

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY281
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Name of Service:	Tiernan's Nursery
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Address of Service:	4 Holmes Cottages, Church Gardens, Rathmines, Dublin 6, Co. Dublin
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Eircode:	DO6 XY99
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Name of Registered Provider:	Kenneth Tiernan
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Service type:	Full Day, Sessional
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Date(s) of Inspection:	04/07/2024
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No of pre-school children:	AM	35	PM	35
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Child and Family Agency, Second Floor, Unit 4 &5 Nexus Building Block 6A Blanchardstown Corporate Park, Dublin 15
Inspection undertaken by:	Á Dunne, T Nelson
Title:	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.
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Description of service

Tiernan's Nursery is a full day care, part-time and sessional service located in Rathmines, Dublin 6. The service operates from 8am to 6pm - Monday to Friday. A service is provided to children aged between 0 to 6 years. The service participates in the Early Childhood Care and Education (ECCE) scheme and a School aged service is also provided from 1.30 pm to 6pm daily. The service has two buildings, a single storey building with three care rooms the Baby room, the Wobbler room, the Toddler room and a designated cot room and a two-storey building with two care rooms, the Junior Preschool room and the Senior Preschool room, a dining room, a kitchen, an office and a staff room. On the day of inspection, the Senior Preschool room was assigned to school age children.

Staffing

The registered provider employs 17 staff to work in the service to include the designated person in charge, 2 designated deputy persons in charge, 11 early years childcare staff, 2 school age childcare staff and a cook. On the day of Inspection, 14 staff were present to include the person in charge, 2 deputy persons in charge, 8 early years childcare staff, 2 school age childcare staff and a cook. The registered provider does not work directly with the children and the designated person in charge and the 2 designated deputy persons in charge were available to support when required.

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 regulations as follows:

Regulation 9 Management and recruitment (2)(a)(b)(c)(d), (4)

Regulation 11 Staffing Levels (1)(2)(8)(a)

Regulation 16 Record in relation to Pre- School Service (h)

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

Regulation 23 Safeguarding Health, Safety and Welfare of child

Regulation 25 First Aid

Regulation 29 Premises

A sampling process was used to assess compliance under Regulation 23 Safeguarding Health, Safety and Welfare of child. The scope of the inspection included the Baby room, the Wobbler room, the Toddler room and the Junior Preschool room, it did not include the Senior Preschool room.

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 designated person in charge, designated deputy 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

(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) The registered provider does not work directly with the children and employs 17 staff members.

The files of 17 staff members were reviewed.

(a)(b) Thirty-four written and validated references were available in relation to 17 staff members.

(c) Garda vetting disclosures had been obtained for 17 staff members. 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 ten staff members who had lived outside of Ireland for a period of more than 6 months.

(4) Evidence was available to show that 16 staff members who worked directly with the children 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.

(8) Without prejudice to paragraphs (2) to (7)-

(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,

Compliance Information

(1) The registered provider ensured that there were an adequate number of adults working directly with the children attending the service.

During the inspection there were 8 adults working directly with 35 children aged between birth to 6 years.

(2) The minimum ratio of adults to children was maintained during the inspection as the table below demonstrates.

Room Name	Age profile	On inspection
Baby room	9 months – 14 months	2 Adults with 6 children
Wobbler room	1-year 2 months -2 years	2 adults with 8 children
Toddler room	2 years to 3 years	2 adults with 8 children
Junior Preschool room	3 years to 4 years 6 months	2 adults with 13 children
Total	(0-6 years)	8 adults with 35 children

The designated person in charge, two designated deputy persons in charge were available in a supernumerary capacity and covered in rooms as required.

(8)(a) On review of the service roster it was observed that two adults were on the premises during the operation of the service.

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

Non-Compliance Information

- (1)
- (h) The number of children present in the Toddler room was not recorded accurately in the service electronic application, as follows - at 10.35am, 8 children were present in the Toddler room but only 7 children were recorded in the electronic application.
 - (i) The roster did not reflect the presence of the person in charge in the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (h) A room meeting was held with staff to discuss this non-compliance on 22 July 2024. The service will complete a random spot-check daily- asking “how many children do you have today?” and will continue to do this to mitigate the risk of a child being unaccounted for. It also highlighted the need for a more stringent induction process, as attendance is already on the induction checklist. It was agreed by management that a follow up induction meeting was needed as there is a lot to process for new staff, and management will introduce this follow up induction meeting with new staff starting from Aug 1st, 2024.
- (i) Person in Charge attendance is now reflected on roster. Roster will be double checked by the deputy manager before being printed for the week to ensure all staff are rostered correctly.

Supporting documentation submitted

- (h) Minutes of meeting held 22 July 2024 and copy of induction checklist.
- (i) Copy of updated roster.

Summary Comment

Under Regulation 16 the non-compliance’s outlined above, have been addressed.

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

(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)(a) Basic Needs:

- The service had a three-weekly menu for breakfast, dinner and afternoon snack. It was displayed in the service. Children were observed to be offered meals and snacks at regular intervals throughout the day. Dinner was a hot meal for the children. The hot meals are prepared and cooked in the service by the cook in the kitchen beside the dining room. The inspector observed the children eating their snack in the care rooms and dinner in the dining room at assigned times; morning snack was banana and a biscuit, dinner was meat balls with pasta or rice and tomato sauce, an afternoon snack was crackers with cheese. Different dietary requirements were catered for if required and additional food was observed to be available and offered. Water was available in each care room for the children to drink from their own individual labelled drinking bottles and water and milk were offered at mealtimes in drinking cups.
- Mealtimes observed were relaxed and sociable events, with children given time to sit at low tables appropriate to their ages. Children were encouraged to self-feed, but staff were on hand to help as required, supporting independence and wellbeing.
- Nappy changing and toilet visits were completed at set times and as needed to ensure each child's comfort.
- The transitions between activities such as nappy changes, sleep time, mealtimes and outdoor play were observed to be calm and relaxed with staff available to care for the individual needs of the children.
- Children from all care rooms were observed to enjoy outdoor play during the inspection, in the outdoor play area.

Supporting relationships:

- The service used an electronic application to communicate with parents daily and staff confirmed that at collection time, staff update parents verbally on their child's day in the service. There is also a text message group used by management for communication with parents.
- During lunch and afternoon tea times, staff were observed to sit with the children while they ate their meals creating a relaxed and social environment promoting social interaction.
- Staff were observed to be engaged with the children and their play. They were responsive to the children and were observed to give them choices regarding their play activities in the care rooms and during outdoor play.
- Staff members supported each other in the provision of care to the children.

Physical and Material environment:

- The furniture provided in each care room was low level and suitable to the needs and age of the children. There were sufficient number of low tables and chairs to accommodate children whilst they played and ate in each care room.
- Cosy areas with soft mats, couches and cushions for rest and relaxation with books, were present in each care room.
- The care rooms were laid out with a range of materials and toys that were suitable to the age and stage of development of the children.
- A secure outdoor play area was available for the children from all care rooms with an artificial grass surface with ride in cars, ride on bikes, ride on tractor, castle playhouse with slide, see saws and balls, providing learning and play opportunities for the children.

(b) Appropriate and Suitable Care Practices

- The setting up of the Wobbler room and Toddler rooms for sleep was completed smoothly and did not disturb the children in the Baby room.

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 external gate in the outdoor area was secured with a keypad intercom system monitored by staff, to prevent a child from exiting the service unsupervised and to prevent an unauthorised adult from entering.
- The service was maintained in a clean and hygienic condition throughout, with the premises and equipment observed to be visually clean.
- The kitchen area was inaccessible to the children throughout the inspection.
- The outdoor area was enclosed securely and the outdoor play equipment and materials were observed to be safe and suitable for use by the children.

Infection Control:

- Handwashing facilities for hand hygiene included liquid soap, and paper towels.
- Bins were provided for the disposal of wastepaper in the sanitary facility.
- Windows were open in the care rooms allowing for the circulation of air.
- Soothers used within the service were stored in individual labelled boxes and staff confirmed that soothers were cleaned after use daily which reduced the potential risk of cross infection.
- All cot mattresses had washable wipeable covers present in each cot.
- Staff confirmed that laundry is washed every week.

Safe Sleep:

- Low Beds and cots were suitably positioned and were observed to be 50cm apart.
- Children were provided with cellular blankets for sleep in the Baby cot room and Wobbler room.
- Shoes and clothing were removed from children while they slept.
- Staff were observed to physically check sleeping children every ten minutes and completed sleep check records on the electronic application, while children slept which included each child's colour, breathing and position.

Non-Compliance Information

General Safety:

1. In the outdoor area, a trailing hose from a reel was observed, leading to a risk of injury. This was a non-compliance on inspection in 2023, the corrective action / preventive action has not been sustained.

Infection Control:

2. In the storage room off the Baby cot room of the service, the inspectors observed mattresses and low beds stored between uses, with sheets and blankets on them, leading to poor infection control.
3. Nappy changing was not completed as per service policy, three nappy changes were observed and the gloves and apron were left on for the duration of each nappy change, leading to poor infection control.
4. Effective handwashing was not completed as per the service policy, as follows:
 - In the Wobbler room, the childrens hands were wiped with wipes after outdoor play.
 - In the Toddler room, one child's hands where not washed after toileting.
 leading to poor infection control.

Safe Sleep:

5. In the Wobbler room, one child under two years of age was observed to be sleeping on a low bed. A sleep assessment for this one child was not available, this is at variance to the best practise sleep guidelines issued to the sector in September 2023.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. The hose has been removed completely from the wall. If a new hose is purchased it will be attached appropriately to the wall to mitigate any risk to the children.

Infection Control:

2. A room meeting was held 22 July 2024, to discuss Infection control around the mattresses/ sheets and storing of the sheets between uses. It was corrected immediately, and sheets are now kept in individually labelled Ziploc bags. The induction checklist has been updated to reflect classroom management of improved Infection Control.
3. The service conducted a room meeting 22 July 2024 to address the non-compliance, with an on the spot supervised nappy change check done by Nursery Supervisor to ensure staff were fully aware of the procedure.

The service has printed and displayed the hand hygiene policy and ensured the updated nappy changing policy is displayed and have strengthened the induction process with a follow up meeting re Infection control after 6 weeks' employment. The service has also conducted random spot checks on staff changing nappies.

- The service conducted a room meeting 22 July 2024 to address the non-compliance and the service have printed and displayed the hand hygiene policy and have strengthened the induction process with a follow up meeting re Infection control after 6 weeks' employment.

Safe Sleep:

- The service has reviewed their sleep plans in line with the new sleep guidelines and these are now available for all children using floor beds. The children's carers (early years educators) and parents will now fill in a collaborative sleep plan form. The child must be over 20 months and also fit the developmental conditions for moving from a cot to a floor bed. Once the collaborative plan has been completed, they will be kept on paper in a sleep plan folder in the children's care room, and their individual sleep plan will be implemented.

Supporting documentation submitted

General Safety:

- Photographic Evidence.

Infection Control:

- Minutes of meeting held 22 July 2024, Photographic evidence and a copy of induction checklist.
- Minutes of meeting held 22 July 2024, Review of Nappy changing policy and evidence of completed spot checks on 23 July 2024 and 26 July 2024.
- Minutes of meeting held 22 July 2024, Photographic evidence and a copy of induction checklist.

Safe Sleep:

- Copy of completed sleep plans.

Summary Comment

Under Regulation 23, the non-compliances outlined above, have been addressed.

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 five adults trained in First Aid Response were available at all times to the children attending the pre-school.

(2)

(a) (b) Two suitably equipped first aid boxes were available and were safely stored in an easily accessible and conspicuous positions – one in the lobby between the Baby room and Toddler room and one in the lobby outside the office beside the Junior Preschool room.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-
(e) equipped with adequate and suitable sanitary facilities.*

Non-Compliance Information

- (e)
- In the sanitary facility of the Toddler room, the hot tap was seized and could not be turned on, therefore no running thermostatically controlled water was available in the sink beside the nappy changing mat. This was a non-compliance on inspection in 2023, the corrective action / preventive Action has not been sustained.
 - The temperature of the water recorded by the inspector were as follows:

Room	Temperature	Time
Wobbler room Nappy changing wash hand basin	43.9 ° C	at 10.50am
Baby room Nappy changing room wash hand basin x2.	43.6 ° C	at 11.35am

This exceeds the maximum temperature of 43 °C and increases the potential risk of injury. This was a non-compliance on inspection in 2023, the corrective action / preventive Action has not been sustained.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- The service contacted their plumber. The plumber advised as they are familiar to the services water system and that it is the taps only that are required to be replaced. Staff were instructed to continue to use the low level (child height) sinks that have constant hot water, until the issue was resolved. A building contractor removed and replaced the existing taps on 31 July 2024.

2. Baby & Wobbler room staff are recording the water temperature, three times daily (approximately 8am, 12pm and 4pm) and there is no record of water temperature above 43 degrees in the last number of weeks. Plumber is available to adjust the thermostats for the taps if the baby & wobbler staff start to record temperatures exceeding 43 degrees. This will continue to be monitored three times daily on the risk assessments for the individual rooms on the service electronic application.

Supporting documentation submitted

1. Photographic Evidence.
2. Copy of daily risk assessment August and September demonstrating three daily recordings of water temperature.

Summary Comment

The non compliances outlined above, under Regulation 29, have been addressed.