

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY212		
<b>Name of Service:</b>	The Learning Circle Childcare		
<b>Address of Service:</b>	2 Beauparc Place, Clongriffin, Dublin 13		
<b>Eircode:</b>	D13 FP82		
<b>Name of Registered Provider:</b>	Michelle Murphy		
<b>Service type:</b>	Full Day, Part Time, Sessional		
<b>Date of Inspection:</b>	19/03/2024		
<b>No of pre-school children:</b>	AM	55	PM 40
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Floor 7 Brunel Building, Heuston South Quarter, St. John's Road West, Kilmainham, Dublin 8		
<b>Inspection undertaken by:</b>	E. Finnegan Hayes & C. Harte		
<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).

**Conditions if applicable** Not applicable.

### Description of service

The Learning Circle Childcare is a privately run service which operates from a purposely adapted building in North Dublin providing care to children aged 0-6 years old. The service is registered to operate Monday to Friday from 8.00am to 6.00pm. The service participates in the Early Childhood Care Education (ECCE) programme for 38 weeks of the year. There are five care rooms in the service namely; the Baby Room which caters for children aged 8mths-1year, the Toddler room which caters for children aged 1-2 years, the Playschool room which caters for children aged 2-3 years, the Preschool room which caters for children aged 3-5 years on a full day basis and the Seomra which caters for children aged 3-5 years on a sessional basis for children on the ECCE scheme

### Staffing

The service employs a total of 15 staff including the registered provider, person in charge, twelve childcare staff and a cook.

### 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 the child, safety and premises and facilities. 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 on the day of the inspection in relation to an observed risk under Regulation 23. A response which addressed the non-compliance was received from the registered provider on 20<sup>th</sup> March 2024. Please see body of the report for full details.

### 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.*

*(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.*

*(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) There was a designated person in charge and a named person to deputise when required. The designated person in charge was on the premises when the inspector arrived unannounced and was present for the duration of the inspection.
- (c) The service has a clearly defined management structure of which all staff are aware.
- (2) A review of the roster and conversation with the person in charge showed that there are 15 staff currently employed in the service. The files of all 15 staff were reviewed. The file of a student who was present in the service on the day of inspection was also reviewed.
- (a)(b) Thirty-two written and verified references were available in relation to 16 adults.
- (c) Garda vetting disclosures had been obtained for all sixteen 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 four adults who had lived in a country other than Ireland for a period of six months or more as an adult.
- (3) A review of the paperwork available showed that the registered provider had conducted the checks required under (2) prior to the employment start date of all staff members who commenced employment since the last inspection in January 2023.

- (4) Evidence was available to show that 15 staff members held at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework, or a qualification deemed by the Minister to be equivalent.

### 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 an adequate number of adults were working directly with the children in the service on the day of inspection. Eleven staff members were caring for 55 children. The person in charge was available to cover in rooms as required and two additional staff members arrived after the inspectors in line with the service roster.

- (2) Ratios were maintained throughout the day. The following was observed;

Room name	Age group	Number of children	Number of staff	Staff required
Baby room	8mths-1 year	6	2	2
Toddler room	1-2 years	10	2	2
Playschool room	2-3 years	10	2	2
Preschool room(ECCE)	3-5 years	18	3	2
Seomra (ECCE)	3-5 years	11	2	1

Three additional staff were available to cover in rooms as required.

### Part IV – Information and Records

#### Regulation 16 – Record in relation to pre-school service

*(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:*

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult:child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

#### Compliance Information

- (1) The registered provider ensured that a record in writing was kept of the following information in relation to the preschool service:
- (a) The staff files contained the name, position, qualifications and experience of the person in charge and of every other employee.
  - (b)(c)(d)(e) The statement of purpose and function detailed the information required under (b)(c)(d)(e).
  - (f) The opening hours and fees were displayed on the parents' noticeboard in the hallway of the service.
  - (g) The service had all the policies, procedures and statements required in accordance with Regulation 10.
  - (h) The children's attendance was recorded on daily attendance sheets in each care room.
  - (i) A staff roster which was reflective of the staff present on the day was available for review.
  - (j) A sample of 42 medication administration forms were reviewed and observed to be completed in full.
  - (k) A sample of 45 accident and incident records were reviewed and observed to be completed in full.

### 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.

(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) (a) Adequate and suitable facilities for play were provided in all care rooms and in the outdoor area. The following was observed;

- A range of toys and materials which were suitable to the age and stage of the children in each room were readily available to the children.
- Low level shelving was used to display toys and materials at a level accessible to the children.
- Tables and chairs were suitable to the age and stage of development of the children.
- The outdoor area provided opportunities for a variety of play experiences.

(b) Adequate and suitable facilities were available for children to rest and sleep where necessary during the day.

The following was observed;

- All care rooms had a cosy corner which was accessible to the children throughout the day for rest and relaxation.
- An adequate number of standard and folding cots were provided for children in the Baby and Toddler rooms. These were observed to be in good condition and well maintained. Mattresses were well fitted in all cots and footholds were avoided.
- Low level wooden beds were provided for children under 2 years old who were ready to transition out of a cot in line with Tusla's guidance on sleep for children under 2 years old.
- Stackable beds were available for children over 2 years old who required sleep.
- A comfortable environment was provided for sleeping children; outdoor clothes and shoes were removed; blinds were used to dim the rooms where children slept and an ambient temperature of 16-20°C in rooms where children under 1 year old and 18-22°C where children over 1 year old were sleeping was maintained.

## 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 on arrival to the service. A buzzer system is in place to allow access to the service and staff attended the door to allow access to visitors.
- A thumb lock on the main door at adult height prevented children from leaving the service unsupervised.
- Blind cords were secured safely out of reach of the children.
- Flexes and electrical cables were adequately secured out of reach of the children.
- Cleaning supplies were stored out of reach of the children.

##### Infection Control:

- Pedal operated bins were available in care rooms and sanitary areas for safe disposal of contaminated items.
- Bedlinen was individual for each child, kept separate from others bedlinen laundered weekly.
- Cleaning checklists were available and complete to date.
- The nappy changing procedure observed was in line with best practice and the service policy.

##### Administration of Medication:

- A health care plan was available for two children; one who required emergency medication and one who required ongoing medication. Staff were aware of the care plans and process for administering medication to the children.
- Medication was observed to be kept in the original container and clearly labelled and kept on a high shelf out of reach of the children but readily available as required.

##### Safe Sleep:

- Safe sleep information was displayed in the care rooms of the service and staff were aware of safe sleep practices. Children were monitored while sleeping at intervals of 10 minutes or less and recorded the breathing, position, and colour of each child at each check.
- A minimum of 50cms was present between each cot and floor bed to prevent the spread of infection.
- Mattresses used in the service were maintained in good condition and fitted with a wipeable cover.

### Fire Safety:

- Staff were knowledgeable of the procedure to be followed in the event of a fire emergency.
- Fire exits were unobstructed throughout the inspection.

### Non-Compliance Information

#### General Safety:

1. The water in a low-level sink in the Playschool room was not thermostatically controlled and posed a risk of scalding; it is acknowledged that this sink is not routinely used by the children however it is accessible. The water temperature was recorded as being 54°C at 11:31am. An immediate action notice was issued to the registered provider on the day of inspection.
2. A wooden pallet in the outdoor area was observed to be damaged and presented a potential risk of injury to the children.

#### Infection Control:

3. Stagnant water was observed in a number of pieces of equipment in the outdoor area; children were observed playing in the garden on the day of inspection. Stagnant water harbours bacteria which could pose a risk of illness to the children.
4. Materials were observed to be stored in one toilet cubicle in the sanitary area shared by the Playschool and Preschool rooms. This posed an infection control risk.

#### Fire Safety:

5. A low-level barrier which was used to section off an area in the Baby room was observed to pose a hazard which may impede the safe evacuation of children in the event of a fire emergency. Three cots were in the sectioned off area with a further two cots on the outside of the barrier, a staff member was observed to step over the barrier when conducting sleep checks, catching her leg on the barrier as she did so. This could cause injury to the staff member or impede the evacuation of the children in the event of an emergency.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

1. The sink was blocked to ensure children couldn't access it while the plumber was awaited. Plumbing work was carried out on the 20<sup>th</sup> of March, the plumber will return Saturday 30<sup>th</sup> of March to complete the work. A new thermostat valve has been added to control the water temperature. Management will regularly check water temperatures in the building, to ensure they are safe for the children.

- The wooden pallet that was covering the old digging area has been removed. Our caretaker will be asked to complete maintenance in a timely manner as this had already been flagged. A maintenance logbook has been set up in the office which he will need to sign to show work has been completed. Management will check this regularly.

### Infection Control:

- Stagnant water will be removed from garden toys each day and if it has been raining, we will re check them and remove water which has gathered. Our garden checklist is in place and will be carried out each morning. All staff have been made aware of this and they will be responsible for checking throughout the day. Management will keep conduct random checks to make sure water is not pooling in equipment.
- The items being stored in the toilet cubicle have been removed. Staff have been reminded not to store items in the bathrooms.

### Fire Safety:

- The barrier in the baby room has been removed. Management will risk assess any new equipment before purchasing to make sure it does not pose a risk to fire safety or evacuations.

### Supporting documentation submitted

Photographs have been reviewed in relation to above.

### Summary Comment

The corrective and preventive actions provided by the registered provider are adequate to address the non-compliance 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 conversation with staff showed that a staff member trained in First Aid Response (FAR) is rostered to be on the premises and available to the children at all times during the opening hours of the service.
- (2) (a)(b) A suitably equipped first aid box was stored safely out of reach of children, readily available and easily accessible if required at any time.

### 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 of monthly fire drills was available in the service. The record showed that the last fire drill took place on 29<sup>th</sup> of February 2024.
- (b) A record detailing the number, type and maintenance record of firefighting equipment and smoke alarms in the premises was available on the premises.
  - The record showed that the firefighting equipment was last serviced on 12<sup>th</sup> January 2024.
  - The record showed that the smoke alarms were last serviced on 26<sup>th</sup> June 2023.
- (4) A notice of the procedures to be followed in the event of a fire emergency was displayed throughout the service in care rooms and communal areas.

### 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

The registered provider ensured that the premises were;

- (a) The premises appeared to be of sound and stable structure. No defects were observed on the day of inspection.
- (b) The following was observed;
  - The entrance was secure, and staff managed visitor access appropriately.
  - Children were adequately supervised throughout the day in the care room, outdoor area and when moving through the hallway.
- (c) The following was observed;
  - Natural light was provided through windows in each of the care room. This was supplemented by artificial light as necessary.
  - Heating was thermostatically controlled.
  - Windows were opened to allow fresh air to circulate and air conditioning units were available in all care room to ensure an ambient temperature was maintained.
- (d) The following was observed;
  - The service was clean, and records of regular cleaning schedules were reviewed.
- (e) Adequate sanitary facilities were available for the number of children in attendance. Seven toilets, seven sinks and two nappy changing units were available for 55 children in attendance.

### Non-Compliance Information

(d) The following has not been adequately maintained;

1. Plaster was observed to be damaged and flaking on the wall in the Toddler room.
2. A build-up of dust was observed on the vents in the Playschool and Preschool rooms. This prevented adequate air flow from the vent and prevents it from working properly.
3. One toilet in the sanitary facility in the Playschool room did not have a toilet seat.
4. The paint in one toilet cubicle in the sanitary facility in the Playschool room was observed to be chipped and flaking where the handle of the toilet was rubbing against the wall.

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

#### Corrective and Preventive Action

- (d)
1. The plaster in the toddler room has been repaired. Staff in each room will let management know if there is damage to any part of the walls and our caretaker will repair any damage in a quick time frame. A maintenance logbook has been set up in the office which he will need to sign to show work has been completed. Management will check this regularly.
  2. The vents are scheduled to be cleaned on Saturday 6<sup>th</sup> of April. Management will ensure regular cleaning of the vents.
  3. Toilet seats have been ordered and will be replaced as soon as delivered. Our caretaker has been reminded to check for any maintenance issues on a weekly basis and to replace items in a timely manner. A maintenance logbook has been set up in the office which he will need to sign to show work has been completed.
  4. The bathroom will be painted to fix the issues with the flaky paint. Our caretaker has been reminded to check for any maintenance issues on a weekly basis and to replace items in a timely manner. A maintenance logbook has been set up in the office which he will need to sign to show work has been completed. Management will check this regularly.

#### Supporting documentation submitted

Photos and a receipt have been reviewed in relation to above.

## Summary Comment

The corrective and preventive actions taken have addressed points 1 and 2. Regulatory compliance remains outstanding for point 3 until the toilet seats which were ordered have been installed & until the planned work to address point 4 has been completed.