

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY252
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<b>Name of Service:</b>	Chestnut Daycare
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<b>Address of Service:</b>	1 Innismore, St Agnes Road, Crumlin Village, Dublin 12, Co. Dublin
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<b>Eircode:</b>	D12 DX66
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<b>Name of Registered Provider:</b>	Laura Higgins
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	03/12/2024
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<b>No of pre-school children:</b>	AM	23	PM	23
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<b>Address of the Early Years Inspectorate:</b>	1 <sup>st</sup> Floor, Trinity Building, IDA Business Park, Southern Cross Road, Bray, Co. Wicklow.
<b>Inspection undertaken by:</b>	S Quigley & S Early O'Brien
<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).

<b>Conditions if applicable</b>	Not applicable
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### Description of service

Chestnut Daycare is one of six privately owned services currently operated by the registered provider. The service is registered to provide full day, part-time and sessional care to children aged 1-6 years and offers an Early Childhood Care and Education Scheme. The service operates from 7.30am to 18:00pm, Monday to Friday. The service is situated in an urban area of Crumlin in South County Dublin within a purposely adapted premises. The service comprises of three care rooms for preschool children, all of which were in operation on the day of inspection. An enclosed outdoor play area is available adjacent to the premises.

### Staffing

The service currently employs eight staff members including a designated person in charge and a cook. On the morning of inspection on 3 December 2024, there were five staff members present, four of whom were working directly with the children. There was also a dance teacher present from an external company working with the children under supervision. Two additional staff members arrived subsequent to the inspector's arrival to provide cover from other services operated by the registered provider. The registered provider was not present in the service on the day of 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 and records. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under the following regulations:

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

Regulation 11(1)(2) – Staffing Levels

Regulation 15(1) – Record of a Pre-School Child

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

Regulation 23 – Safeguarding Health, Safety and Welfare of Child

Regulation 25(1)(2) – First Aid

Regulation 26(1)(4) – Fire Safety Measures

Regulation 28 - Insurance

However, on inspection additional non-compliance which posed a risk was identified under the following regulations:

Regulation 8(1) – Notification of Change in Circumstances

Regulation 16(1)(i) – Record in Relation to Pre-School Service

These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under regulation 9(2)(4). As a result, the scope of the inspection included only staff members employed since the last inspection of the service on 5 September 2022.

A sampling process was used to assess compliance under regulation 15, Record of a Pre-School Child.

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 II - Registration and Register

### Regulation 8 - Notification of change in circumstances

*(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.*

### Non-Compliance Information

- (1)
- The registered provider failed to notify the agency that the designated person in charge of the service had changed. Staff reported that the person detailed on the national register as the designated person in charge had ceased employment in the service in 2020.
  - The service is currently registered to provide full day, part-time, and sessional care to preschool children. The person in charge confirmed that the only type of care currently offered by the service is full day care.
  - The service is currently registered to open from 7:30am to 18:00pm each weekday. The person in charge stated this information is incorrect and the service currently opens from 8:00am to 18:00pm.

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

The registered provider submitted the following response:

#### **Corrective and Preventive Action**

The service had notified Tusla of the change in designated person in charge. There was a staff change in Tusla which meant the form got passed around. It has now been rectified. The service still currently provides Part Time/ Sessional and Full-Time places. The service has sent in a CIC form with the time changes. The service will confirm by email that Tusla have received the CIC form and has lodged the request. The service plan to change to full time in the Autumn this year, the service will lodge a CIC as soon as they have made a full decision on this. The service will check the register to make sure all details are correct moving forward.

### Supporting documentation submitted

Supporting documentation was submitted by the registered provider and reviewed by the early years inspector.

### Summary Comment

The regulatory requirement has been met.

## Part III – Management and Staff

### Regulation 9 – Management and recruitment

*(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

(2)  
Documentation was reviewed in respect of six staff members working in the service who were employed since the date of the last inspection on 5 September 2022 under Regulation 9(2)(4). Regulation 9(2)(c) was reviewed for all eight adults working in the service. This documentation met regulatory requirements as follows:

- (a) Two validated references were appropriately verified by the registered provider from a past employer for each of the six adults.
- (b) Not applicable as all references were available from past employer.
- (c) Garda vetting disclosures from the National Vetting Bureau of An Garda Síochána were available for eight adults. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) International police vetting was required for four adults and was available for three who had lived outside the State for a period exceeding six months as an adult.

(4)  
Records were available evidencing that six of the adults who were employed to work directly with the children, held a relevant major award in Early Childhood Care and Education at Level 5 or above on the National Framework for Qualifications.

### Non-Compliance Information

(2)(c)  
It is acknowledged that a Garda vetting disclosure was available for a staff member who had previously been employed in the service until November 2023. However, the Garda vetting disclosure had not been renewed prior to the staff member re-commencing employment on 10 November 2024.

(d)  
Police vetting was not available for one staff member working directly with the children who had lived outside the State for a period exceeding six months as an adult

(4)  
In the Montessori room between 8:45am and 9:00am, an adult who did not hold a major award in Early Childhood Care and Education at Level 5 or above on the National Framework for Qualifications was caring for the children.

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

#### **Corrective and Preventive Action**

(2)  
(c) The vetting has been updated.  
(d) International vetting was submitted for the adult.  
(4) As per regulation 16 actions. This person works as a cook in the service and does not typically work directly with the children.

#### **Supporting documentation submitted**

Supporting documentation was submitted and reviewed by the inspector.

### Summary Comment

The regulatory requirement has been met.

## 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.

### Non-Compliance Information

(1)

Although it is acknowledged that the required adult to child ratio was adhered to in the Toddler room on the day of inspection, there was an insufficient number of adults available to children in the Montessori and Wobbler Room as detailed below.

(2)

- A review of attendance records and the staffing roster in place evidenced that between 8:00am and 9:00am on the day of inspection, sixteen children were cared for by two adults. Four of the children were aged one year, seven aged two years, and eight aged three years. Three adults were required.
- There was an inadequate number of staff available to care for the children in the Montessori room. One adult was caring for one child aged two years and nine children aged three years from 9:30am to 12:30pm. The staff member present stated that one staff member works alone with these ten preschool children from 9:30am to 12:30pm, and from 14:30pm until the service closes daily.
- In the Wobbler room from 09:00am to 10:00am one adult was caring for one child aged two years and six children aged one year. While it is acknowledged that a staff member joined the room having arrived from another centre, there was an inadequate number of adults available to care for the children between 9:00am and 10:00am.

The required minimum adult to child ratios are as follows:

AGE RANGE	ADULT:CHILD RATIO
1-2 years	1:5
2-3 years	1:6
3-6 years	1:8

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

#### **Corrective and Preventive Action**

The service had three staff call in sick on the morning and were awaiting staff from another branch to arrive at the service. One of the staff members that called in sick was from this room, we were awaiting staff from our other branch. The service have added an agency alongside the other branches for emergency staff. It was unfortunate that all were sick on the same day.

#### **Supporting documentation submitted**

No supporting documentation was submitted.

#### **Summary Comment**

The regulatory requirement has been met. The actions outlined by the provider will be assessed on the next inspection of the service.

### Part IV – Information and Records

#### **Regulation 15 – Record of pre-school child**

*(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:*

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

## Compliance Information

(1)

A sample of children's records were reviewed by the inspectors in respect of 12 children currently enrolled to attend the service. The registered provider ensured that a record was kept in writing of the details relating to points (a) to (i) of the above regulation for each of the records reviewed.

## 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:*

*(i) details of staff rosters on a daily basis;*

## Non-Compliance Information

(1)(i)

The staff roster was not reflective of the staff working in the service on the day of inspection. The designated person in charge had informed the inspectors on their arrival that one further staff member was rostered to work in the service that day, arriving in the afternoon. At 10:00am and 11:55am respectively, two additional staff members arrived from another centre to provide cover. These two additional adults were not rostered to work in the service.

## Corrective & Preventive Action submitted by the Registered Provider

### **Corrective and Preventive Action**

On the morning of inspection, the person in charge did not get a chance to add the names of the cover staff to the roster. The service had to wait for the other branches to confirm the names of these staff members. The service checked roaster daily for the next morning, if anything changes, the service will adjust the roster to reflect those changes.

### **Supporting documentation submitted**

No supporting documentation was submitted.

## Summary Comment

The actions outlined as stated by the registered provider will address the non-compliance. The regulatory requirement has been met.

### 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)

On the day of inspection some appropriate and suitable care practices were observed to be in place with the children. Meals and snacks were offered to the children regularly throughout the day according to the three-week rolling menu and as discussed with staff. During dinner time, self-feeding was encouraged in the younger care rooms and staff assisted children where required. Milk and water were served with dinner in line with the displayed menu plan.

Children's nappies were changed routinely and as needed with staff observed to use these opportunities for warm and respectful one-to-one interactions. Older children were supported and encouraged to use the toilet independently.

Children were addressed by name and were spoken to in gentle, warm tones by staff. Children were comforted promptly if they became upset.

In the Wobbler and Toddler rooms, an area was available consisting of some matting and cushions where children could rest or take a break from other activities.

Younger babies were given the opportunity to sleep at a designated sleep time after dinner. The children were made comfortable for sleep, with staff removing shoes and outer layers of clothing. Soothers were provided to the children who needed them. Staff described how they document information about the children in relation to diet, sleep and nappy changes on an online platform which parents have immediate access to. Staff stated that information about each child is also shared at arrival and collection times.

#### Non-Compliance Information

(1)(b)

On the day of inspection, some practices were observed which do not positively promote children's learning and development in addition to their health and wellbeing.

- In the Montessori room, the rest area for the children was inadequate. There was only one small child size armchair available. One child on two occasions at 11:10am and 11:45am showed visible signs of a need to rest. These cues were not responded to. The staff member present stated

during discussions with the inspector that cushions are available on a high shelf which can be taken down. A cosy, relaxing area was not readily available to the children during inspection to facilitate their need to rest.

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

The registered provider submitted the following response:

#### **Corrective and Preventive Action**

On the afternoon of the inspection, the staff rearranged the classroom to make sure the cushions were accessible to all children. The service have added the rest area to the list of checks for the Montessori room and have had a chat to all the staff regarding rest areas in the room. It has also been added to the agenda for the next staff meeting.

#### **Supporting documentation submitted**

No Supporting documentation was submitted.

### Summary Comment

The actions outlined as stated by the registered provider will address the non-compliance. The regulatory requirement has been met.

## Part VI - Safety

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

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

### Compliance Information

#### **General Safety:**

The entrance door to the service was adequately secure with the use of a buzzer system to ensure the safety of the children within and to prevent the unauthorised access of persons accessing the service or the children exiting unsupervised. The internal access door is secured using thumb print access by all staff employed to work in the service. All cleaning agents were stored safely out of the reach of children. Toys and play equipment in use by the children on the day of inspection appeared to be safe and in good working order.

#### **Infection Control:**

An infection control policy is in place in the service to inform practice. Schedules were in place to ensure that the service, equipment and materials are cleaned regularly.

Waste was managed appropriately with the use of pedal-operated, lidded bins throughout the service. Liquid soap, warm water and paper towels were available to facilitate handwashing for both staff and children.

### Safe Sleep:

Staff were familiar with safe sleep guidance, and they placed the younger children on their backs to sleep. Sleep logs were maintained in the sleep rooms and individual children's observations recorded the room temperature, breathing, colour and position every ten minutes. Low level sleeping beds were provided for children over two years to rest as required.

### Fire Safety:

The designated fire escape routes were clearly indicated and free from obstruction on the day of inspection. Staff members adequately outlined the evacuation procedure in place in the event of a fire.

## Non-Compliance Information

### General Safety:

1. The linoleum flooring at the entrance to the toddler room was lifting, creating a trip hazard which posed a risk of injury to a child.
2. In the Wobbler room, it was observed that the cable from the de-humidifier was dangling over a shelf. It was unplugged and the plug was lying on the floor. This posed a choking hazard and a trip hazard to the children in the room.

### Infection Control:

A number of practices observed during the inspection were at variance with the infection control policy in place in the service and ineffective for infection control purposes as detailed below.

3. The nappy changing practices observed were inadequate on the day of inspection to prevent the spread of infection and cross contamination as evidenced by the following:
  - Children's hands were not consistently washed after their nappy change. Some of the children's hands were only washed with water for four to five seconds.
  - Staff members hands were not consistently washed after nappy changes.
  - Some of the handwashing practices observed were ineffective for infection control purposes. One staff member was observed to only wash the inside of their hands for four to five seconds after changing a soiled nappy.
  - The changing mat was not consistently cleaned between nappy changes.
4. Children's hands in the Wobbler room were not washed before dinner posing a risk of cross contamination.

5. On the day of inspection in the Wobbler Room, there was no system to manage mouthed toys and equipment. Children were observed repeatedly mouthing toys which were not removed for cleaning after use and subsequently mouthed by other children, posing a risk of cross contamination.
6. The lacquered surface on the changing table was coming away in parts exposing a porous surface underneath which could not be effectively cleaned. There was also a sticky residue on this table. In the Montessori Room, the surface of two tables were observed to have a sticky residue and required a deep clean to prevent the spread of infection and cross contamination.
7. On the morning of inspection at 10:20am there was a strong malodour in the Toddler room. This odour appeared to be coming from the bin. At 11:14am the malodour was still present, and the inspector asked the designated person in charge to change the bin at this time. It is acknowledged that the smell was no longer present once the bin was changed.

### Safe Sleep:

8. One child aged one year was placed to sleep on a stackable bed where a standard cot is required.

### Fire Safety:

9. A review of documentation evidenced that fire drills are not occurring monthly in the service. One staff member informed the inspectors that since they joined the service in June, they have only practiced one fire drill. Not practising regular fire drills can hinder the safe evacuation of children and staff in the event of an emergency.

### Action submitted by the Registered Provider

The registered provider submitted the following response:

#### Corrective & Preventive Action

##### General Safety:

1. The person in charge on the day told the inspector that the service were having the floor replaced, the company had already been out to measure and the material was ordered. It was replaced on 18th December. Flooring will be added to the service risk assessment.
2. The de-humidifier has now been taken from the room, it will only be used as necessary. Trailing cables will be added to the service risk assessment.

### Infection Control:

3. The service have re done handwashing and nappy changing steps with all staff. Extra nappy changing assessments have been added to the managers monthly check list, the service have added the importance of handwashing to the agenda for our next staff meeting
4. As above re iterated the importance of hand washing and added the topic to the staff meeting agenda.
5. The service have added an extra box for mouthed toys.
6. The changing unit has been recovered. The Montessori table was deep cleaned. These items have been added to the 'deep clean' schedule.
7. The service have checked all bins for food, food is not allowed into the bins in the class. The service have a compost bin in the kitchen for this.

### Safe Sleep:

8. The service will use the spare cot available for the child until they turn 2 years old. The service will consider new beds for under 2 years, the service will continue to use the cots available until they have bought new suitable beds. Risk assessments will be carried out on each child as needed.

### Fire Safety:

9. The person in charge on the day acknowledged that they had forgotten to re do the fire drill in Oct and Nov. All other months from Jan to Sep had been completed. Dec was completed on 16th Dec 2024. A reminder has been set for each month to carry out drills.

### Supporting documentation submitted

Supporting documentation was submitted and reviewed by the early years inspector.

### Summary Comment

The actions outlined as stated will address the non-compliances. These actions will be assessed on the next inspection of the service. The regulatory requirement has been met.

## 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)

The service provided evidence that two adults were trained in First Aid Responder (FAR) training and were immediately available to the children attending the service on the day of inspection.

(2)

(a) The first aid boxes were safely stored in an easily accessible and conspicuous place in each of the care rooms.

(b) The first aid boxes were available to the adults and children attending the service on the day of inspection.

## 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) Records were available of fire drills that have been carried out in the service.

(b) A record was kept of the number, type and maintenance of the firefighting equipment and smoke alarms on the premises. The firefighting equipment was last serviced December 2024 and the smoke detection systems were last serviced 15 July 2024.

(4)

Notices of the procedures to be followed in the event of a fire were conspicuously displayed in the service.

## Part VI - Safety

### Regulation 28 - Insurance

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

#### Compliance Information

The registered provider ensured that the service was adequately insured. The insurance certificate displayed on the wall showed cover for the number of children the service can accommodate at any one time and an expiry date of 27 March 2025.