

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY370
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Name of Service:	Chestnut Daycare Ltd.
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Address of Service:	Unit 2 Oblates View, Tyrconnell Road, Inchicore, Dublin 8, Co. Dublin
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Name of Registered Provider:	Laura Higgins
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Service type:	Full Day
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Date of Inspection:	02/08/2023
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No of pre-school children:	AM	33	PM	32
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Address of the Early Years Inspectorate:	1st floor Trinity Building, IDA Business Park, Southern Cross Road, Bray, Co. Wicklow.
Inspection undertaken by:	Sarah Quigley & Helen Bourke
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

Chestnut Daycare is a privately owned service which offers care and education on a full day, part time, and sessional basis to children aged 0 to 6 years. The programme of care is facilitated through a blend of a play-based and Montessori curriculum and an Early Childhood Care and Education scheme is offered. The service operates from 7:30 to 18:00 each weekday. Chestnut Daycare is located in an urban area in Inchicore, South County Dublin, and is one of 6 early years services operated by the registered provider. The service operates from the ground floor of a purposely adapted commercial premises and comprises of five care rooms. An outdoor play area is available on the premises.

Staffing

Fifteen staff members are currently employed to work in the service, not including the registered provider. On the day of inspection 13 adults were present, including an adult who was employed to preform administrative and the designated person in charge.

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/ information and records/ health, welfare and development of child/ safety/ premises and facilities. The inspections may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 11, 15, 19, 23, 24, 25, 26 and 29; however, on inspection additional non-compliance which posed significant risk was identified under Regulation 30. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under regulation 15(1).

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

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

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

Acknowledgments

The inspectors wish to acknowledge the cooperation of the person in charge, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

(a) consideration of references from the person’s past employers, if any, and in particular the most recent employer, if any,

(b) consideration of references from reputable sources in the case of a person who has no past employers,

(c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and

(d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

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

Compliance Information

(2) Documentation was reviewed in respect of all 15 staff members employed to work in the service. The following records were available for the 15 adults:

(a) (b) The registered provider demonstrated that they had verified the references obtained from two sources for the 15 adults.

(c) A Garda vetting disclosure from The National Vetting Bureau for the 15 adults.

(d) International police vetting was available for 7 of the adults working in the service who had lived outside the state for a period exceeding six months as an adult.

(4) There was evidence that 13 of the adults had attained at least a major award in Early Childhood Care and Education at Level 5 on the National Framework for Qualifications, or a qualification deemed to be equivalent. One of the adults did not require a qualification as they did not work directly with the children.

Non-Compliance Information

(2)

(d) International police vetting was not available for 1 of the adults working in the service who required it.

(4) There was no evidence available to show that one adult working directly with the children had attained at least a major award in Early Childhood Care and Education at Level 5 on the National Framework for Qualifications.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(d)
International police vetting was retrieved for the staff member. The service will ensure all vetting documents are in place moving forward.

(4)
A full award certificate was retrieved for the staff member. The service will ensure the correct certification documents are on file.

Supporting documentation submitted

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

Summary Comment

The regulatory requirement has been met.

Part III – Management and Staff

Regulation 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) An adequate number of adults were working directly with the pre-school children attending the service during the inspection.

(2) The registered provider ensured that the minimum ratio of adults to children was maintained in the service on the day of inspection. There were 33 children present in the service being supervised by 9 adults on the day of the inspection.

Non-Compliance Information

(1)

An adequate number of adults were not working directly with the pre-school children attending the service during the inspection as the minimum ratio of adults to children was not maintained at all times as outlined below.

(2)

The registered provider did not ensure that the minimum ratio of adults to children was maintained in the service at all times as required. An insufficient number of adults were available to the children attending on a full day care basis in the Wobbler room as outlined as follows:

- Two adults were observed caring for 7 children aged 1 year from 9:30 until 9:55am when a staff member from another service operated by the registered provider arrived to provide cover. The minimum ratio of adults to children is 1:5 for children aged 1years.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The service will ensure that the correct number of adults are working with the children in all room at all times. The ratios were maintained once a staff member was free from another service operated by the registered provider to cover.

Staff members have been reminded that they must contact the service before 7am if they cannot attend on the day in order for alternative arrangements to be made to replace this staff members shift.

Supporting documentation submitted

No supporting documentation submitted.

Summary Comment

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

Part IV – Information and Records

Regulation 15 – Record of pre-school child

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

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

Compliance Information

(1)
A sample of 10 records of preschool children maintained in the service were reviewed by the inspectors to assess compliance. The documentation reviewed evidenced that 8 of the 10 records detailed the required information outlined under Regulation 15(1)

Non-Compliance Information

(1) Of the 10 records reviewed, 2 did not contain all of the required information as set out under regulation 15(1) as follows:

- (b) 2 of the records did not detail the date on which the child first attended the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Files for all children have been checked to ensure that the date on which the child first attended the service is recorded. All children's files will be checked by both managers to ensure that the start date of each child has been recorded on their files.

Supporting documentation submitted

No supporting documentation was submitted.

Summary Comment

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

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, welfare and development of child

(1) A registered provider shall, in providing a pre-school service, ensure that-

(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

Compliance Information

The inspectors observed some appropriate care practices in place in the service during the inspection as outlined below:

Staff reported that the service provided breakfast, snacks, and a hot meal to the children. Mealtimes were observed to be relaxed and sociable. Children were all supported to eat independently during meals, and staff assisted children where required. Bibs were worn in the younger care rooms to protect the children's clothes from becoming soiled or wet when eating. Drinking water was available in the care rooms at all times, and both water and milk were offered to the children at mealtimes.

Children were content in their environments and happy at play alone and in groups as desired. Play experiences were observed to be child led. Older children were observed using the toilet independently and younger children wearing nappies were changed regularly and promptly when required. Staff stated information surrounding each child's day is shared with parents, including information on sleep, food, and activities.

Non-Compliance Information

(1)(b)

1. Appropriate and suitable care practices were not observed in the Toddler room at all times during the inspection. A designated sleep period was in place from 12pm to 2pm for all 10 children attending the Toddler room aged 2 years which did not meet the individual needs of the children present as evidenced by the following:
 - During this time, all children lay on low level beds and the care room was darkened. A number of children displayed no signs of tiredness after 45minutes, getting up from their beds. However, staff members were observed repeatedly telling children to lie back down into their beds. There was no alternative activity offered to these children during the designated sleep time.
 - Two children were observed repeatedly attempting to get up from their beds. Staff members were observed each time picking these children up and laying them back down onto their beds. One child became distressed and began to cry telling the staff member 'no' each time they were lay back on their bed.

These practices were at variance with the sleep policy in place in the service which stated children would not be forced to sleep, children's own routines and choices will dictate sleep times, and that quiet activities will be arranged for children who do not want to sleep.

2. Building work was being completed in the premises adjacent to the service during the inspection which will form part of the existing premises as an extension. This negatively impacted on the wellbeing of the children attending the Wobbler room on the day of inspection as follows;
 - Loud drilling was intermittently taking place adjacent to the Wobbler room from 10:50 to 11:40. Children in attendance became distressed, crying loudly when the drilling commenced. Staff members attempted to comfort the children, but the staff members voices and music put on in the room could not be heard over the drilling. The inspectors requested the person in charge to ask the builders to stop drilling and following this request the drilling ceased at 11.40am

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Both staff members no longer work in the service. The new staff members have been trained in the service's Sleep Safe policies. Alternative activities have been set up for children who do not appear to be settling for sleep. Builders were asked to cease heavy drilling building work.

Building works are being carried out in an adjacent unit. These works are being implemented to extend and improve our facility.

The contractor was informed at the beginning of the construction and has since been reminded that any louder work is to be carried out during the evenings and weekends. The service have spoken to the builders again and this level of noise interference has not occurred since. Every effort is being made to negate impact on the main building.

Supporting documentation submitted

No supporting documentation was submitted.

Summary Comment

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

Part VI - Safety

Regulation 23 - Safeguarding health, safety and welfare of child

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

Compliance Information

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 door into the service was 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 were safe and in good working order. The registered provider had taken measures to ensure the indoor and outdoor play environments were safe and free from hazards. Cleaning products and hazardous materials were stored securely out of reach of the children.

Infection Control:

An infection control policy was in place to inform practice. Waste was managed appropriately with the use of pedal-operated, lidded bins throughout the service. Schedules were in place and maintained to ensure the service, equipment and materials are regularly cleaned. Staff were observed to carry out consistent hand washing as appropriate. Staff stated appropriate exclusion periods for adults and children with infectious illnesses were implemented in the service as per the policy.

Administration of Medication:

There was written evidence of prior parental consent for the administration of both temperature reducing and prescribed medications, and there were procedures in place to safely administer and document such medication if required, including in the case of an emergency. Staff adequately detailed the procedures for administering medication when required during discussions with the inspectors and had appropriate documentation available to record such administration if required.

Safe Sleep:

Staff were familiar with safe sleep guidance and placed babies on their backs to sleep. Standard cots were provided for children under two years to sleep and low-level beds were provided for children over two years to rest as required. The temperature of the sleep room was maintained between 16 - 20°Celsius as required.

Non-Compliance Information

Infection Control:

1. Children's hands were not washed prior to lunch time in the Wobbler and Toddler room on the day of inspection which is at variance with the handwashing policy in place in the service posing a risk of cross contamination.

Safe Sleep:

2. Although logs recording physical checks on sleeping children were being maintained in the Wobbler room, the checks could not be completed effectively. The care room was too dark to observe the children's breathing and colour, despite this being recorded on the sleep logs.

Fire Safety:

3. Practices which could hinder the safe evacuation of children and staff in the event of an emergency were noted during the inspection which were at variance with the fire safety policy in place in the service as follows:
 - Staff reported during discussions with the inspectors that fire drills are not completed monthly in the service by all staff and children. One staff member who works alone in a care room with children had not yet practiced a fire drill.
 - The cot that staff members indicated was used as an evacuation cot in the event of an emergency in the Wobbler room was not easily accessible on the day of inspection. The cot was observed to have 8 mattresses stored in it which staff stated have to be removed prior to using it for evacuation purposes.

Action submitted by the Registered Provider

Corrective & Preventive Action

Infection Control:

Staff from the two rooms have been spoken to about the importance of hand washing. Signs have been placed in rooms to remind staff that hands must be washed before meals. New sheets have to be signed off by staff members after handwashing has been completed. Regular checks by management will occur to ensure that handwashing is being carried with the children.

Safe Sleep:

The blind was adjusted in the Wobbler room to create more visibility at sleep time. Night lights were purchased and are now being used at sleep time in the Wobbler room.

Fire Safety:

The mattresses have been removed from evacuation cot. Evacuation cot will be kept empty at all times.
Fire drill will be carried out as a whole by the entire creche at the same time.

Supporting documentation submitted

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

Summary Comment

The regulatory requirement has been met.

Part VI - Safety

Regulation 24 - Checking in and out and record of attendance

(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.

(3) A registered provider shall ensure that-

(a) no person other than-

(i) pre-school child attending the service,

(ii) a person dropping or collecting such a child,

(iii) an employee, or

(iv) an unpaid worker, can enter the premises without his or her entry being approved by an employee, and

(b) a daily record in writing is kept of the entry on the premises of any such person.

Compliance Information

(1) Documentation reviewed during the inspection evidence that all children were checked in and out of the service on the day of inspection.

(3)(a)(b) A review of documentation and systems in place in the service evidenced that persons other than those specified above could enter the service without being approved by a member of staff. A record was available detailing any such persons entering the service, including both inspectors.

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 review of documentation evidenced that a person appropriately trained in first aid with the required qualification was available to the children at all times during the opening hours of the service.
- (2) (a)(b) A suitably equipped first aid box was observed to be immediately accessible to the children within the service and was stored in a conspicuous location on the day of inspection.

Part VI - Safety

Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-
- (a) any fire drill that takes place in the premises, and
 - (b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

Compliance Information

- (1)
- (a) A written record was available detailing fire drills that had taken place in the service.
 - (b) There was a record to show that the firefighting equipment had been serviced and that maintenance of the fire detection and alarm system had taken place as required.
- (4)
- The procedures to be followed during a fire drill and in the event of a fire were displayed in conspicuous locations 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

Compliance Information

- (c) The temperature of the care rooms on the day of inspection were assessed on the day of inspection to determine if corrective and preventive actions submitted following the last inspection of the service had been maintained. The care rooms were all maintained between the required temperature range of 18 - 22°Celsius on the day of inspection.

Part VII - Premises and Space Requirements

Regulation 30 - Minimum space requirements

(2) A registered provider of a full day care service or a part-time day care service shall ensure that the minimum amount of clear floor space specified in column (3) of Schedule 7 opposite a particular reference number specified in column (1) of that Schedule in respect of the age range of children specified in column (2) thereof at that reference number is available for each child in that age range attending the service.

Non-Compliance Information

The minimum amount of clear floor space required for the number and age of the children attending the Wobbler Room was not available on the day of inspection as follows:

- Eleven children aged 1year attended the Wobbler room on the day of inspection on a full day care basis requiring a minimum of 30.8square metres clear floor space when only 23.12square metres was available.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Wobbler Room 1 and Wobbler Room 2 were separated. 7 children are currently using Wobbler 2 Room. The Wobbler Room will be occupied by a total of 8 children at a maximum each day [breakdown of 2.8 square metres per child]in a room capacity of 23.12 square metres of available floor space .

Supporting documentation submitted

No supporting documentation was submitted.

Summary Comment

The regulatory requirement has been met.