

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY186
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<b>Name of Service:</b>	Smart Kids Creche/Montessori
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<b>Address of Service:</b>	25 Malahide Road, Marino, Dublin 3, Co. Dublin
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<b>Eircode:</b>	D03 NW02
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<b>Name of Registered Provider:</b>	Margaret Garland
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<b>Service type:</b>	Full Day
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<b>Date(s) of Inspection:</b>	07/11/2024
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<b>No of pre-school children:</b>	AM	37	PM	35
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Child and Family Agency, Unit 4&5 Nexus Building Block 6A, Blanchardstown Corporate Park, Dublin 15
<b>Inspection undertaken by:</b>	Á.Dunne and E.Saini
<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

Smart Kids Creche and Montessori, is a private childcare service, located in a residential area of Dublin 3. The service provides full-day care to children aged from 0 to 6 years of age. It operates from 8.15am to 5.30pm Monday to Friday. The premises is located in a converted two storey semi-detached house. There are six care rooms, a large cot room, sanitary facility, a kitchen and an office. Wobbler room 2 and Playgroup room 1 and 2 are situated on the ground floor in the main house. The Baby room, the Wobbler 1 room and Art room are situated upstairs in the main house, the Baby room and the Art room were not in use on day of inspection. The ECCE 1 and ECCE 2 room are located in two separate Lodge buildings to the rear of the property. There is one outdoor play area for use by the Baby room, Wobbler 1 and Wobbler 2 rooms and one outdoor area for use by the Playgroup 1 and Playgroup 2 rooms and ECCE 1 and 2 rooms.

### Staffing

Thirteen staff are employed in the service, all staff were present on the day of inspection which included a chef, two cleaners, nine staff working directly with the preschool children and the registered provider present in a supportive role.

### 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/ premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under the regulations.

Regulation 9 Management and recruitment (1) (a)(b)(c),(2)(a)(b)(c)(d), (4),

Regulation 11 Staffing Levels (1)(2),

Regulation 19 Health, Welfare and Development of child (1) (a)

Regulation 23 Safeguarding, Health, Safety and Welfare of child,

Regulation 29 Premises,

Regulation 30 Minimum Space Requirements

These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under Regulation 19 Health, Welfare and Development of child (1) (a) and Regulation 23 Safeguarding, Health, Safety and Welfare of child.

The scope of the inspection included all the rooms - the Baby room, the Wobbler 1, Wobbler 2 , Playgroup 1 , Playgroup 2 , ECCE 1 and ECCE 2 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 registered provider, 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) The registered provider ensured there was a designated person in charge and a named person to deputise as required.
  - (b) The registered provider and the designated person in charge was on the premises when the inspector's arrived unannounced to the service and remained in the service for the duration of the inspection.
  - (c) There was a clear management structure in the service that identified the lines of authority and accountability in the service and the specific roles and responsibilities of each employee.

- (2)(a) Fifteen written and validated references were available from a past employer.
- (b) Eleven written and validated references were available from a source other than a past employer.
- (c) Garda vetting disclosures had been obtained for all 13 adults. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
- (d) Police vetting was available for 8 adults who had lived outside of the jurisdiction for a period of six months or more as an adult.
- (4) Documentary evidence was available to show that 9 adults who worked directly with the children held 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)(d) An international child protection certificate (ICPC) was not available in relation to one staff member who previously lived outside the State for a period of more than 6 months as an adult. It is acknowledged however that standard police check record was held on file.
- (4) Documentation was not available to demonstrate that one adult who provided cover and 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 and Youth Affairs

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

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

- (2)(d) The registered provider applied for the international child protection certificate (ICPC) for the staff member and it is now on file. The service is now aware that any member of staff who has lived outside the state for a period of six months will need to have this form. The registered provider will ensure this form is completed in future.
- (4) Any staff member that does not hold a minimum qualification of level 5 in childcare will not be counted in the adult to child ratio. The service will adhere to their policy which states that any staff in ratio with the children will hold a minimum of a level 5 qualification.

#### **Supporting documentation submitted**

- (2)(d) Copy of the ICPC certificate for the staff member.
- (4) Copy of Staff Qualification Policy

### Summary Comment

Under Regulation 9, the non-compliances outlined above have been 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.*

*(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.*

*(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

(1) The registered provider ensured that there were an adequate number of adults working directly with the children attending the service. In the morning of the inspection, there were 9 adults working directly with 37 children aged between 0 year to 6 years and in the afternoon, there were 9 adults working directly with 35 children aged between 0 year to 6 years.

(2) The minimum ratio of adults to children was maintained during the inspection as the table below demonstrates. On the day of inspection, the Baby room was not in use and 4 children aged from 1 year to 1 year and 6 months were in the Wobbler room 1 with 2 staff.

Room Name	Age profile	Morning	Afternoon
Wobbler room 1	1 year -1 year 6 months	2 adults with 4 children	2 adults with 4 children
Wobbler room 2	1 year 6 months – 2 years	1 adult with 4 children	1 adult with 4 children
Playgroup room 1	2 years to 2 years 6 months	1 adult with 4 children	1 adult with 4 children
Playgroup room 2	2 years to 2 years 6 months	1 adult with 6 children	1 adult with 6 children
ECCE Room 1	3 years to 4 years	2 adults with 7 children	2 adults with 6 children
ECCE Room 2	3 years to 5 years	2 adults with 13 children	2 adults with 12 children
Total	(1-5 years)	9 adults with 37 children	9 adults with 35 children

The registered provider was available in a supportive capacity providing assistance to the care rooms.

(8)(a) On review of the service roster it was observed that two adults were on the premises during the operation of the service.

### 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.*

#### Compliance Information

(1) (a)

##### Basic Needs:

- Children accessed the outdoor area during the inspection. Staff advised that children have daily access to the garden, providing activities to develop gross motor skills.
- Children engaged in singing and read stories which supports language development.
- Nappy changing was done on a set schedule and as required to ensure the children's comfort.

##### Supporting Relationships around Children:

- The staff interacted with the children in a respectful, warm and sensitive manner. The atmosphere within the service remained calm and pleasant throughout the inspection. This was evidenced by the staff sitting at the children's level on the floor playing and chatting to them.
- Staff engaged in conversation with children and were responsive to the children's questions and needs. For example, when a child requested a story the staff member immediately joined them selecting a book and invited their peers to join in as they gathered around and sat in a circle.
- Staff sat at the table with the children and were observed to talk about their meals and children were provided with opportunities to self-feed and explore their food with their hands without restriction. This provided a valuable learning and sensory experience for the children.
- Staff supported and encouraged the children to complete tasks independently and acknowledged their achievements once the task was completed for example children in the ECCE room 2 were encouraged to put their plate away and wash their hands and face when they finished dinner.

### Physical and Material environment:

- Low level shelving and child sized furniture supported children's independence.
- The Materials, equipment play experiences and activities provided to the children in the rooms were suitable to the age and stage of development of the children present. Children had the freedom to choose their own materials and equipment for activities, and planned activities facilitated both individuals and groups of children.
- The outdoor area had toys and equipment that were developmentally appropriate and encouraged a variety of play experiences for example, sandpits and tuff trays to provide sensory play, a handmade wooden doll house, car garages and a mud kitchen, with the associated props were made available to support imaginative play. There was also a range of ride on toys which provided opportunities for gross motor play.
- Cosy areas were present in all rooms offering a quiet comfortable area for children to rest and relax during the day.

### 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:

- On the unannounced arrival at the service by the inspectors, the entrance door leading into the premises was appropriately secured and attended to by staff to prevent the children from exiting unsupervised and to restrict unauthorised persons from gaining access to the premises throughout the inspection.
- All cleaning agents and hazardous equipment were observed to be stored up high out of reach or in locked presses.
- The outdoor play area was fully enclosed and secure.
- All trailing flexes in the care rooms were observed to be secure.

##### Infection Control:

- The individual care rooms were in a clean and hygienic condition and documented up to date cleaning records were available and displayed in the premises.

### Administration of Medication:

- Detailed health care plans were available for a child who required emergency medication and staff were aware of the plan and actions required. The child's medication was stored out of reach in a clearly defined area and was easily located during the inspection.

### Safe Sleep:

- The cot room was not congested with equipment and toys and provided a suitable sleep environment.
- Shoes and outer clothing such as hooded tops were removed from children while they slept.

### Fire Safety:

- Emergency exits were unobstructed and clearly labelled throughout the service.

### Non-Compliance Information

#### General Safety:

- The temperature of the hot water in the sanitary facility in the lodge building, used by ECCE 2 room was recorded at 44.5°C at 12.41pm pm. This temperature exceeded the recommended maximum temperature of 43°C and poses a risk of safety.
- It was observed on inspection that the safety gate on the entrance door of Wobbler Room 2 was worn with sharp edges and an uneven surface that could lead to a risk of injury.

#### Infection Control:

- Black mould was observed around the taps and at the back of the wash hand basin in the sanitary facility in the lodge building, used by ECCE 2 room, leading to a risk of poor infection control.

#### Safe Sleep:

- In the Playgroup 1 and 2 rooms, a child under two years of age was observed to be sleeping on a low floor mat. While it acknowledged that a communication from parents was present relating to the child not sleeping in a cot, a sleep assessment for this child was not available, this is at variance to the best practise sleep guidelines issued to the sector in September 2023. A sleep plan, incorporating a risk assessment, should be completed before moving a child aged between 15 months and 24 months from a cot to a sleep-mat.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

- The Service have adjusted the temperature of the water heater. And will monitor the temperature and record on our cleaning charts.

- The service fixed the gate and ensured it is safe for use. The Health and Safety Officer will check all gates on a regular basis.

**Infection Control:**

- The service has repaired and ensured that all mould was removed from the taps and the back of the wash hand basin. The Health and Safety Officer will check this on a regular basis and report any concerns to management to ensure a high standard of infection control is adhered to at all times.

**Safe Sleep:**

- A sleep assessment was completed. In addition to talking with parents and having written permission, the service will also make sure to complete a sleep assessment a child when required.

**Supporting documentation submitted**

**General Safety:**

- Photographic Evidence.
- Photographic Evidence.

**Infection Control:**

- Photographic Evidence.

**Safe Sleep:**

- Completed Sleep assessment.

**Summary Comment**

The non-compliances outlined above, under Regulation 23, have been addressed.

**Part VII - Premises and Space Requirements**

**Regulation 29 - Premises**

*A registered provider shall ensure that the premises of the service are-*

- (a) of sound and stable structure,*
- (b) safe and secure,*
- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

### Compliance Information

(a) The walls, flooring, doors, and windows were well maintained.

(b) The entrance door to the service was secured with an electronic buzzer to prevent children from exiting unsupervised and to avoid unauthorised access to the service. The outdoor area was safe and secure enclosed with walls.

(c)

- The windows in the care rooms provided natural lighting. The natural light was augmented with artificial ceiling lighting as required.
- The service is heated by gas with thermostatically controlled wall mounted radiators with a temperature not exceeding 50°C.

In the two sperate lodge buildings to the rear of the service and on the ground floor of the main house, heating and ventilation were provided by an air-conditioning system throughout the service. The air-conditioning units ensured the temperature of the rooms did not exceed the recommended ambient temperature of between 18 to 22°C and the required temperatures of 16 to 20 °C for sleeping children aged birth to one year old in the cot room.

The temperatures of the care rooms were recorded between 19 to 22°C and of the cot room was recorded at 20°C at 1.04pm.

- The sanitary facilities and care rooms had openable windows to allow for ventilation.

(d) The care rooms and sanitary facilities were in a clean condition. A cleaning schedule was available in the care room and sanitary facilities to ensure regular cleaning of the service.

(e)

- Liquid soap, paper hand towels and lidded pedal bins were provided for the disposal of paper hand towels were provided in all sanitary facilities.
- Staff members have the use of separate sanitary facilities on the ground floor of the main house.
- There were sufficient sanitary facilities available in the service to accommodate the 44 children registered to attend. The sanitary facilities in the service comprised of the following.

Room	Toilets	Nappy changing mat	Wash hand basins
Upstairs in main house	1	2	2
Upstairs in main house	1	2	2
Downstairs in main house	2	1	2

Used by ECCE 1 room Lodge	1	0	1
Used by ECCE 2 room Lodge	1	1	1
Outdoor covered passage	0	0	1
<b>Total</b>	4 Toilets	4 Nappy Changing Mats	6 Wash Hand basins

### Part VII - Premises and Space Requirements

#### Regulation 30 - Minimum space requirements

*(1) Subject to paragraphs (2) to (6), a registered provider shall ensure that adequate clear floor space is available in the premises for the work, play and movement of children attending the pre-school service.*

#### Compliance Information

(1) The registered provider ensured that adequate clear floor space is available in the premises for the work, play and movement of children attending the service.

The table below illustrates that the minimum clear floor space was available for the 44 children registered to attend aged from 0- 6 years on a full day care basis.

Room Name	Floor space required per child	Floor space available as measured by inspectors
<b>Upstairs Main House</b>		
<b>Baby Room</b>	3.5 sqm per child (aged birth to 1 years.)	9.695 sqm
<b>Wobbler 1 Room</b>	2.8 sqm per child (aged 1 to 2 years.)	14.132 sqm.
<b>Art Room</b>	2.3 sqm per child (aged 3 to 6 years.)	8.693 sqm
<b>Downstairs Main house</b>		
<b>Wobbler 2 Room</b>	2.8 sqm per child (aged 1 to 2 years.)	13.841 sqm
<b>Playroom 1</b>	2.35 sqm per child (aged 2 to 3 years.)	13.748 sqm
<b>Playroom 2</b>	2.35 sqm per child (aged 2 to 3 years.)	13.794 sqm
<b>Rear of Main House</b>		
<b>ECCE 1 Room</b>	2.3 sqm per child (aged 3 to 6 years.)	13.019 sqm

# Early Years Inspectorate Regulatory Report

## Pre School

<b>ECCE 2 Main Room</b>	2.3 sqm per child (aged 3 to 6 years.)	18.035 sqm
<b>ECCE 2 Sensory Room</b>	2.3 sqm per child (aged 3 to 6 years.)	6.289 sqm

\*Calculated as per Schedule 7 Minimum Space Requirements Full day care service.