

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY321				
<b>Name of Service:</b>	Fitzkinder Day Nursery and Montessori School				
<b>Address of Service:</b>	Fitzkinder Day Nursery & Montessori School, 31 Upper Fitzwilliam Street, Dublin 2				
<b>Eircode:</b>	D02 VR72				
<b>Name of Registered Provider:</b>	Emmett Rice, Joyce Grant Rice				
<b>Service type:</b>	Full Day				
<b>Date of Inspection:</b>	11/07/2023				
<b>Regulatory Compliance Meeting:</b>	03/10/2023				
<b>No of pre-school children:</b>	<table border="1"> <tr> <td>AM</td> <td>28</td> <td>PM</td> <td>28</td> </tr> </table>	AM	28	PM	28
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Floor 7 Brunel Building, Heuston South Quarter, St. John's Road West, Kilmainham, Dublin 8				
<b>Inspection undertaken by:</b>	E. Finnegan Hayes & A. Bradshaw				
<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

Fitzkinder Day Nursery & Montessori is a privately operated full day care service which opens 8am-6pm Monday to Friday. The service operates from a Georgian house in Dublin City Centre. The service is comprised of 4 care rooms; one at ground level, two on the first floor and one at basement level which is accessible by external stairs to the front and rear of the building, an office and a kitchen. The service caters for 47 children aged 0-5 years and participates in the Early Childhood Care & Education (ECCE) scheme.

### Staffing

The registered provider employs ten staff to work in the service including the designated person in charge. The manager and assistant manager are employed in a supernumerary capacity and were available to assist in rooms as required. Nine staff were present on the day of inspection. The registered provider does not work in the service.

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

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings. Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

## Additional Information

A referral to the fire officer was made on 14<sup>th</sup> July 2023 in relation to the garden area which is fully enclosed with no emergency exit to ensure safe evacuation in the event of a fire and also in relation to the conditions detailed on the services Fire certificate.

A regulatory compliance meeting was held on 3<sup>rd</sup> October 2023 to discuss the CAPA response in relation to the fire safety certificate.

## 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 a named person to was able to deputise as required in the absence of the person in charge.

(2) A review of the roster and conversation with management showed that there are currently 10 staff employed by the service. The files of all staff were reviewed.

(a) Sixteen written and verified references were available from a previous employer in relation to 9 staff members.

(b) Four Written and verified references were available from a source other than a previous employer in relation to 3 staff members.

(c) Garda vetting declarations were available for 10 staff members.

(d) Police vetting was available for 9 staff members who had lived outside of Ireland for a period of more than 6 months as an adult.

(4) Evidence was available to show that 9 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.

### Non-Compliance Information

(1)(b) A review of the roster showed that the named person in charge or the deputy is not available on the premises from 5pm-6pm each evening.

(4) Evidence was not available to show that one staff member 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.

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

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

(1)(b) At the feedback meeting post inspection the person in charge explained that management is on duty 08:00-6:00pm or even 7:30am-8:00pm some evenings working, however, these additional working hours were not recorded on the roster. This happened due to staff shortage and management being fair alternating staff rosters. Management notes the importance of displaying this on the roster and will do so going forward.

(4) Evidence of the qualification has been obtained.

#### **Supporting documentation submitted**

A copy of the new roster and evidence of the qualification has been reviewed

### Summary Comment

The registered provider has addressed the non-compliance under Regulation 9.

### Part III – Management and Staff

#### Regulation 11 - Staffing levels

*(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.*

*(2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.*

#### Compliance Information

(1) The registered provider ensured an adequate number of staff were working directly with the children in the service. Twenty-seven children were being cared for by 9 staff.

(2) Ratios were maintained in the service. The following was observed;

- In the baby room four children were being cared for by 1 staff member.
- In the Toddler room five children were being cared for by 2 staff members.
- In the Pre-montessori room eight children were being cared for by 2 staff members.
- In the Montessori room eleven children were being cared for by 2 staff members.

Two additional staff were available in a supernumerary capacity to assist in rooms where required.

### Part IV – Information and Records

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

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

*(k) details of any accident, injury or incident involving a pre-school child attending the service.*

#### Compliance Information

(k) A record of accidents/incidents was maintained in the service. A review of ten accident/ incident records showed that all the necessary information was recorded.

### 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) Basic Needs:

- The service operated two separate weekly menus; one for the baby room and one for the older children in line with their healthy eating policy. The service provides three meals and two snacks each day. On the day of inspection, the children were observed to eat apple and banana for morning snack and dinner consisting of Pasta with chicken and sweetcorn which is provided by an external company.
- The food provided was observed to be an appropriate texture for the aged and stage of development of the children for example children in the baby room were provided with pureed food. Children were provided with suitable utensils and encouraged to feed themselves where appropriate.
- Evidence of planning in line with the children's interests was available in the care rooms; each room has a board to record children's emerging interests along with detailed curriculum plans which incorporated these interests.

##### Physical and Material environment:

- The children were visually represented in the rooms in a number of displays supporting the child's sense of identity and belonging in the service, for example photographs of the children were used in the birthday chart and a family wall in each room representing the children and their families.
- Low-level shelving was used to display materials and ensured the children could play in a spontaneous and independent way.
- Child sized tables and chairs were available and allowed children to comfortably engage in mealtimes and tabletop activities.
- Children's artwork was displayed throughout the service supporting their creativity.

### Supporting Relationships around Children:

- A daily handover is completed at drop off and collection time and a written record of the children's day was kept and shared with parents including food, sleep, and nappy changes.
- Staff were observed to use a low tone when speaking to the children and engaged in the daily activities with the children; They sat with the children during mealtimes, engaged in play, sang songs, and read stories.

### Non-Compliance Information

1. The sleep needs of a child in the pre-montessori room were not observed to be met on the day of inspection where a child was observed crying and telling staff they were tired for almost 30 minutes before they were let sleep. At 11:25am a child was observed crying and told a staff member they were tired; the staff member comforted the child with a hug and advised they would need to have dinner first before bedtime. Dinner was available in the room at the time but had not been served to the children. Between 11:34am and 11:42am the child was observed placing their head on the table to rest, crying, rubbing their eyes and telling staff they were tired. The child was repeatedly given unclear information in relation to when they could go to bed which resulted in the child becoming distressed. The child continued to cry until they went to bed at 11:57am.
2. Materials and equipment in the Toddler and Pre-montessori rooms were not adequate to support children's play and learning experiences. Materials were limited and were not arranged in such as ways as to promote spontaneous independent play. Jigsaw pieces were observed to be missing in both rooms and books were not maintained or displayed in an appealing way for example in the pre-montessori room a selection of 10 books were available in the book area five of which were observed to be torn and were missing pages.
3. A selection of equipment in the outdoor area was inaccessible to the children as it was in an area not available to the children during playtime. The equipment accessible to the children was limited and did not support a range of play experiences for example the play area contained a playhouse and a mud kitchen for which there was no supporting equipment, 2 rocking horses, a wheelbarrow and 2 bouncing ride on toys. While a sand tray, water tray, sensory tray, large slide and wobbler size slide/climbing frame and ride in cars were available but not accessible for use. The outdoor area should be equipped to support a range of play experiences appropriate to the age and stage of development of the children accessing the area. This was a non-compliance on the previous inspection on the 3<sup>rd</sup> May 2022.

The corrective and preventive actions detailed by the registered provider in response to the non-compliance were to supply new materials and for staff to ensure that the children have access to materials. These have not been sustained.

4. Children from the baby room were not observed to access the garden on the day of inspection and were not listed on the garden rota. Staff advised that the children aged 1-2 years do not access the garden as they are too small, and it is too risky.
5. Five battery operated toys which were available for use in the baby room were observed not to work. Battery operated toys should be maintained in working order to ensure their play value and to support the development of the understanding of cause and effect in the children.

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

#### Corrective and Preventive Action

1. Meeting the children's needs was discussed at a staff meeting. Staff were reminded of the following; if a child appears overtired or is verbalising a need to them that they follow this lead, meal time can be delayed until after the child sleeps and that there is available food for children at another time that better suits the need of the child on this particular day, children's beds are readily available right outside their room- some beds can be placed down just before meal time in case this event occurs and the children can continue with their routine as normal whilst a child is assisted to sleep. This topic will be highlighted from time-to-time at meetings to remind staff and to highlight this to possible new staff. Our floater/ Deputy and Manager will also observe & monitor and will provide any necessary feedback to Manager for correction.
2. Additional toys and equipment are provided regularly for both Pre-Montessori & Toddler Room. Staff have been asked to positively teach children respect for our books and how to use these properly and monitor more closely on several occasions. The person in charge has rearranged rooms assist staff in case this was the issue and images of the layout have been displayed as a visual aid for staff, these were present on the day of inspection. This shows evidence that these issues are being actively noted, observed, dealt with and managed as much as humanely possible. New books, puzzles and equipment has been purchased once again and will continue to be purchased like so on a monthly/bi-monthly basis. Staff have also been reminded of the above points in meeting, again, it is attached in supporting documentation.

3. The issue of material availability had been addressed on numerous occasions at staff meetings. On several occasions management addressed the issue of garden equipment availability with staff. The mud kitchen was also provided in recent months. Staff were reminded once again of toy availability & presentation and the garden was rearranged. Staff will continue to be reminded during monthly staff meetings. Management will also physically move toys up appropriate end if moved when conducting now garden daily risk assessment in mornings. Staff have been reminded to check garden more vigilantly when completing their daily garden checks and to report any risks to management urgently for rectification.
4. Management notes that a staff member who disseminated such information was not normally a carer of the baby room and noted some days when there had been extreme inclement weather and several children who were not mobile at this time and children had not gone to garden at this point until fully settled in. Management has drawn up a new daily garden timetable for 4 care rooms. Management has reminded staff that they can bring our large mats to the garden &/ place some blankets on the ground for outdoor use only and this can aid additional safety for children whose gross motor skills may not have developed to the walking stage yet.
5. Battery operated toys in our baby room have been removed as they actually no longer work and are older toys. Two new toys have been added. Going forward we will not be using battery operated toys apart from these larger toys and smaller toys will be focused on more natural/ open-ended materials, small world animals, play house, kitchen corner, construction blocks, books, natural wooden toys, sensorial baskets, cars & counters, soft toys and so on.

### **Supporting documentation submitted**

Photos and meeting notes have been reviewed in relation to above.

### **Summary Comment**

The registered provider has addressed the non-compliance under Regulation 19.

### 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:

- Blind cords and flexes were appropriately secured out of reach of the children.
- Water was thermostatically controlled at a temperature of no more than 43°C.
- Cleaning sprays were stored out of reach of the children on high shelves in all care rooms.
- A wooden barrier was secured around the windows which prevent children accessing the window.
- A rail at the child height was provided on the staircase.

##### Infection Control:

- Tables were observed to be cleaned before mealtimes.
- Handwashing was observed to be done after garden time and before mealtimes.

Dispensed hand soap and paper towels were provided throughout the service to enable adequate handwashing.

##### Safe Sleep:

- Staff were knowledgeable of safe sleep practices.
- Staff carried out regular physical checks of sleeping children no more than 10 minutes apart and recorded the required information in relation to these checks.

##### Fire Safety:

- Staff were knowledgeable of the fire evacuation procedure.

#### Non-Compliance Information

##### General Safety:

1. Socket covers were not in place on a low-level socket in the toddler room posing a risk of injury to the children.
2. The door of the playhouse in the garden was missing and a crack was observed on the bottom of the door frame which presented a pinch risk to the children.

##### Infection Control:

3. The cots in the cot room were not adequately spaced a minimum of 50cms apart while children were sleeping. The size of the cot room did not allow for adequate spaces between the 10 cots.

4. Handwashing of the adult or child's hands following nappy changing was not completed in line with best practice or the service policy. This presents an infection control risk.
5. Toilet roll was not hygienically dispensed in the toilets used by the children in the Montessori room posing a risk of cross infection from frequent handling of the toilet roll insert.
6. The lid was broken off the bin in the toilet next to the rear exit of the service. Lidded bins are required for disposal of contaminated items.
7. A piece of linoleum flooring was missing from beside the toilet in the sanitary area at mezzanine level which prevented adequate cleaning of the area.

### Administration of Medication:

8. A staff member who was covering in the Montessori room on the day of inspection was not adequately informed of the location of emergency medication which was required by one child. The staff member advised that the medication was kept in the office however discussion with the manager and a review of the location showed that the medication was kept in the care room. This could impede the child receiving the medication in a timely manner in the event of an emergency.

### Safe Sleep:

9. An ambient temperature was not maintained in rooms where children were sleeping. The following was record;
  - The cot room was 21.4°C at 10:45am while 4 children were sleeping and at 12:10pm while 5 children were sleeping in the room. The thermometer in the room which was placed beside the open window registered the temperature of 19.4°C.
  - Pre-montessori room was 22.3°C at 12:25pm while 8 children were sleeping in the room. Staff were not aware of a procedure to cool the room.
  - Montessori room was 22.4°C at 2:15pm while 3 children were sleeping in the room.

This was a non-compliance on the previous inspection on the 3<sup>rd</sup> May 2022. The corrective and preventative actions submitted by the registered provider in response to the non-compliance stated that staff will open windows and doors to ventilate the rooms and that management would complete daily checks to ensure temperatures are being recorded in a timely manner however this has not been sustained.

### Fire Safety:

10. The registered provider did not ensure that the person in charge was fully aware of the conditions stipulated on the buildings fire certification which states that no more than 20 children can be accommodated at first floor level and that signage should be displayed to state this. Signage on the ground floor stated that no more than 20 children could be accommodated on the ground floor and conversation with the person in charge showed that their understanding was the condition applied to the ground floor of the building and that 22 children are registered to attend the rooms on the first floor from September 2023. This could lead to the condition being breached and place the children at risk in the event of a fire emergency.
11. The gates in the garden area were difficult to open and had to be lifted in order to move the bolts which secured them. This could impede the evacuation of children from the garden in the event of a fire emergency.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

1. New socket covers have been purchased. A daily checklist has been implemented and placed in each room for completion at 8am.
2. The Toy house has since been discarded and a new toy house purchased. Management will remove toys when conducting now garden daily risk assessment in mornings. Staff have been reminded to check garden more vigilantly when completing their daily garden checks and to report any risks to management urgently for rectification.

##### Infection Control:

3. Two slightly smaller cots have been placed in room & rearranged appropriately. This has been addressed in our meeting attached also and staff will be reminded. Staff know to leave the cots adequately spaced each day by duct tape markings on the floor; once children have settled & sleeping, they should readjust cots back to appropriate marking guide. Staff now have access to a measuring tape and a check slip for this daily. Management will monitor this also.
4. Staff have all been inducted on hand-washing & nappy changing prior employment commencement, assessment on hand-washing and signed off on hand-washing form & read infection control policy on induction & signed off on policy check lists also to re-confirm this. Procedure addressed in monthly meeting and staff signed off again on hand-washing form.

5. Tissue was caught inside dispenser, and this was rectified during the management daily checks. Staff had placed a loose roll outside of dispenser rather than rectifying problem. A daily checklist for children's toilet paper dispensers has been drawn up for completion at 8:00am opening, 6:00pm also hourly checks throughout the day; it has been administered to staff. Sanitary areas have been assigned to particular rooms to check. Staff have also been updated on this topic and importance of personal & child hygiene reverberated in meeting also.
6. New bin ordered as replacement. Staff reminded to notify management of any broken equipment.
7. A handy man was contacted to rectify this urgently.

### **Administration of Medication:**

8. A large pictorial que is now on the wall above where medication is kept at all times alongside a care plan for this medication. At meeting staff were advised of how important it is to be alert, aware of such important things and most importantly team communications. Any new staff will always be inducted on this also in meeting and during orientation.

### **Safe Sleep:**

9. The service continues to check temperatures each morning at 8am at point of opening with our check record sheet and again at 6pm. The service have purchased indoor desk fans to be used on warmer days. The service will continue to conduct our temperature checks and have purchased new thermostats to ensure the most accurate readings indoors away from windows. The service will continue to create a flow of air where possible between rooms with doors open/ windows. This usually proves effective and has done so since.

### **Fire Safety:**

10. The registered provider has stated that no more than 20 children will be accommodated on the first floor of the building.
11. The Handy man had been contacted and will repair.

### **Supporting documentation submitted**

Photos, text messages and meeting notes have been reviewed in relation to above.

### **Summary Comment**

The registered provider has addressed the non-compliance under Regulation 23.

## Part VI - Safety

### Regulation 25 - First aid

*(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.*

*(2) A registered provider shall ensure that a suitably equipped first aid box for children-*

*(a) is safely stored in an easily accessible and conspicuous position on the premises, and*

*(b) is available to the children attending the pre-school service at all times.*

### Compliance Information

(1) The registered provider ensured that a staff member trained in First aid Response (FAR) was immediately available to the children at all times during the opening hours of the service.

(2)(a)(b) A suitably equipped first aid box was available in the service. This was easily accessible to staff if needed any time during the day.

## Part VII - Premises and Space Requirements

### Regulation 29 - Premises

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

- (a) of sound and stable structure,*
- (b) safe and secure,*
- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

### Compliance Information

- (a)
  - The building appeared sound in structure with no visible issues observed.
- (b)
  - Both entrances to the building were adequately secured; the main entrance and basement entrance to the Montessori room. Staff attended the door to allow access which prevented unauthorised person entering the premises.
  - A low-level divider and gate which was fitted with a bolt was present in the main hallway. This prevented children leaving the building unsupervised but allowed them to move freely through the building to access toilets and the garden.
- (c)
  - Natural light was provided in all care rooms. This was subsidised by artificial light as needed.
  - Windows were opened throughout the service to allow fresh air to circulate.
- (e)
  - An adequate number of toilets and nappy changing units were provided for use by the children in the service.

### Non-Compliance Information

(d)

1. The area along where the tiles met the floor behind the toilets in the sanitary areas in the basement was not maintained in a clean hygienic conditions and appeared mouldy.
2. Tiles in the sanitary area at mezzanine level were not flush with the wall which meant the area could not be adequately cleaned.
3. Paint was observed to be peeling and flaking off the walls to the rear of the Montessori room.
4. Paint was peeling off a dado rail in the baby room and could not be adequately cleaned.

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

#### Corrective and Preventive Action

(d)

1-4. A handyman has been contacted and will repair &/replace as he sees fit to resolve such issues above. Management has asked that the tiles & dado rail be filled in and painted/ fixed appropriately along with any other paint chippings.

#### Supporting documentation submitted

Text messages have been reviewed.

### Summary Comment

The registered provider has attempted to correct the non-compliances under Regulation 29 however the work has not yet been completed. The non-compliance under Regulation 29(d) remains outstanding.