

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY210
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Name of Service:	The Children's Place
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Address of Service:	40 Parnell Square West, Dublin 1
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Name of Registered Provider:	Judy Byrnes
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Service type:	Full Day
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Date of Inspection:	17/01/2024
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No of pre-school children:	AM	59	PM	58
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Floor 7 Brunel Building, Heuston South Quarter, St. John's Road West, Kilmainham, Dublin 8
Inspection undertaken by:	E. Finnegan Hayes & C. Harte
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.
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Description of service

The children's place is a privately operated full day care service located in the city centre. The service caters for up to 65 children aged 1-5 years per day in a converted residential dwelling. The service is comprised of four care rooms namely the Wobbler room, the Toddler room, the Pre-Montessori room and the Montessori room. A separate area for school aged children along with the kitchen and office space was located in the basement. An enclosed outdoor space is located to the rear of the building

Staffing

The registered provider employs a total of 21 staff including person in charge, 14 childcare staff, 5 school aged staff and a housekeeper and also works in the service herself.

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.

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 the day of inspection in relation to a non-compliance identified under Regulation 23 in relation to safety. A response which adequately addressed the non-compliance was received on 18th January 2024.

A second immediate action notice was issued to the registered provider via email on the day following the inspection in relation to a non-compliance identified under Regulation 28. A response which adequately addressed the non-compliance was received on the same day 18th January 2024.

A third immediate action notice was issued to the registered provider via email on the 19th January 2024 in relation to a non-compliance identified under Regulation 9(2)(c) relating to Garda vetting. A response which adequately addressed the non-compliance was received on the same day 22nd January 2024.

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

(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)(b) The service had a designated person in charge and named person to deputise as required. The person in charge was present in the service when the inspector arrived and remained in the service for the duration of the inspection.

(2) A review of paperwork and conversation with the person in charge showed that there are currently 22 adults employed in the service including the registered provider, service manager, 14 childcare staff, 5 school aged staff and a housekeeper. The files of all 5 staff who had commenced employment since the last inspection and a student who was present on the day of inspection were reviewed while garda vetting disclosures were reviewed for all other staff.

(a)(b) Six written and validated references were available in relation to 3 adults.

(c) Garda vetting disclosures were available for twenty-two adults.

(d) Police vetting was available for four adults who had lived in a country other than Ireland for a period of six months or more as an adult.

(4) Evidence was available to show that four adults 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 and Youth Affairs.

Non-Compliance Information

(2)(a)(b) Written and validated references were not available for three adults. This was a non-compliance on the previous inspection in March 2023. The preventive actions proposed by the registered provider have not prevented recurrence.

(c) A Garda vetting disclosure was not available for review in relation to one staff member who had commenced working with the children. An immediate action notice was issued to the registered provider.

(d) Evidence was not available to show that one staff member did not require Police vetting.

(4) Evidence was not available to show that one staff member 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 and Youth Affairs. This was a non-compliance on the previous inspection in March 2023. The preventive actions proposed by the registered provider have not prevented recurrence.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(a)(b) Validated references are now attached to the staff members files. The registered provider will ensure that all references will be verified including students. The service will be more mindful in future to ensure to attach all paperwork.

(c) The staff member did not attend the service following the inspection until Garda vetting was received. The registered provider will ensure that this is checked in future.

(d) The registered provider will ensure that anyone who has lived outside Ireland will hold police vetting.

(4) The staff member has applied to have the qualification approved with the DCEDIY. In future the service will send the qualifications to the DCEDIY for approval.

Supporting documentation submitted

- (2)(a)(b) Validated references for two staff members were reviewed.
- (c) Garda vetting was reviewed.
- (d) No evidence submitted.
- (4) No evidence submitted.

Summary Comment

The registered provider has addressed the non-compliance under Regulation 9(2)(a)(b) and (c). Regulatory compliance for Regulation (9)(2)(d) and (4) remain outstanding and will be reviewed on the next inspection. The registered provider has been advised to submit the qualification recognition and police vetting to the inspector when processed.

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) The registered provider ensured that an adequate number of adults were working directly with the children on the day of inspection. Twelve staff were caring for 59 children when the inspector arrived in the service. The person in charge was available in a supernumerary position and available to cover in rooms as needed.
- (2) Ratios were maintained on the day of inspection. The following was observed;
- In the Wobbler room three staff were caring for 10 children aged 11-19 months.
 - In the Toddler room three staff were caring for 14 children aged 1.5-2.5 years.
 - In the Pre-montessori room three staff were caring for 14 children aged 2.5-3 years.
 - In the Montessori room three adults were caring for 21 children aged 3-5 years old.
- The person in charge was available in a supernumerary position and available to cover in rooms as needed.

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:

- The service has a healthy eating policy and meals and snacks were observed to be provided to the children at regular intervals. Additional portions of dinner were provided in all care rooms for use as needed. Extra food such as fruit and breadsticks were also available and given to children after dinner if requested.
- Water was available and accessible to the children on low level shelving in the care rooms.
- Nappy changing was done on a set schedule and as needed to ensure the children's comfort.
- Children were supported to self-feed with adults on hand to help where required. Allowing children to experience touching their food and using a spoon supports independence.
- Children were made comfortable before being put down for a nap for example outdoor clothes and shoes were removed, hair accessories were taken from hair and children's nappies were changed.

Physical and Material environment:

- Low level shelving ensured available materials were within reach of the children in the Toddler, Pre-montessori and Montessori rooms. Accessible toys and materials promoted independent, interest-based play experiences.
- Low level tables and chairs were available for children to engage in tabletop activities and eat meals comfortably.
- The care rooms had a range of toys and equipment to support a variety of activities.
- The outdoor area offered a range of play experiences including gross motor and sensory play.

Supporting interactions with child:

- A key worker system is in place in the service and key groups are displayed within the classrooms. A key worker system allows staff to develop in depth knowledge about the children in their group and fosters nurturing relationships helping children to feel confident.
- Staff were observed to engage in activities with the children for example in the Wobbler room staff sat in the soft play area with the children singing songs and using flash cards while in the montessori room staff sat at tables and engaged in the children's activities. This allows staff to support children's learning and promotes bonding.

Non-Compliance Information

(1)(a)

1. The sleep needs of one child in the Wobbler room were observed to not be met; The child appeared tired and was observed crying between 11:40am when the children started being put into the cots for naptime until 12:38pm. Staff advised that the child has two naps per day and would be put to bed at 2pm. Staff reported the child had had a significantly shorter than normal morning nap in the morning and staff were heard to comment that the child was tired however they did not place the child down for a nap despite cots being available for use. Sleep is a vital for learning and development of children and a needs-based approach is required.
2. Staff did not respond adequately to the care needs of one child aged 11 months between 10:05-11:45am. The top being worn by the child was observed to be wet from the collar down to the waistband of the child's trousers at 10:05am. Staff were observed to engage the child in a number of care practices including holding, feeding and nappy changing and acknowledged the child's top was wet from dribbling due to teething however the child's top remained unchanged until 11:45am following a prompt from another adult. Wet clothes should be changed to ensure the child's comfort.
3. Materials in the Wobbler room were not available or were displayed in such a way as to limit opportunities for spontaneous engagement for example supporting equipment was not readily available for use with the play kitchen and books were stored face down on a shelf in the centre of the play kitchen which prevented children seeing what books were available to choose. Grouping materials in a thematic way, readily available and displayed appropriately supports children to engage in play experiences in a spontaneous way.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. The registered provider spoke to the parents and discussed this with them and they now understand it is not always possible to follow the 9am and 2pm schedule.
2. The registered provider spoke to the staff about the importance of changing children's clothes if they are damp. Staff are aware of the importance of checking the children's clothes at all times.
3. Staff have rearranged the toys and library books, so they are more accessible at all times.

Supporting documentation submitted

3. A photo of the library books was reviewed.

Summary Comment

The corrective and preventive actions provided are sufficient to address the non-compliances identified 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:

- The service entrance was securely locked, and staff were observed to attend the door to allow access. This prevented unauthorised persons accessing the service.
- Internal doors were fitted with an alarm system which sounded when the doors were opened. This prevented unauthorised persons accessing the care rooms unknown to the staff and also prevented children from leaving the care rooms unsupervised.
- Suitable handrails and non-slip flooring was present on the stairs used by the children.

Infection Control:

- Lunches which were provided by parents were refrigerated to prevent spoiling of perishable items.
- Pedal operated lidded bins were available throughout the service for disposal of contaminated items.
- Individually labelled baskets were used to store children's items in the care rooms and sanitary areas and items such as creams were observed to be clearly labelled.
- Dispensed soap and handtowels were available to support adequate hand hygiene.

- The nappy changing procedure observed was in line with best practice and the service policy.
- Handwashing was observed to take place frequently throughout the day before mealtimes and after toileting or nappy changing.

Safe Sleep:

- Video and sound monitors are used in the cot room. A live feed from the cot room is played on a monitor in the Wobbler room. This is supplementary to physical 10-minute checks which staff conducted and recorded.
- An ambient temperature of 16-20 °C were maintained in the cot room where a child under 12 months old was sleeping while a temperature of 18-22°C was maintained in rooms where children over 12 months old were sleeping.

Fire Safety:

- Staff were knowledgeable of the procedure for evacuation in the event of a fire emergency.
- Fire exits were unobstructed during the inspection.

Non-Compliance Information

General Safety:

1. Radiator temperatures were not thermostatically controlled and were hot to touch, posing a risk of scalding. The following temperatures were recorded;
 - In the Wobbler room the radiator was 52.8°C at 10:55am
 - Hall adjacent to the Wobbler/Toddler room nappy changing bays 55.1°C at 11:45am
 - In the Toddler room 55.7°C at 12pm

An immediate action notice was issued in relation to above due to the increased risk of scalding. Radiators with a surface temperature of over 50°C require a cover.
2. Water was not thermostatically controlled at the low sink beside the nappy changing unit in the Sanitary facilities at mezzanine level. The water temperature was recorded as 46.6°C at 12:40pm.
3. A low level, coloured fence which was stored adjacent to the outdoor toilet was observed to be broken with sharp edges and screws exposed at a level which could cause injury to the children.
4. Cleaning spray was stored at a level accessible to the children in the Pre-montessori room. This presents a potential risk of injury to the children should they access the spray.

Infection Control:

5. The cover on the sandpit was not effectively secured at the front which left some of the sandpit uncovered and accessible to animals. Sandpits must be covered for infection control purposes.

6. Four sinks in the sanitary area at mezzanine level used by the Pre-montessori and Montessori classrooms did not have an adequate water supply for example no water or a trickle of water came out of the taps when turned on. An adequate flow of warm water is required for effective handwashing to reduce the spread of infection.
7. Low level beds used by the children in the Toddler room and Pre-montessori room were observed to not be placed 50cms apart and in some cases were touching. This posed an infection control risk.
8. The nappy changing mat on one unit in the Toddler room nappy changing bay was torn with the foam exposed. This posed an infection control risk as the mat could not be effectively cleaned.

Administration of Medication:

9. Staff in the Montessori room were unclear of the current health care plan for a child who had previously required emergency medication. Staff advised the child no longer needed the medication however there was no paperwork from the parents advising of this. Health care plans should be updated regularly to ensure children receive appropriate care in the event of an emergency.
10. Emergency medication which was available for a child in the montessori room was out of date and had not been disposed of in line with the service policy.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. The plumber adjusted all the thermostats. The plumber adjusted all the thermostats on the radiators, and the service is in the process of putting guards around the radiators.
2. The plumber adjusted the thermostat. The plumber has changed the water feed so that this is on a separate thermostat.
3. The fence has been removed.
4. The importance of replacing the cleaning sprays on the shelf provided after use was discussed with the staff members.

Infection Control:

5. The service will have the existing cover replaced with a roll out cover with clips both ends.
6. The plumber was there on the day of the inspection, the registered provider had called him that morning as the water pressure was so low. He replaced the existing water pump with a new one. This was fixed on the evening of the inspection.
7. The beds have been moved around to keep them apart.

8. This was replaced immediately. The registered provider spoke to the staff about this and ensured everyone knows where the new ones are stored and how important it is to replace them immediately.

Administration of Medication:

- 9. The registered provider spoke to the staff about correct handover of care plans.
- 10. The registered provider discussed the importance of checking best before dates even when the service receive the medication from the parent.

Supporting documentation submitted

No supporting documentation submitted.

Summary Comment

The corrective and preventive actions taken are sufficient to address the non-compliances identified 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) A review of the roster and First Aid Responder (FAR) certificates for two staff showed that the registered provider ensured that a person trained in FAR was available to the children during the opening hours of the service.

(2)(a)(b) Adequately stocked first aid boxes were available in the service. These were stored appropriately out of reach of the children but immediately available to the staff as needed.

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 firefighting 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) The registered provider ensured that a record of fire drills was maintained in the service. The record showed that fire drills are completely monthly with the last fire drill taking place on the 2nd January 2024.
- (b) A record of the number, type and maintenance record of firefighting equipment and smoke alarms was reviewed. The record showed that the firefighting equipment was last serviced during November 2023 while the smoke alarm was last serviced on 5th January 2024.
- (4) Notices of the procedure to be followed in the event of a fire emergency were displayed throughout the service in care rooms and communal areas.

Part VI - Safety

Regulation 28 - Insurance

A registered provider shall ensure that the pre-school service is adequately insured.

Non-Compliance Information

The registered provider did not ensure the service was adequately insured for the number of children in attendance for example 84 children were in attendance at 2:45pm. The insurance in place covered 80 children at any one time. This was a non-compliance on the last inspection in March 2023, the preventive actions provided by the registered provider did not prevent recurrence.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The insurance company was informed, and new insurance is in place.

Supporting documentation submitted

Insurance certificate reviewed.

Summary Comment

The registered provider has addressed the non-compliance under Regulation 28.