

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY328
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Name of Service:	Leeson Park Creche & Montessori
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Address of Service:	39 Leeson Park, Ranelagh, Dublin 6, Co. Dublin
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Eircode:	D06 CX63
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Name of Registered Provider:	Mícheál O'Ceallaigh
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Service type:	Full Day
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Date of Inspection:	25/10/2023
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No of pre-school children:	AM	10	PM	10
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Address of the Early Years Inspectorate:	Tusla – Child and Family Agency Trinity Building, IDA Business Park Bray Co Wicklow
Inspection undertaken by:	Mary Redmond / Aisling Byrne
Title:	Early Years Inspector / Inspection 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
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Description of service

This private childcare service has been in operation since 2006. Full day care is provided for children aged one to five years of age. The hours of operation are between 8am and 6pm Monday to Friday.

The service operates from the lower ground floor of a period building which is the registered provider's domestic dwelling. The area has been modified to accommodate the service. Care is delivered across three rooms; there is no dedicated sleep room. Children have access to an enclosed garden to the rear of the premises.

Staffing

There were six adults employed to work in the service children including a manager and an administrative assistant. The registered provider does not work in the service, but a representative of the registered provider was present during the inspection. One adult employed to work with children had attained a major award in Early Childhood Care and Education at Level 6 on the National Framework of Qualifications and three adults had qualifications deemed by the Department of Children, Equality, Disability, Integration & Youth (DCEDIY) to be equivalent. Another adult who did not have the required qualification had a letter of qualification recognition issued by the DCEDIY.

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 areas of governance, safety and premises. Inspections may focus on other areas as required.

The inspection plan was to focus on the following regulations:

Regulation 8 Notification of change in circumstances

Regulation 9 Management and recruitment

Regulation 11 Staffing levels

Regulation 15 Record of pre-school child

Regulation 23 Safeguarding health, safety and welfare of child

Regulation 26 Fire safety measures

Regulation 29 Premises

A non-compliance is reported for this regulation as it was not part of the inspection plan:

Regulation 16 Record in relation to pre-school service

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 reoccurring. 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

This inspection was triggered by the receipt of information which was furnished to the Early Years Inspectorate on 13 October 2023. A response was received from the registered provider on the 23 October 2023.

A Regulatory Compliance Meeting (RCM) was held with the registered provider on the 29 August 2023 to address previous outstanding non-compliance and offer an opportunity to demonstrate how these issues had or would be resolved.

The information received by the inspectorate on the 13 October 2023 outlined similar non-compliances to those previously identified on inspection which the registered provider had undertaken to address.

Acknowledgments

The inspection team wishes to acknowledge the co-operation of the service manager, and staff members who facilitated the inspection and children who were present on the day of inspection. A representative for the registered provider was present during the inspection and for the feedback meeting.

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 had not notified the Agency (Tusla – Child and Family Agency) in writing of a proposed change of the person in charge of the service as listed in Schedule 4.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Application and documents for change of person in charge have been submitted.

The service administrator will ensure all changes required to be notified to Tusla will be notified within the required timeframe.

Summary Comment

Documentation was submitted to the registration office.

The regulatory requirement has now been met.

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,*

(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.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

(a) the policies, procedures and statements of the service specified in Schedule 5;

Compliance Information

(1)

- (a) There was a designated person in charge and a named person to deputise as required.
- (b) The designated person in charge was on the premises for the duration of the inspection.

The files for six adults employed in the service and another adult who was present during the inspection were reviewed.

(2)

- (a) There were written validated references available from previous employers for six adults employed in the service.
- (b) References from other sources were available for one adult.
- (c) Garda vetting was available for seven adults.
- (d) Police vetting was available for four adults for whom it was required.

(4) One adult had attained at least a major award in Early Childhood Care and Education at Level 5 on the National Framework of Qualifications and three adults had qualifications deemed by the Department of Children, Equality, Disability, Integration & Youth (DCEDIY) to meet the regulatory requirement.

(7) (a) Adults working in the service were familiar with policies and procedures of the service. This included an adult who had recently commenced working in the service and had read the policies and procedures and received support during the induction period.

Non-Compliance Information

- (2)
(a) A second reference was not available for one adult.
Regulation 9 (2) has been non-compliant on four previous inspections (06/06/2023, 10/10/2022, 01/09/2021, 19/02/2018)
- (4) One adult who was working directly with children did not have the required qualification.
Regulation 9 (4) has been non-compliant on three previous inspections (06/06/2023, 01/09/2019, 19/02/2018)

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (2)(a) A second reference for one adult has been obtained.
The service administrator will ensure that two validated references are available for all adults working in the service.
- (4) Qualified staff have been added to the team in place of the staff member in question.

Supporting documentation submitted

A validated reference was submitted.

Summary Comment

The regulatory requirement is not met. No evidence of qualified staff was submitted and previous preventive actions submitted by the registered provider has not prevented repeated non-compliance with this regulation.

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.

Compliance Information

(1) There were an adequate number of adults working directly with children attending the service. There were five adults working directly with ten children during the inspection; this included the service manager.

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) The records for twelve children who were registered to attend the service were reviewed. The records reviewed contained the following particulars:

- (a) The name and date of birth of each child.
- (b) The date on which each child first attended the service.
- (c) There was an area on the registration form where the date when a child would cease to attend the service will be recorded.
- (d) The names, addresses and telephone number of parents were recorded and information where parents can be contacted during the hours of operation of the service were also available.
- (e) Names and contact details of other adults who were authorised to collect children were available.
- (f) The documentation available supported the recording of specific illnesses, allergies, disabilities and dietary preferences for children.
- (g) The name, address and telephone number of each child's general practitioner (GP) was recorded.
- (h) Parents had indicated which immunisations their children had received.
- (i) There was written parental consent for medical treatment of children in the event of an emergency.

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) The registered provider did not ensure that a record in writing was kept of the following information in relation to the service:

(i) There were no details regarding a staff roster.

A staff roster is required to ensure that a registered provider can demonstrate that sufficient staff will be in place to care for children who are attending the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

A staff roster has been put in place.

Supporting documentation submitted

A blank roster template was submitted.

Summary Comment

The submissions reviewed did not evidence that the actions had been implemented.

The regulatory requirement has not been met and will be reviewed at the time of the next inspection.

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 secured to prevent unauthorised access or children exiting unsupervised.

Toys and play equipment observed in use by children on the day of inspection were safe and in working order.

Cleaning products and hazardous materials were stored securely out of reach of the children. Window blind cords were secured.

Adults working in the service were aware of procedures to safely evacuate the premises in the event of a fire.

Infection Control:

Children's hands were washed after outdoor play and before eating. The nappy changing procedure observed was effective for infection prevention and control. Foot pedal bins were observed to be in working order.

Safe Sleep:

Young children under two years of age were physically monitored while sleeping and sleep checks were recorded every ten minutes.

Non-Compliance Information

General Safety:

1. On arrival to the service the fire exit at the side of the house was blocked with a bicycle. It is acknowledged that the obstruction was removed during the inspection.
2. The record available indicated that no fire drills had taken place in the service in May, June or July 2023. Failure to practice regular fire drills could impede the safe evacuation of children and adults in the event of a fire occurring in the service.
3. The smoke detection system had not been serviced as required. The Category L3 system must have a full service annually to conform to I.S. 3218:2013. The only record available was for a quarterly test which had been carried out on the 13 June 2023; no other records were available for the maintenance of the system. Failure to ensure that an early detection system is adequately maintained poses a potential risk to children in the event of a system failure.

The registered provider had been informed during a regulatory compliance meeting on 29 August 2023 that quarterly and annual servicing of the fire detection and alarm system was required.

Infection Control:

4. A large roll of paper towel was not in a dispenser and was stored in the children's sanitary accommodation in a manner that posed a risk of cross contamination.

Action submitted by the Registered Provider

Corrective and Preventive Action

General Safety:

1. Signage and other preventive measures have been put in place to ensure that this exit is kept clear.
2. Fire drills have been conducted and will be scheduled monthly by the service administrator.
3. Smoke detection system to be serviced on 17 November 2023 and on quarterly basis going forward.

Infection Control:

4. The large blue paper towel has been removed from this area and staff have been advised to only use paper towels from the dispenser.

Supporting documentation submitted

Photographs of signage and other measures have been reviewed.

Correspondence regarding the scheduling of servicing for the smoke detection system was submitted.

Summary Comment

Previous actions submitted by the registered provider in relation to keeping fire exits clear and servicing of the smoke detection system has not prevented a reoccurrence of this non-compliance.

A condition was attached to the services registration regarding fire safety measures in 2022.

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.*

Compliance Information

(1) A record in writing was available for the following:

- (a) There was a record to show that fire drills had taken place in the premises and the last recorded fire drill was on the 8 September 2023.
- (b) There was a record to show that the firefighting equipment had been checked in July 2023 and that quarterly servicing of the smoke alarms had taken place in June 2023.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

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

- (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

(c) On the day of inspection the premises was adequately lit, heated and ventilated. The ambient temperatures of the care rooms on the day of inspection ranged between 18.2 and 18.8 degrees Celsius. Windows which previously could not be opened in the Wobbler room had been refurbished and were openable. Light fittings had been secured.

(d) Large holes in the plasterwork in the Wobbler room had been repaired. The paintwork which was chipped and flaking around the windows in the Wobbler room had been repainted.

(e) There was one toilet and wash hand basin for use by adults in the service. This area had been refurbished since the last inspection. One toilet and two wash hand basins and one nappy changing unit were available in the children's sanitary accommodation.

Non-Compliance Information

(e) One toilet in the children's sanitary accommodation could not be flushed and was not available to children attending the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

A new toilet is to be installed in the coming weeks.

Supporting documentation submitted

None.

Summary Comment

This non-compliance remains outstanding.