2 years 6 months old.

- Voyagers room – 4 adults to 14 children aged between 2 years 8 months to 4 years old.
- Innovators room – 2 adults to 6 children aged between 2 years 8 months to 5 years old.
- Explorers room – 3 adults to 12 children aged between 2 years 8 months to 5 years old.
- Discoverers room – 3 adults to 14 children aged between 2 years 8 months to 5 years old.

Day two:

- Beginners room - 2 adults to 5 children aged between 6 to 15 months old.
- Adventurers room - 2 adults to 4 children aged between 18 to 24 months old.
- Investigators room - 3 adults to 13 children aged between 2 to 2 years 6 months old.
- Voyagers room – 3 adults to 12 children aged between 2 years 8 months to 4 years old.
- Innovators room – 2 adults to 7 children aged between 2 years 8 months to 5 years old.
- Explorers room – 3 adults to 11 children aged between 2 years 8 months to 5 years old.
- Discoverers room – 4 adults to 14 children aged between 2 years 8 months to 5 years old.

(9) A student who was present in the Investigators room was not included in the adult child ratios in the rooms.

Part V - Care of Child in Pre-school Service

Regulation 20 – Facilities for rest and play

(1) Subject to this regulation, a registered provider shall ensure that-

(a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoors and, where required by these Regulations, outdoors, during the day, and

(b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

Compliance Information

(1) The registered provider ensured the following was available in rooms reviewed:

- (a) There were adequate and suitable facilities for the children to play indoors and outdoors. The following was observed:
- There was defined areas of interest in the rooms.
 - There was an adequate supply of toys and resources available to support a range of play experiences in the rooms.
 - Furniture in the rooms was suitable for the age range and stage of development of the children attending.

- Toys and equipment were stored on low-level shelving, visible and accessible to the children, and labelled with text and imagery.
- The three outdoor play areas were equipped with adequate and suitable materials for the age range and stage of development of children using them.
- A range of play experiences was available in the outdoor play areas.
- Appropriate clothing was provided to allow for comfortable outdoor play experiences for the children.

(b) There were adequate and suitable facilities for the children to rest during the day. The following was observed:

- There were cosy areas available in the care rooms where children could take a break from activities and rest.
- There was cot room located on the ground floor off the Beginners room where there was access to four standard cots. The cots mattresses were wipeable, clean, firm and the correct size for the cots and appropriate bed linen was in use.
- There was access to low beds for those children who required sleep in the Investigators room.

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 ensured there was adequate and suitable food and drinks available. For example:

- The service followed a four-week menu plan, and the documentary evidence available showed there was a varied selection of food available, with alternative options for children with additional or alternative diets.
- Food offered throughout the day included breakfast at 9.00am which included cereal and fruit, a hot meal at 12.00pm followed by fruit and a snack at 2.00pm. Staff reported fruit and breadsticks were available in the care rooms throughout the day. On day one of the inspection the children were offered a selection of cereals with fruit for breakfast and mashed potatoes with beans and chicken goujons for lunch. Additional portions were available if requested.

- Staff in the kitchen reported children with food intolerance were catered for, following information shared with them from staff in the care rooms. This is updated on a regular basis. There was a clear system in place for the management of meals for children with alternative diets.
- Drinking water was freely available in the care rooms throughout the day, and milk was offered at mealtimes
- The mealtime experience was observed to be a positive, leisurely sociable experience. Appropriate equipment for the age range and stage of development of the children was used. Staff were observed to sit with the children and offer support where required, and children were encouraged to serve themselves from platters and to empty their plates when finished. This encouraged independent decision making and mastery of social skills.
- The practices observed were in line with the service policy on Healthy Eating.

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 following measures were in place to safeguard children:

General Safety:

- Entry to the service was secured by an electronic door release system which was managed by staff. This restricted unauthorised persons from gaining access and prevented children from exiting the service unsupervised. A monitored reception area managed a record of visitors to the service.
- Internal door handles were up high out of reach of children, and internal doors to the corridors were accessed by key fobs. This restricted the unsupervised movement of children within the building.
- The stairways were fitted with suitable flooring, and there were low handrails in place for children.
- Blind cords and cables were observed to be secured throughout the premises.
- Outdoors play areas were fully enclosed and storage sheds were securely locked.

Infection Control:

- Children's formula bottles were refrigerated, and staff were aware of appropriate heating procedures.
- Children's soothers were stored in individually labelled lidded containers.

- Children were observed to handwash after outdoor play and before meals; liquid soap and dispensed paper towels were in use at all sinks used by staff and children.
- A box was available for the effective cleaning of mouthed toys.
- Covers were observed in use for outdoor sand pits.
- Sanitary areas and care rooms were observed to be adequately ventilated though the use of openable windows or operational mechanical ventilation systems.

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.
- Appropriate bed linen was observed to be in use in the cot room.

Fire Safety:

- Emergency evacuation plans were displayed throughout the premises.
- Emergency exits were observed to be clear.
- Accurate attendance records of the children in the care rooms were maintained.

Non-Compliance Information

General Safety:

1. The water temperature in the wash hand basin accessible to the children in the Investigators room exceeded the recommended temperature of 43°C. A temperature of 56.3°C was recorded by the inspector at 11.58am. This posed a significant scald risk to the children. An immediate action notice was issued to the registered provider on the day of the inspection in relation to this risk. A response which addressed this risk was received to the inspectorate on the 3 October 2024.
2. Garda vetting was available for a staff member. However, this vetting disclosure 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'.
3. A bottle of spray cleaning agent was observed to be accessible to the children in the Investigators room. This posed a risk of eye or skin irritation to the children.

Infection Control:

The following increased the potential risk of infection:

4. The nappy changing mat in the sanitary accommodation between the Investigators and Voyagers rooms was observed to be soiled, and there was a build-up of debris under the mat.

- The bin in the sanitary accommodation between the Investigators and Voyagers rooms was not pedal operated.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

- Corrective action:** The service booked an engineer to come to the nursery immediately after receiving the immediate action notice, this person attended the service the next morning where the hot water valve leading to this sink was shut off.

Preventive action: A temperature gauge for the water pipe has been ordered. This was observed to be in place on day 2 of the inspection.

- Corrective action:** Garda Vetting for the staff member was received on 14/10/2024.

Preventive action: A checklist was developed for staff files. The checklist has been placed on everyone's file showing all essential documents required. The service ensures regular quarterly monitoring of all staff files, with an alert system in place when documents need reviewing and updating.

- Corrective action:** A bottle of spray agent was removed from room immediately and placed on shelf out of reach of children.

Preventive action: the service held a meeting on 8/10/2024 giving feedback from the Tusla Inspection.

This included the storage of all cleaning agents and risks to children. Lead Educators were asked to meet with staff in their rooms to give feedback to all staff on same. Posters were placed in all childcare rooms, changing rooms and children's toilets reminding staff store cleaning agents out of reach of children.

Infection Control:

Corrective actions:

- The nappy changing mat and changing table were cleaned immediately.
- The bin was removed and replaced with a foot-peddle operated bin.

Preventive actions:

- The service manager held a meeting with Lead Educators and changing policy was discussed with all staff. Poster reminding staff to wipe down and clean the tables after every use were placed in all changing areas in the nursery. Staff were reminded to sign off when cleaning the changing mat and tables. Regular checks are scheduled to check changing rooms for cleanliness.

- The service manager held meeting with Lead Educators and gave feedback on Tusla Inspection. All staff are aware there must be a pedal bin in sanitary areas and the bin must not be removed or changed for any reason.

Supporting documentation submitted

General Safety:

- Evidence of attendance of plumber.
- Evidence of validated garda vetting disclosure. Evidence of file checklist. Evidence of alert system.
- Minutes of staff meeting. Evidence of posters.

Infection Control:

- Photographic evidence. Minutes of staff meeting. Evidence of posters. Evidence of cleaning checklist.
- Photographic evidence of bin. Minutes of staff meeting.

Summary Comment

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

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

(1) The service provided evidence that a person trained in First Aid Responder training was available at all times to the children attending the pre-school.

(2)(a) and (b) Suitably equipped first aid boxes were available and were safely stored in an easily accessible and conspicuous position on the premises.