

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY213		
Name of Service:	The Learning Tree		
Address of Service:	ChildVision, National Centre for Blind Children, Grace Park Road, Drumcondra, Dublin 9, Co. Dublin		
Eircode:	D09 WK0H		
Name of Registered Provider:	Mary Leonard		
Service type:	Full Day, Part Time, Sessional		
Date of Inspection:	27/11/2023		
No of pre-school children:	AM	135	PM 71
Address of the Early Years Inspectorate:	Early Years Inspectorate 2 nd Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15 D15 CF9K		
Inspection undertaken by:	T. Nelson, E. Finnegan Hayes and S. Murray		
Title:	Early Years Inspectors and Inspection and Registration Manager.		

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. The service is also registered to provide school age childcare in the afternoon.

The Learning Tree is located in the grounds of Child Vision, 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) 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 (2 years and 8 months- 4 years), Birch Room (3- 5 years) and Chestnut Room (3- 5 years).

The rooms on this floor provide sessional care only between 9.00am to 12.00pm 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 employs a total of 59 staff. This includes the person in charge who manages the oversight of the service, a management team comprising of three staff members, 45 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.

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.

A sampling process was used to assess compliance under:

- Regulation 16(1)(h)(i)(j)(k) Records in relation to Children
- Regulation 19(1)(a) Health, Welfare and Development of child
- 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, Rowan, Beech, Chestnut and Birch rooms and did not include the Willow, Elm, Oak, Larch, Sycamore and Ash rooms.

Regulation 9 Management and Recruitment and 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.

(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) 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.

Fifty-nine staff files were reviewed, including the full files of 52 staff members and the Garda Vetting disclosures of seven staff members whose full files were reviewed on the last inspection held on the 20 October 2022.

The registered provider had completed the following checks to ensure the staff members were suitable and competent:

(2)

(a)(b) One hundred and four validated written references were available from recent past employers or from a source other than a past employer.

(c) Completed Garda vetting disclosures were available in respect of the 59 staff members.

(d) Twenty adults who had lived outside of the state for six months or more as an adult had international police vetting from that state available for inspection.

(4) The 40 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

9(4) The registered provider did not ensure that one employee who worked directly with children attending the service held the relevant qualifications.

There was no documentary evidence that the qualification available was deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs as being equivalent to at least a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Corrective action: the service has ensured that the practitioner is now working in an assistant capacity until such time that an outstanding final module is completed. The practitioner is enrolled in a course to complete this.

Supporting documentation submitted

Evidence of booking for training.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 9(4) has 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.

(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) On the day of inspection there were an adequate number of adults working directly with the children attending the service to meet their basic care needs.
- (2) The adult to child ratios were correct when the inspectors arrived unannounced to the service and throughout the inspection. The minimum ratio of adults to children was maintained at all times. Thirty-two staff were allocated to work directly with the 135 children who were present on the morning of inspection at 10.00am with a breakdown as follows:

- Willow Room: 3 adults to 7 children ranging in age 7 to 15 months old.
- Hazel Room: 3 adults to 13 children ranging in age from 12 to 18 months old.
- Rowen room: 4 adults to 14 children ranging in age from 1 to 2 years old.
- Elm Room: 4 adults to 13 children ranging in age from 2 to 4 years old.
- Beech Room: 3 adults to 14 children ranging in age from 2 to 4 years.
- Oak Room: 3 adults to 17 children ranging in age from 3 to 5 years old.
- Larch Room: 2 adults to 11 children ranging in age from 3 to 5 years old.
- Sycamore Room: 2 adults to 16 children ranging in age from 3 to 5 years old.
- Ash Room: 2 adults to 7 children ranging in age from 2 to 4 years old.
- Birch Room: 3 adults to 13 children ranging in age from 3 to 5 years old.
- Chestnut Room: 3 adults to 10 children ranging in age from 3 to 5 years old.

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:

(h) details of attendance by each pre-school child 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.

(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records referred to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.

Compliance Information

(1) The registered provider maintained the following records:

(h) Attendance records detailing the arrival and departure of the children on a daily basis were maintained.

(j) Following a review of a sample of 19 records, the registered provider ensured a full record in writing was maintained for the administration of medication.

(k) Following a review of a sample of 26 records, the registered provider ensured a full record in writing was maintained for accident and incidents.

(3) The records were made available to the inspectors in the rooms throughout the inspection.

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, and

Compliance Information

(1)(a) The following examples were observed to support children's learning, development and well-being:

Basic Needs:

- The children were observed to have regular meals served in a timely manner. A meal of rice, with vegetables was served for lunch and staff reported that the children get a vegetarian meal once in the week. Staff were observed to sit with the children and support them to self-feed. Children were observed to eat their meal at their own pace; drinks were served with dinner and were available in the care rooms throughout the day.
- Children's behaviour was supported using positive strategies such as acknowledging good behaviour when the children were tidying up, and clearly stating unacceptable behaviours and reminding children to use gentle hands when there was a minor dispute.
- Children's personal care needs were addressed in a respectful and sensitive manner. Children who were toilet training were encouraged for their efforts and supported in a positive manner, and nappy changing was observed to be a respectful experience for the children.
- Children were dressed suitably and comfortably for their activities, such as appropriate warm clothing for outdoor play, and heavy clothing removed for sleep.

Supporting Relationships:

- Staff were observed to be responsive to the children and engaged with them using strategies such as slow pace and appropriate warm verbal tones.
- Relationships with families were supported through the sharing of information on the child's day such as meals, sleep, nappies, who was caring for me today plus a note on what the child might need sent in such as clothing or nappies.
- Staff reported that there was a key worker system in place, where children were assigned a key worker. When possible, this key worker moved with the children when they transition to the next room. This can facilitate a smooth transition between rooms and promotes familiarity and secure relationships between children and staff.

Physical and Material Environment:

- The furniture provided in the rooms was low level and appropriate for children attending.
- Children had access to a range of resources such as arts and crafts, home corners, construction areas, transporting and small world play. These resources facilitated creative, imaginative and physical play experiences.
- The outdoor area to the front of the premises provided for a range of physical play experiences such as running, jumping, balancing and climbing. These experiences facilitated the development of fundamental movement skills. There was a separate enclosed area for the younger children.
- Images of the children and labelling was used throughout the rooms to provide direction to the children for where their things go. This can support comfort and a sense of belonging.
- There was a cosy area available where children could take a break and engage in more restful activities.

Programme of Activities:

- Alternative activities were provided for those children who didn't want to participate in larger group activities. This facilitated children choice and can promote self confidence in those not yet ready to participate in large groups.
- Staff were observed to use strategies such as modelling, timing, routine and observation to facilitate children's experiences. For example, encouraging turn-taking in the outdoor play area when using the slide and encouraging independence when hand washing.
- Children who required it were provided with activities that were planned to suit their individual care needs, for example the provision of one-to-one care where required.

Non-Compliance Information

(1)(a) The registered provider did not ensure that the child's learning, development and wellbeing was facilitated because of the following:

Basic Needs:

1. The sleep needs of four children in one of the rooms were not met. The room did not provide for a restful environment to enable the children to transition to sleep successfully. The following was observed:
 - The transition to sleep commenced in the room at 12.20pm. Not all of the children in the room were scheduled to sleep and seven children continued to engage in play, it is acknowledged that staff encouraged the children to use lower voices, but the room was observed to be noisy and not conducive for sleep. The inspector observed lots of movement and noisy activity in the room where seven children were engaged in free play in the home corner and construction area while two children slept, and four children were attempting sleep. At 12.50pm the four children had still not slept after 30 minutes and were observed to be wakeful on their beds watching the other children play.

Children require the sleep environment to be a space that is conducive to sleep which is quiet with softer lighting which can aid rest and relaxation, as recommended in national guidance on sleep for the early years sector.

Physical and Material Environment:

2. The range of books accessible to the children in one of the care rooms were maintained in poor condition; for example torn or missing pages. Children require images in books to be complete and a story to be in sequence for the book to make sense to them and for them to engage at the level required for learning. This could potentially impact on the engagement of children in early language and literacy experiences.
3. Children could not freely access Montessori materials in one of the care rooms. A shelving unit was observed to be covered by blankets throughout the time the inspector spent in the room, leaving the Montessori equipment stored there inaccessible to the children. The daily routine displayed in the room stated this activity was scheduled between 11.30am and 12.30pm. Children should have the freedom to move throughout their environment and have access to their choice of activity. This could have the potential to limit the child's natural sense of enquiry and curiosity.

It is acknowledged that this non-compliance was addressed immediately, as photographic evidence was submitted to the Inspectorate on the 28 November 2023 that the blankets had been removed and children had full access to the equipment.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. Corrective action: The room is a mix of Year 1 ECCE and a small number of pre-ECCE eligible children. The younger children's sleep is currently facilitated within the routine; however, the room is working on transitioning out of sleep time. The service acknowledge that the mix of awake and sleeping children can be distracting so in order to mitigate this they have revised their playground timetable for both the junior and senior areas to facilitate awake children availing of the outdoor space during this section of the daily routine.

Preventive action: Rooms avail of playground slots during sleep time in order to minimise disruptions.

2. The service have removed the books that were noted during inspection and have placed an order to replace the books. They will make their own copies of books, using a laminator and a book binding machine in order to make books that are more robust and will be enjoyed by the children for longer thus fostering early language and literacy experiences.

Preventive Action: Rooms will check the condition of books as part of their maintenance checks.

3. Addressed on inspection.

Supporting documentation submitted

1. Copy of playground schedule.
2. Evidence of an order of new books.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliances identified under Regulation 19 have been adequately addressed.

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 following measures were observed to safeguard the health, safety and welfare of the children:

General Safety:

- Equipment was observed to be maintained in good condition with no observed hazards.
- Finger protectors on doors were observed throughout the premises where required.
- Radiators were fitted with appropriate covers to protect the children from accessing them.
- There was a daily risk assessment displayed in the care rooms which was completed and up to date.
- Children were observed to be supervised appropriately while using the staircase, and staff placement in the outdoor areas allowed appropriate supervision of the outdoor play area.
- Cables and blind cords were observed to be secured.

Infection Control:

- Thermostatically controlled warm water, liquid soap and hygienically dispensed paper towels were available at all wash hand basins used by the children and the staff members.
- Handwashing was completed after outdoor play and before mealtimes.
- Nappy changing practices were observed to be in line with appropriate infection control practice.
- Children's bed linen was stored in individual, labelled boxes.
- Individual drinking cups and beakers were available and were clearly labelled.

Administration of Medication:

- The care plans for any children requiring medication were displayed in the rooms and were clearly detailed. Staff were aware of the procedures to administer any medication.
- Medication was stored in an appropriate manner, with clear labelling.
- Medication along with the relevant care plans were brought to the outdoor play area for those who required it. This was stored appropriately, out of reach of children.

Safe Sleep:

- A log was maintained where the temperature of the room and the colour, breathing and position of sleeping children was checked every 10 minutes.
- Cots and sleep mats were placed with an appropriate space between them to allow staff to tend to the care needs of sleeping children.
- The temperature of the rooms while children were sleeping was maintained between 16-20°C as per the service's safe sleep policy.

Fire Safety:

- Fire exits throughout the premises were unobstructed.
- Evacuation routes and fire drill procedures were clearly displayed throughout the rooms.
- There were five evacuation cots available to support the safe evacuation of young children.

Non-Compliance Information

General Safety:

1. The corner protector on the shelving unit by the kitchenette in the Rowen room was gone leaving a screw protruding on the top corner of the shelf. This posed of risk of injury to the children.

Infection Control:

The following increased the potential risk of infection:

2. The bins in two of the rooms increased the risk of cross contamination:
 - The bin in the sanitary accommodation used by the Beech room was not lined or lidded. This increased the potential for cross contamination. It is acknowledged that this was non-compliance was addressed immediately, as photographic evidence was submitted to the Inspectorate on the 28 November 2023 that the bin had been replaced with an appropriate, lidded bin.
 - The foot pedal in the bin in the Chestnut room was broken, and staff were observed to use the lid of the bin to dispose of waste. This repeated hand touch of the lid posed increased the potential for cross contamination. It is acknowledged that this non-compliance was addressed immediately, as photographic evidence was submitted to the Inspectorate on the 28 November 2023 that the bin had been replaced.
3. The covering on two large, padded blocks in the Beech room was torn leaving the foam exposed, and therefore the surface un-wipeable. This increased the potential for cross contamination.
4. There was an increased potential for cross contamination as a box of toys and a bowl with a paint brush was observed to be at the sink area in one of the sanitary accommodation areas of the service. Only items for use in the sanitary accommodation area should be stored there

Fire Safety:

- The details of the attendance of the children were not accurately recorded in the attendance book in two of the rooms. A child who was present in one of the rooms was not recorded as being present, and a child who had left one of the rooms early had not been signed out. Contemporaneous accurate attendance logs must be maintained to support the safe evacuation of children in an emergency.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

- Corrective action: Corner protector has been replaced in the Rowan room and the screw is no longer a hazard.
Preventive Action: Regular review of required maintenance in rooms.

Infection Control:

- Addressed on inspection.
- Corrective action: The two large, padded blocks in the Beech room have been removed and an order has been placed to replace them.
Preventive Action: Regular review of required maintenance in rooms.
- Corrective action: The box of toys and a bowl with a paintbrush were immediately removed from the sanitary area once brought to our attention on the date of inspection.
Preventive action: Sanitary areas will not be used for storage.

Fire Safety:

- Corrective action: update attendance log.
Preventive action: Continued regular auditing of the rooms to ensure all room administration is in order and investigations should any discrepancies arise.

Supporting documentation submitted

General Safety:

- Photographic evidence and evidence of updated maintenance checklist.

Infection Control:

- Order for new padded blocks, evidence of updated maintenance checklist.
- Photographic evidence.

Fire Safety:

5. No evidence submitted.

Summary Comment

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

Part VII - Premises and Space Requirements

Regulation 29 - Premises

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

- (b) safe and secure,*
- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

Compliance Information

(b) The premises was safe and secure, for example:

- The entrance to the service had an electronic door release system in place which was monitored and managed by staff. This restricted unauthorised persons from gaining access to the premises and prevented children from exiting the service unsupervised.
- The two outdoor areas to the front of the premises were fully enclosed, and the areas were surfaced with a soft synthetic level surface which was suitable for the children attending.

(e) The service was equipped with adequate and suitable sanitary facilities for the number of children attending.

Non-Compliance Information

(d) The registered provider did not ensure the premises was cleaned and maintained as required:

1. The walls in the Rowan room had a sticky residue and paint was observed peeling in areas. This prevented adequate cleaning of the area.
2. The ventilation unit in the sanitary accommodation of the Rowan room had a build-up of dust. This could limit the ventilation unit to work effectively.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. Corrective action: Repainting of the Rowan room to rectify the peeling paint has been raised with maintenance team with priority.
Preventive action: Regular review of required maintenance in rooms.
2. Corrective action: Ventilation unit has been examined by the maintenance team who have conducted a full cleansing of the unit, which is now in full working order.
Preventive Action: Regular maintenance checks of bathroom areas and ventilation. Housekeeping cleaning sheet has been amended to include this

Supporting documentation submitted

- 1 & 2. Correspondence to maintenance.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliances identified under Regulation 29 have been addressed and will be reviewed on the next inspection.