

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY213
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<b>Name of Service:</b>	The Learning Tree
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<b>Address of Service:</b>	ChildVision, National Centre for Blind Children, Grace Park Road, Drumcondra, Dublin 9, Co. Dublin
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<b>Eircode:</b>	D09 WK0H
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<b>Name of Registered Provider:</b>	Mary Leonard
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	24/09/2024
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<b>No of pre-school children:</b>	AM	137	PM	100
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate 2 <sup>nd</sup> Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15   D15 CF9K
<b>Inspection undertaken by:</b>	T. Nelson, C. Harte and R. Duff
<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 Tree is a full day care service located in a residential area in Dublin 9 and delivers early childhood care and education to children aged 0-6 years of age on a fulltime basis, currently operating between the hours of 8.00am and 5.30pm. The service participates in the Early Childhood Care and Education (ECCE) programme, which is delivered on a sessional basis from 9.00am to 12 noon and offers a part-time service from 8.00am to 1.00pm. The service is also registered to provide school age childcare in the afternoon.

The Learning Tree is located in the grounds of ChildVision, the National Centre for Blind Children, and operates 11 care rooms across the first, second and third floors of the building. The first floor comprises of four care rooms, to include: the Willow Room (6 months – 15 months), Hazel Room (1-2 years), the Maple Room (2-4 years) and the Rowan Room (18 months-2 years). There are two designated cot rooms, the kitchen and an office on this floor. On the Second Floor there are five care rooms; the Elm Room (2-4 years), Beech Room (2- 4 years), Oak Room (3- 5 years), Larch Room (3- 5 years) and Sycamore Room (3-5 years), there is also an office on this floor. On the third floor there are three care rooms, the Ash Room (currently school-age only), Birch Room (3- 5 years) and Chestnut Room (3- 5 years). The rooms on this floor provide sessional and part-time care only between 9.00am to 1.00pm and school age care in the afternoon. There is sanitary accommodation on each of the floors for both staff and children.

There are two enclosed outdoor play areas situated to the front of the premises.

### Staffing

The Learning Tree currently employs a total of 58 staff. This includes the person in charge who manages the oversight of the service, a management team comprising of three staff members, 44 staff who work directly with the children, five pre-school assistant students, a chef, a catering assistant and three cleaning staff. The registered provider does not work in the service and was not present on the day of the inspection.

There were 53 adults present on the day of the inspection including the person in charge, two management team staff, a chef, a catering assistant, three cleaning staff and 45 adults to provide for the care of children including six adults recruited from an external agency.

## Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child/ safety/ premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under:

- Regulation 9(1),(2)(a)(b)(c)(d),(4) Management and Recruitment
- Regulation 11(1),(4), Staffing Levels
- Regulation 19(1)(b) Health, Welfare and Development of child
- Regulation 22 Food and Drink
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child
- Regulation 29 Premises

A sampling process was used to assess compliance under the following

- Regulation 19(1)(b) Health, Welfare and Development of child
- Regulation 22 Food and Drink
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child
- Regulation 29 Premises

As a result, the scope of the inspection included the Hazel, Maple, Rowen, Beech and Elm rooms and did not include the Willow, Oak, Larch, Sycamore, Birch and Chestnut rooms. Regulation 11 was assessed across all 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 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 service had a designated person in charge and named person to deputise as required.

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

(c) There was a clear management structure in place, and this information was displayed clearly in the care rooms and in the hallways.

(2) The person in charge reported that there were twenty new staff recruited since the last inspection held on the 27 November 2023. The following was reviewed:

- Twenty full files, including six agency staff who were new to the service.
- Fourteen Garda Vetting disclosures for staff members, where information available to Tusla showed these had required renewal since that last inspection held on the 27 November 2023.

(a)(b) Thirty-eight validated written references were available from recent past employers or a source other than a past employer for the twenty full files reviewed.

(c) Garda vetting disclosures had been obtained for 34 staff. However, the service did not adhere to the re-vetting timeframes for two staff 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) Documentary evidence showed that eighteen adults had lived outside of the state for six months or more as adults and international police vetting from that state was available for inspection.

(4) The eighteen staff who worked directly with children attending the service either held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or the service showed evidence that they had checked that the qualification was deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs.

### Non-Compliance Information

The registered provider did not ensure the following:

- (2)
- (a)(b) Documentation was not available to demonstrate that the references had been checked or validated for two of the staff files reviewed. The following was observed:
- One staff member did not have a second validated reference available on the day of the inspection. It is acknowledged a reference was sourced and validated by the service the day after the inspection.
  - One staff member did not have a validation available for a second reference.
- (d) International Police vetting was not available for two staff members where a review of documentation showed they had resided outside of the jurisdiction for more than six months as an adult.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective Actions

(2)(a)(b) A validated written reference was made available the day after the inspection. The reference that was available for another staff member was validated.

(d) Relevant police vetting was applied for and received for both staff members.

### Preventive Actions

(2)(a)(b) The service ensures additional controls to further validate the relevant paperwork. Regular audits will be conducted to ensure compliance with Tusla's regulatory requirements. These controls will be managed on an ongoing basis to ensure full validation and compliance.

(d) The service ensures a rigorous tracking system is in place for international hires to ensure that police clearances are completed and filed before employment commences. Should a new international clearance check arrive in, further advice will be sought ensuring this is the appropriate validation for the country. Regular audits will be conducted to ensure compliance with Tusla's regulatory requirements and with best practice.

### Supporting documentation submitted

(a)(b) Evidence of validated references.

(d) Evidence of international polices vetting disclosures.

### Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliances identified under Regulation 9(2)(a)(b) and (d) have been adequately 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.*

*(4) Subject to paragraph (5), where a registered provider contemporaneously provides-*

*(a) a sessional pre-school service, and*

*(b) a full day care service or a part-time day care service, or both, the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).*

#### Compliance Information

(1) On the day of inspection there were an adequate number of adults available to the children attending the service to meet their basic care needs. There were 48 staff available to the 137 children in the morning and 37 staff available to the 100 children in the afternoon.

(4) The adult to child ratios were correct when the inspectors arrived unannounced to the service and throughout the inspection.

There were 39 adults providing direct care to the children on the morning of the inspection. The minimum ratio of adults to children was maintained with a breakdown as follows:

- Willow Room: 4 adults to 7 children ranging in age from 8 to 13 months old.
- Hazel Room: 3 adults to 15 children ranging in age from 13 to 19 months old.
- Maple Room: 3 adults to 9 children ranging in age from 2 to 3 years old.
- Rowen room: 4 adults to 14 children ranging in age from 19 months to 2 years and 7 months old.
- Elm Room: 4 adults to 14 children ranging in age from 2 to 4 years old.
- Beech Room: 4 adults to 15 children ranging in age from 2 to 4 years.
- Oak Room: 4 adults to 17 children ranging in age from 3 to 5 years old.
- Larch Room: 3 adults to 7 children ranging in age from 3 to 5 years old.
- Sycamore Room: 4 adults to 13 children ranging in age from 3 to 5 years old.
- Birch Room: 3 adults to 14 children ranging in age from 3 to 5 years old.
- Chestnut Room: 3 adults to 12 children ranging in age from 3 to 5 years old.

There were 28 adults providing direct care to the children on the afternoon of the inspection. The minimum ratio of adults to children was maintained with a breakdown as follows:

- Willow Room: 3 adults to 6 children ranging in age from 8 to 13 months old.
- Hazel Room: 4 adults to 14 children ranging in age from 13 to 19 months old.
- Maple Room: 3 adults to 7 children ranging in age from 2 to 3 years old.
- Rowen room: 3 adults to 13 children ranging in age from 19 months to 2 years and 7 months old.
- Elm Room: 3 adults to 12 children ranging in age from 2 to 4 years old.
- Beech Room: 3 adults to 15 children ranging in age from 2 to 4 years.
- Oak Room: 4 adults to 17 children ranging in age from 3 to 5 years old.
- Larch Room: 2 adults to 5 children ranging in age from 3 to 5 years old.
- Sycamore Room: 3 adults to 11 children ranging in age from 3 to 5 years old.

### 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) Appropriate and suitable care practices were observed, as evidenced by the following:

- Practices such as mealtimes, nappy changing and toileting were observed to be timely and pleasant experiences for the children. Documentary evidence showed meals and nappy changing were regular.
- Staff in the Hazel room reported that sleep was led by the needs of the child. Transitions to sleep throughout the rooms were observed to be smooth, and the environments were managed to balance the needs of children who slept with those who didn't. Children who didn't sleep were supported to engage in restful, quiet play experiences or were taken to the outdoor play area. Staff were observed to remind children to use their indoor voices to allow children to sleep.
- The staff interacted with the children in a respectful, warm and sensitive manner. Appropriate verbal and nonverbal communication such as low tones, eye level contact, smiling, touch and other strategies were observed. These strategies can facilitate emotional and social development in young children.

- All of the children were observed to access outdoor play on at least one occasion in the day. There was a daily roster detailing regular access for all rooms and the children were observed to be dressed appropriately for the weather to allow for a comfortable outdoor play experience. There were two separate outdoor play areas available and each contained sufficient and appropriate play equipment for the age range and stage of development of the children attending.
- Daily routines were displayed in the care rooms, and these were reflected in practice. Routine provides comfort for children by making them familiar with what will happen next.
- Engagement with families and parents was facilitated by the daily sharing of information on the child's day such as what the child has eaten, drank, their sleep routine, their toileting, and other useful information such as reminders to bring in nappies or spare clothing. This is shared via an online messaging application, and through conversations at drop off and collection. There was a scan code available at the notice board by the entrance clearly indicating to parents how they can access the parents' hub for daily updates such as the menu and curriculum events.
- Staff were observed to be given time to complete daily reports to send to parents, and to develop planning for the coming week. This non-contact time facilitates more time for daily care practices and play experiences.

### Part V - Care of Child in Pre-school Service

#### Regulation 22 – Food and drink

*A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.*

#### Compliance Information

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

- The service provided all the food for the children attending on a part- and full-time basis, with those attending the sessional programme bringing a lunch from home. Food is prepared in the service onsite kitchen, and observation of the preparation and conversation with the chef established food was prepared using fresh products. A review of the four-week menu plan showed there was a varied selection of food available.
- Staff in the kitchen discussed the alternative options available for children with additional dietary needs or alternative diets and food preferences. The menu option for the hot meal on the day of the inspection was beef bolognaise and pasta, with a vegetarian option of lentil bolognaise.

An alternative was prepared with a red pepper sauce for two children, and steamed chicken with pasta for another. Staff in the kitchen reported preferences such as how the food is presented on the plate are also facilitated.

- Food offered throughout the day included a choice of breakfast cereals on arrival, a fruit snack at 10.00am, at hot meal at 11.00am followed by fresh fruit, a snack at approximately 2.00pm and a tea at 3.45pm. Drinking water was freely available in the care rooms throughout the day.
- Mealtimes through the rooms were observed to be a sociable leisurely experience, where staff were observed to engage with the children and offer support where required. Children were given appropriate cutlery for their age and stage of development, with bibs offered for their comfort. Additional portions were available on request.
- The practices observed were in line with the service policy on healthy eating.

### Part VI - Safety

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

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

#### Compliance Information

The service had the following measures in place to safeguard children:

##### General Safety:

- The stairs throughout the premises were suitably covered and had a low-level hand rail in place.
- Cleaning products were observed to be stored up high out of reach of children.
- Flexes were observed to be secured or out of reach of children.
- Finger protectors were observed on doors throughout the rooms.
- Staff were aware of any children with food allergies or intolerances and this information was displayed in the rooms and the kitchen.
- A child who was involved in a minor incident was immediately tended to with a cold compress, and this was detailed in the accident and incident log for the room.
- Grapes and other fruit which had been brought in from home was observed to be cut into appropriate bite size pieces for the children.

### Infection Control:

- Thermostatically controlled warm water, liquid soap and single use hand towels were available at all wash hand basins used by the children and the staff members.
- Foot pedal operated bins were in use through the rooms.
- Staff were observed supporting children to hand wash before and after mealtimes and after outdoor play.
- The sanitary accommodation throughout was observed to be in a clean and hygienic condition and documented up to date cleaning records were available.
- Soothers were observed to be sterilised before use.
- Bed linen was stored appropriately in individual labelled bags.

### Safe Sleep:

- A log was maintained where the temperature of the room and the colour, breathing and position of sleeping children was checked every ten minutes.
- The temperature of the room where children over one year old were sleeping was maintained between the recommended ambient temperature of 18-22 °C.

### Fire Safety:

- Fire evacuation notices were displayed throughout the premises.
- Five fire evacuation cots were available to support the evacuation of infants and young children.
- The attendance books reviewed showed children attending those rooms were accurately record as being present.

### Non-Compliance Information

#### General Safety:

1. Garda vetting was available for two staff members. However, these vetting disclosures were not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.

It is acknowledged there was evidence available that the service had recently applied to have these two vetting disclosures renewed

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

Corrective action: Both staff members were placed on restricted duties pending the renewal of their Garda vetting disclosures. Both Garda vetting disclosures have now been received and are available on their files.

Preventive action: To prevent reoccurrence, the service has implemented an automated reminder system to alert the administrator three months prior to the expiration of any vetting disclosures. Additionally, regular auditing of the office administration is in place.

### **Supporting documentation submitted**

#### **General Safety:**

Garda Vetting disclosures for both staff members.

Identification documentation to verify the identity of both staff members.

### **Summary Comment**

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

## **Part VII - Premises and Space Requirements**

### **Regulation 29 - Premises**

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

- (b) safe and secure,*
- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required, and*

### **Compliance Information**

The service ensured the following:

- (b) Entry to the service and into and out of each of the floors into the main stairwell was by an electric key fob system which was managed and monitored by staff. This restricted unauthorised persons from gaining access to the premises and prevented children from exiting the service unsupervised.
- (c) Windows provided natural lighting and ventilation to the care rooms and operating mechanical ventilation systems was observed in the sanitary accommodation.
- (d) The premises appeared to be cleaned and maintained as required.