

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY338		
Name of Service:	St. Nicholas Montessori Merrion		
Address of Service:	10 Herbert Avenue, Ballsbridge, Dublin 4, Co. Dublin		
Eircode:	DO4 EA33		
Name of Registered Provider:	Dr. Nicholas Breakwell		
Service type:	Full Day		
Date of Inspection:	14/11/2023		
No of pre-school children:	AM	29	PM 23
Address of the Early Years Inspectorate:	The Brunel Building, Heuston South Quarter, St. John's Road West, Dublin 8		
Inspection undertaken by:	R. Brien		
Title:	Early Years Inspector		
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

St. Nicholas Montessori Merrion is one of three early years services operated by the registered provider. The service provides full day care for children from 2 to 6 years and is registered to operate from 08:00 to 17:00, Monday to Friday.

The service is located in an urban, residential area. The premises is a two-storey period house which has been adapted for the purpose of early childhood care and education. There are three pre-school rooms. The Assistance to Infancy room and Montessori 1 rooms are located on the ground floor and the Montessori 2 room is located on the first floor. An imagination room is also located on the first floor and there is an art room located on the first-floor return. A fully enclosed outdoor play area is located to the rear of the building.

Staffing

The service currently employs seven staff members. There were seven staff working directly with the children on the day of inspection. The registered provider does not work directly in the service and was not present 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/ safety and premises and facilities. The inspection 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

An Immediate Action Notice was issued on 14 November 2023 for non-compliance with regulation 9(2)(c). A mandatory Garda vetting disclosure was not available for one adult who had access to children contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

The registered provider submitted a response on 15 November 2023 outlining the actions being taken to address this non-compliance which included a copy of the adult's Garda vetting dated 15 November 2023.

Acknowledgments

The inspector wishes 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

(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,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Compliance Information

(1)

(a)(b) The service had a designated person in charge and a named person to deputise as required who were both on the premises throughout the inspection.

(2) The files of seven adults were reviewed as part of the inspection. This included two staff members who had commenced working in the service since the last inspection on 25 October 2022. Documentation was reviewed in respect of these adults and met regulatory requirements as follows:

(a) Fourteen references were available from a past employer in respect of the seven adults.

(c) Garda vetting disclosures from the National Vetting Bureau of An Garda Síochána were available for the seven staff members.

(d) Police vetting was required for four staff members who had lived outside the State for a period exceeding six months as an adult. Police vetting was available for three staff members. Police vetting was not available for one adult, however, there was evidence to demonstrate that every reasonable effort had been made to obtain police vetting.

(4) Records were available evidencing that seven staff members who were employed to work directly with the children held the required qualification or equivalent. One staff member held a qualification recognition letter from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

Non-Compliance Information

(2)(c)

A mandatory Garda vetting disclosure was not available for one adult who was present in the service on the 14 November 2023 contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. An Immediate Action Notice was issued on the day of the inspection. The registered provider submitted a response the next day which included a copy of the adult's Garda vetting dated 15 November 2023.

(2)(d)

Police vetting was required from two countries for one staff member who had lived outside the State for a period exceeding six months as an adult but was not available from one of these countries.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(c)

The staff member was asked to leave immediately. Garda vetting was obtained on the 15/11/2023 for this staff member and submitted to Tusla on 15/11/2023.

All Garda and Police vetting will be obtained for every adult working in the building prior to commencement of employment.

(2)(d)

International Police vetting was obtained for one staff member who lived outside the country on 23/11/2023. All Garda and Police vetting will be obtained for every adult working in the building prior to commencement of employment.

Supporting documentation submitted

Written evidence was presented to demonstrate the corrective and preventive actions submitted by the registered provider.

Summary Comment

The corrective and preventive actions as stated by the registered provider have been deemed to address these non-compliances. These actions will be assessed on the next inspection.

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) An adequate number of adults were working directly with the children at all times during the inspection.
- (2) The minimum ratio of adults to children for full day care services was adhered to at all times during the inspection. There were twenty-nine children attending the service being supervised by seven adults on the day of inspection.
- (8)(a) There were two adults on the premises at all times.

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;*

Compliance Information

- (h) Details of the attendance of each child in the service were recorded at the time of entering and leaving the service.
- (i) The staff roster was available on the day of inspection and accurately reflected the adults working in the service.

Part VI - Safety

Regulation 23 - Safeguarding health, safety and welfare of child

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

Compliance Information

The inspector found by observation of practice, review of documentation, discussion with staff and inspection of the premises that the registered provider had taken the following steps to safeguard children attending:

General Safety:

- The entrance doors to the service were adequately secured to ensure the safety of the children within and to avoid unauthorised persons accessing the service or children exiting unsupervised.
- The toys and play equipment observed in use by the children on the day of inspection appeared in good working order.
- All blind cords were secured.
- Medicines and cleaning agents were stored safely out of reach of children.
- The kitchen was not accessible to children.

Infection Control:

- Liquid soap and paper towels were available to facilitate hand washing. Staff were observed to carry out hand washing as appropriate. The children were supported to wash their hands at regular intervals including after using the toilet, following outdoor play and before meals.
- Children's nappies were changed in line with the service's nappy changing policy to reduce the risk of the spread of infection.
- Waste was managed appropriately with the use of pedal bins.
- Individual bed linen was provided for children. Staff stated that bed linen is laundered weekly.

Safe Sleep:

- Documentation reviewed demonstrated that children are physically monitored while sleeping and sleep checks were documented every 10 minutes. Discussion with staff demonstrated that staff were familiar with safe sleep guidelines.

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) A person trained in first aid was immediately available to the children at all times on the day of inspection.

(2)

(a) A first aid box was safely stored in an easily accessible and conspicuous location within the service.

(b) A first aid box was available to the adults and children in the service at all times.

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) A written record was available detailing fire drills that had taken place in the service. The last fire drill had been recorded as undertaken on 05 October 2023.
- (b) The number, type and maintenance record of fire fighting equipment and smoke alarms on the premises was available. There was a record to show that firefighting equipment had been serviced on 13 January 2023 and that quarterly maintenance of the smoke alarm system had taken place on 29 September 2023.
- (4) The procedures to be followed during a fire drill and in the event of a fire were displayed in a conspicuous location within the service.

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) Care rooms were adequately heated on the day of inspection. The required temperature of 18 – 22°Celsius was maintained.
- (d) On the day of inspection, the service appeared clean and well maintained.
- (e) Thermostatically controlled warm water was available in all sanitary facilities in the service to promote effective handwashing.