

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY209				
<b>Name of Service:</b>	The Chestnut Tree				
<b>Address of Service:</b>	Geraldstown House Family Resource Centre, Old Ballymun Road, Ballymun, Dublin 9				
<b>Eircode:</b>	D09 Y650				
<b>Name of Registered Provider:</b>	Tom O'Donnell				
<b>Service type:</b>	Sessional				
<b>Date of Inspection:</b>	13/02/2025				
<b>No of pre-school children:</b>	<table border="1"> <tr> <td>AM</td> <td>1</td> <td>PM</td> <td>N/A</td> </tr> </table>	AM	1	PM	N/A
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate 2nd Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15   D15 CF9K
<b>Inspection undertaken by:</b>	L Jameson
<b>Title:</b>	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

The Chestnut Tree is a sessional service located in Geraldstown House Family Resource Centre in North Dublin. The service operates three days a week, Tuesday, Wednesday and Thursday, from 09:30am to 01:00pm over 38 weeks of the year, and provides care to children aged 0 to 6 years. The service is comprised of a large care room on the ground floor of the resource centre, with sanitary accommodation and an enclosed outdoor play area at the rear of the premises.

### Staffing

Five staff are employed to work directly with the children, including the registered provider. On the day of the inspection, two staff cared for one child attending the service. The registered provider was available to offer assistance if required.

### 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 and safety. The inspection may also focus on other areas as required. The following regulations were reviewed:

Regulation 9 (1)(2) and (4) Management and Recruitment

Regulation 11(1)(2) Staffing Levels

Regulation 19 (1)(b) Health, Welfare and Development of Child

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

Regulation 25 (1)(2)(a)(b) First Aid

Regulation 26 (1)(a)(b) and (4) Fire Safety

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 registered provider, 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 service had a designated person in charge and a named person to deputise as needed.
  - (b) The designated person in charge was present when the inspector arrived unannounced to the service and remained there for the duration of the inspection.
  - (c) The service had a clear management structure and staff were aware of their own role and responsibilities.
- (2) The full staff records of five adults who work directly with the children were reviewed on the day of inspection.
- (a) (b) There were eight written and validated references available from past employers.
  - (c) Garda vetting disclosures had been obtained for five adults. However, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to

renew Garda vetting every three years. Please refer to the information outlined under regulation 23 of this report.

- (d) Not applicable as none of the staff had lived outside the state for a period of six consecutive months or longer, after the age of eighteen.
- (4) Four 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)
  - (a) Two written references were not validated in relation to one adult employed in the service.
- (4) Evidence was not available to show that one adult who works directly with early years 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. It is acknowledged that a qualification certificate was available however it could not be established that this was an approved qualification.

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

#### Corrective and Preventive Action

- (2) (a) Two written and validated references have been added to the creche file for one staff member. Tusla Recruit will provide copies of all future validated references to ensure the staff files are complete.
- (4) The staff member has submitted a copy of their qualification to Department of Children, Equality, Disability, Integration and Youth (DCEDIY) for review. All future candidates will be sourced via Tusla Recruit.

#### Supporting documentation submitted

- (2) (a) Documentation in relation to the above has been reviewed.
- (4) No evidence submitted. This will be reviewed on the next inspection.

### Summary Comment

The corrective and preventive actions taken by the registered provider are sufficient to address the non-compliances under Regulation 9(2)(a). The registered provider has attempted to address the non-compliance under Regulation 9(4). As qualification recognition has not yet been received this will remain outstanding. The registered provider must submit the qualification recognition to the inspectorate once received.

## 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.*

*(3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 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) therefore at that reference number is satisfied.*

#### Compliance Information

(1) (3) The registered provider ensured that adequate staff were working directly with the children in the service and that ratios were maintained at all times. On the morning of the inspection, two staff were caring for one child who was 3 years of age.

## 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-*

*(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.*

#### Compliance Information

(1)(b) The follow practices were observed on the day of inspection which supported the health, welfare and development of the children attending:

- Staff members were observed to engage in meaningful interactions with the child attending the service. Positive tones were used during conversations with praise and recognition shown to the child for their achievements, creating a calm and reassuring environment.
- On the day of the inspection, the child attending the service was encouraged to move freely and explore their environment with support from staff members. For example, during handwashing, the child showed an interest in the pipes and how water drains from the sink. A staff member was observed to explain and

demonstrate the process to the child, then offering the child an opportunity to fill and drain the sink themselves. This practice promotes and encourages the child's individual interests.

- Staff members spoke about the settling in period and practices they implement to support a smooth transition for new children attending the service. Parents are welcome to the service to spend time with their child during the settling in period, comfort items such as teddies can be brought from home to help ease any upset and promote a sense of belonging in the service.
- Staff members were attentive to the child's needs. On the morning of the inspection, the child told staff members that they were hungry. A staff member retrieved a snack that the child had brought from home and set it on the table. The child was free to eat snack at a leisurely pace and was accompanied by the staff member at the low-level table.
- Staff members were knowledgeable about the child's individual needs, likes and dislikes, demonstrating strong relationships and familiarity between staff members and the child.

### Part VI - Safety

#### Regulation 23 - Safeguarding health, safety and welfare of child

*A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.*

#### Compliance Information

##### General Safety:

- The entrance door leading into the service was appropriately secured to prevent the children from exiting unsupervised and to restrict unauthorised persons from gaining access to the premises.
- Cleaning agents were stored safely out of reach of the children.
- The play equipment and materials observed in use by the child on the day of inspection were in good working order.
- There were no flexes or cables observed that were accessible to the children.

##### Infection Control:

- A pedal operated bin was used in the care room and sanitary accommodation, reducing the risk of repeated touch to surfaces.
- Appropriate handwashing practices were observed on the day of inspection. Warm water and soap were available in the care room.

- Windows in the care room were open which allowed for circulation of air and reduced the risk of cross infection.

### Fire Safety:

- On the day of the inspection, the fire exit was clear and unobstructed.

### Non-Compliance Information

#### General Safety:

1. Garda vetting was available for one staff member. However, this vetting disclosure was not dated within the previous three years in adherence with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.

#### Infection Control:

2. A child's lunch, which was brought from home and contained perishable items such as a yogurt, was not refrigerated. This increased the risk of bacteria multiplying to levels which could result in illness in young children. It is acknowledged that snacks from home are not common practice, and the snack was brought to the service as part of the child's settling in period.
3. The nappy changing mat in the sanitary accommodation was torn, leaving the foam exposed. As a result, effective cleaning is not possible.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

1. The Garda vetting disclosure was forwarded by Tusla HR to the registered provider in relation to the identified staff member and a copy is now in creche files, on-site. The registered provider will continue to monitor Garda vetting expiry dates to ensure applications are completed prior to expiry dates.

#### Infection Control:

2. The creche policy around food has been updated to ensure that children's bags are checked for any food items that need to be refrigerated. Parents that choose to bring a child's lunch along will be advised to place any perishable food items in the creche refrigerator.
3. The changing mat has been replaced. The creche policy has been updated to ensure regular checks of equipment is carried out and damaged equipment is replaced as appropriate.

## Supporting documentation submitted

### General Safety:

1. Documentation in relation to the above has been reviewed.

### Infection Control:

2. Documentation in relation to the above has been reviewed.
3. Documentation in relation to the above has been reviewed.

## Summary Comment

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

## 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) Two staff members who were observed to work directly with the child on the day of inspection held in-date certification for First Aid Response (FAR) training which ensured that a person with FAR training was immediately available to the child attending the service at all times.
- (2) (a)(b) The first aid box available in the service was suitably equipped and stored in a conspicuous location on the premises and were available for the children in attendance, in the event of an emergency.

### 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

- (1)
- (a) A record was maintained of all fire drills which had been completed in the service. The records indicated and staff members reported that fire drills were carried out monthly. The last recorded fire drill took place on 28/01/2025.
  - (b) A record was kept of the maintenance of the fire extinguishers and smoke alarms in the premises which were certified as having been serviced most recently on 28/06/2024 and 04/12/2024.
- (4) The evacuation procedure was conspicuously displayed on the premises which contained details in relation to the procedure to be conducted in the event of a fire or emergency in the service.