

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY397				
<b>Name of Service:</b>	Fitzwilliam Nursery and Montessori School				
<b>Address of Service:</b>	2 Herbert Street, Dublin 2, Co. Dublin				
<b>Eircode:</b>	D02 CP59				
<b>Name of Registered Provider:</b>	Emmet Rice and Joyce Grant				
<b>Service type:</b>	Full Day, Part Time, Sessional				
<b>Date of Inspection:</b>	16/04/2024				
<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 D08 X01F
<b>Inspection undertaken by:</b>	E. Griffin
<b>Title:</b>	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

Fitzwilliam Nursery and Montessori School is a privately operated service located in a converted Georgian building in Dublin city. The service caters to a maximum of 38 children aged 0-6years old on a full day care basis from 8am-6pm Monday to Friday. The service is comprised of three care rooms; The Montessori room is located on the ground floor along with the cot room and kitchen while the Wobbler room and Toddler room are located on the first floor of the service accessible by stairs. An enclosed outdoor area is available to the rear of the premises.

### Staffing

The registered providers employ nine staff to work in the service including the person in charge who does not work directly with the children in the service. On the day of inspection seven staff were present in the service including the person in charge and six staff who were working directly with the children. The registered providers do not work directly with the children 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 unannounced and focused on the area of governance, health, welfare and development of child and safety. The inspections may also focus on other areas as required. The following regulations were reviewed on the day of inspection:

Regulation 9 (1)(2)(3)(4)-Management and Recruitment.

Regulation 11(1)(2)-Staffing Levels.

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

Regulation 23-Safeguarding the Health, Safety, and Welfare of child.

Regulation 24-Checking in and Out and Record of Attendance.

Regulation 25- First Aid.

Regulation 28-Insurance.

Regulation 29- Premises.

A sampling process was used to assess compliance under Regulation 19; Health, Welfare and Development of child, Regulation 23; Safeguarding the Health, Safety and Welfare of child. As a result, the scope of the inspection included the Wobbler, the Toddler room and Montessori room.

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

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

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

## Additional Information

16 April 2024

An Immediate Action notice was issued under Regulation 23 to the person in charge on the day of inspection in relation to the main door of the service being open and not secure which posed a risk to the safety of children.

A response was received on 17 April 2024 from the person in charge which mitigated the risk identified.

Please see details in the body of the report.

### 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*

*(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.*

*(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) The service had a designated person in charge and a named person to deputise as needed.
- (b) The designated deputy was present when the inspector arrived unannounced to the service. The person in charge arrived shortly after the inspection commenced.
- (2) A review of the roster and conversation with management showed that there are currently 9 staff employed by the service. The files of all staff were reviewed.
- (a) Nine written and verified references were available from recent past employers.
- (b) Nine Written and verified references were available from a reputable source other than a past employer.
- (c) Garda vetting disclosures were available for all nine staff members. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
- (d) Police vetting was available for seven staff members who had lived outside of Ireland for a period of more than 6 months as an adult.
- (4) Documentation was available to show that eight adults who worked directly with children attending the service held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs.

### Non-Compliance Information

- (3) Evidence showed that the procedures specified in paragraph (2) was not carried out in respect of one adult being allowed access to or contact with a child attending the pre-school service.
- A Garda Vetting Disclosure had not been obtained and reviewed prior to the start date of the one adult.

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

#### Corrective Action

(3) No staff member will be allowed to start in the future without Garda Vetting.

#### Preventive Action

(3) Management spoke at staff meeting about the importance of giving as much notice as possible if leaving job and the service will use relief staff from our sister creches if this happens again.

#### Supporting documentation submitted

Staff Meeting Agenda.

### Summary Comment

The registered provider has addressed the non-compliance identified under Regulation 9 Management and Recruitment.

### 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) There were 6 staff members working with 28 children in the morning and 6 staff members working with 28 children in the afternoon.

##### During the morning:

- In the Wobbler room 8 children aged 1-2 years were cared for by 2 staff members.
- In the Toddler room 9 children aged 2-3 years were cared for by 2 staff members.
- In the Montessori room 11 children aged 3-5years were cared for by 2 staff members.

##### During the afternoon:

- In the Wobbler room 7 children aged 1-2 years were cared for by 2 staff members.
- In the Toddler room 9 children aged 2-3 years were cared for by 2 staff members.
- In the Montessori room 12 children aged 3-5years were cared for by 2 staff members.

The person in charge was available in a supernumerary capacity.

#### Non-Compliance Information

(2) There was one adult caring for nine children aged between 2 to 3 years of aged in the Toddler room when the inspector arrived at the service at 9.41am. The ratio for this age group is one adult to six children. During this time a child asked the staff member to be brought to the toilet at 10.08am. The child had to wait till another staff member arrived from another service operated by the registered providers at 10.17am to be brought to the toilet. It is acknowledged that the additional staff member remained in this room for the duration of the inspection.

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

##### Corrective Action

(2) The service when taking relief staff from a sister crèche we will request them earlier the same day or day before if possible.

## **Preventive Action**

Management will keep a closer eye on ratios and respond in a timely fashion.

## **Supporting documentation submitted**

No supporting documentation submitted.

## **Summary Comment**

The registered provider has addressed the non-compliance identified under Regulation 11 Staffing Levels.

## 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 provides all meals to the children attending. On the day of inspection children were observed to eat a fruit snack at 10am followed by dinner at 11:30am which is provided by an outside company. Milk was observed to be provided with dinner and additional food was available for children who required more.
- Children's drinks were available within their reach throughout the day. Each care room had a water station, and children were encouraged to take plenty of drinks, therefore the preventive action from the last inspection had been maintained.

### **Physical and Material environment:**

- Low tables, chairs and shelving in the care rooms allowed children to access materials freely and engage in tabletop activities and mealtimes comfortably.
- Care rooms were well laid out offering defined areas and a range of equipment to support a variety of play experiences.
- Children were observed to move freely around the care rooms and garden area with no restrictions. They were free to engage in a range of activities and were observed moving from activity to activity throughout the day.

- Cosy areas of soft floor mats or rugs with soft chairs, cushions and a variety of books for rest and relaxation were present.
- The presence of 'Family Wall' displays, 'Birthday Time' displays, 'All About Me' display and the children's artwork on display throughout the service, this demonstrated a sense of identity and belonging for the children.
- An Enclosed outdoor play area was available for the children. The equipment and toys available included, two slides, climbing frame, sand pit, water tray, trikes, ride on equipment providing learning opportunities for children. The children were observed to play in this area during the inspection.

### Supporting relationships:

- Children were given sufficient time to enjoy their snacks and dinner. Staff were observed sitting with children during their meals. This facilitated mealtimes to be a social occasion for children to engage with peers and staff.
- Children in the Montessori room were observed to be supported to clean up following activities. Staff were observed to show the children how to tidy up and praise them for doing so. This fostered independence and self-esteem.
- There was evidence that activities were planned based on children's individual needs and emergent interests. There was an 'Observation Wall' display in the Montessori room and staff discussed how they use this wall to write notes and plan learning experiences based on children's emergent interest.
- Language used by staff was observed to be kind, considerate and supportive. For example, in the Toddler room during nappy changing procedures children were observed to be spoken to in a reassuring and friendly manner throughout the nappy changing procedure.
- Staff in the Wobbler room were observed interacting with children sitting on the floor at their level using soft tones and a supportive manner. This modelled positive interactions.

### Non-Compliance Information

- A child who does not require sleep time during the day was not provided with an alternative room to play at sleep time which took place between 11.55 and 13.43 in the toddler room. During this time the room was darkened with the blinds pulled down and soft music was playing. The child was observed to sit quietly at a table and read books and play toys while nine children slept on low beds. This did not support the child's individual learning, development and well-being and inhibited opportunities for movement and natural play.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective Action

The child who does not sleep now goes to either the wobbler room or Montessori room after lunch.

### Preventive Action

Management spoke at the meeting about this and the child in question will move to the Montessori class in the next couple of months.

### Supporting documentation submitted

Staff Meeting Agenda

### Summary Comment

The registered provider has addressed the non-compliance identified under Regulation 19 Health, Welfare and Development of Child.

## 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 outdoor play area was secure with surrounding walls and securely gated reducing the risk of unauthorised access. Children who were brought out to the outdoor areas from indoors were observed to be supervised.
- Toys and equipment used by the children were observed to be well maintained and in a good state of repair.

#### Infection Control:

- Cots and low beds/ sleep mats were placed 50cms apart to prevent the spread of infection.
- Soothers were stored safely, and staff in the baby room were knowledgeable on how to wash and sterilise soothers between use.
- Water bottles were individually labelled for each child.

#### Safe Sleep:

- Shoes and clothing were removed from children while they slept.

- Sleep room temperatures were maintained at the required levels between 18-22 °C while children over 1 years of age slept evidenced as by the following.
  - The cot room temperature was recorded as 19.5°C at 11.40pm while children slept.
  - The Toddler room was recorded as 18.4°C at 11.50pm while children slept.
- 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:

- On the day of inspection, it was observed that all fire emergency exit doors were clear from obstruction. This helps ensure the safe effective evacuation of children and staff in the event of an emergency.

### Non-Compliance Information

#### General Safety:

1. On the inspector's unannounced arrival at the service at 9.41am, the main door of the service was not secure or monitored by staff to restrict unauthorised persons from gaining access to the premises and to prevent children from exiting the service unsupervised. An immediate action notice was issued. It is acknowledged that the service took immediate action to address the non-compliance. The service maintenance person arrived during the inspection at 11.35am to check out why the door was not closing properly and the door closer which was identified as the not working efficiently was replaced the following day.
2. Cleaning agents were not stored safely out of the reach to the children, cleaning agents were observed to be stored in an unlocked press in the downstairs sanitary area which posed a risk of injury.
3. A bottle of antifebrile medication was observed to be stored on top of a radiator accessible to children in the cot sleep room at 11.03. This posed a risk of injury. It is acknowledged the medication was removed during the inspection.
4. There were two broken radiator covers with holes accessible to children; one in the Toddler Care room and one which was positioned opposite the kitchen area. This posed a pinch risk for the children.

#### Infection Control:

5. In the Wobbler room, children were observed to clean their hand before mealtimes using a hand steriliser which does not support adequate hygiene. Children should be facilitated to wash their hands under thermostatically controlled running water, with liquid soap and paper hand towels provided in line with HSPC guidance in relation to infection control protection measures.

#### Safe Sleep:

- The registered provider did not follow Tusla's "Guidance for the Early Learning and Care sector on sleep provision for children under 24 months". An individual sleep plan was not available for one child aged 1 year and 7 months who was observed to be sleeping on a low bed. Sleep plans should include an assessment of the individual child's sleep routines and sleep requirements, to be determined and agreed in collaboration with parents/guardians and consideration of the child's developmental readiness to move from a cot to a floor bed.

### Action submitted by the Registered Provider

#### Corrective and Preventive Actions

##### General Safety:

- The slow release on the door has been fixed. The door is checked every day to ensure it is closing properly and management spoke to staff at meeting and a message was sent to all parents to remind them to keep it closed.
- Cleaning agents have been removed to a high shelf. Management will check the low press in the changing room daily and management spoke to staff about this at the meeting.
- The antifebrile medication was removed from the cot room. At the meeting management spoke about ensuring that medication is always kept in designated press.
- The radiator covers were replaced the week of the 27<sup>th</sup> of May. Radiators covers have been added to service risk assessment checklist.

##### Infection Control:

- The wobblers now go to the toddler room to wash their hands. Handwashing was discussed at the staff meeting.

##### Safe Sleep:

- The sleep plan for the child has been filled out. Management and staff are now aware about the requirement for sleep plans for the low beds from the staff meeting.

#### Supporting documentation submitted

##### General Safety:

- Message sent to parents.
- Staff Meeting Agenda.
- Photographic evidence of the new radiator covers.
- Risk Assessment

##### Infection Control:

- Staff Meeting Agenda.

### Safe Sleep:

- Sleep Care Plan
- Staff Meeting Agenda.

### Summary Comment

The registered provider has addressed the non-compliances identified under Regulation 23 Safeguarding the Health, Safety and Welfare of child.

## 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.*

*(4) A registered provider shall ensure that a record in writing referred to in paragraph (3)(b) is retained for a period of one year from the date to which it relates.*

### Compliance Information

(4) A visitor record book was available including the following information: date, person's name, their contact number, their reason for entry, the name of the person who approved access and the check in and out times.

### Non-Compliance Information

(1) Attendance records were not completed in a timely fashion as children arrived in the service. The attendance of a child who was present in the service from the morning was not recorded in the attendance book at 9:51am.

(3)(b) While a visitor record book was available in the service the inspector was not asked to sign in on arrival or for the duration of inspection. A similar non-compliance was observed on last inspection June 2023. The preventive actions had not been maintained.

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

### **Corrective and Preventive Action**

- (1) Staff now complete the roll books in a timely manner on arrival. Management spoke about the importance of this at the staff meeting and the manager will regularly check this throughout the day.
- (3)(b) All visitors now sign in the visitor book on arrival. The manager will regularly check this.

### **Supporting documentation submitted**

Staff Meeting Agenda

### **Summary Comment**

The registered provider has addressed the non-compliances identified under Regulation 24 (1) and (3)(b) Checking in and Out and Record of Attendance.

## 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**

(2)(a)(b) A suitably equipped first aid box was available in the hallway of the service on both the ground floor and first floors mounted to the wall. These were easily accessible to staff if needed any time during the day.

### **Non-Compliance Information**

(1) On review of the staff roster it was observed that there was no staff member with First Aid Responder (FAR) training available to the children between 8am to 10.17am on day the inspection. At 10.17am a staff member who held certification in FAR training arrived from another service operated by the registered providers. It is acknowledged that five staff members who were present on the day were trained in paediatric first aid and two staff members who were absent on the day were trained in First Aid Response. However, on the morning of the inspection there was no person with FAR training available to meet the regulatory requirements.

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

### **Corrective and Preventive Action**

There is now always a member of staff with FAR on the premises. In the unfortunate event that both members of staff are off, management will ensure that the relief staff have FAR certification. In addition, another staff member is going to be trained in FAR to prevent this happening again

**Supporting documentation submitted**

No supporting documentation submitted.

**Summary Comment**

The registered provider has addressed the non-compliance identified under Regulation 25 First Aid.

**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.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,
  - (b) an employee, and
  - (c) an authorised person.
- (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) Documentation was available to demonstrate that fire drills were practiced monthly. The last fire drill took place on 21 March 2024.
- (b) The number, type and maintenance record of the firefighting equipment was up to date. Fire extinguishers were last serviced in May 2023 and the smoke detection system in January 2024.
- (2)(c) Records were open to inspection by an authorised person. All records requested by the inspector were available for review.
- (4) A procedure to be followed in the event of a fire was on display in prominent positions at the premises.

### Part VI - Safety

#### Regulation 28 - Insurance

*A registered provider shall ensure that the pre-school service is adequately insured.*

#### Compliance Information

The registered provider ensured the service was adequately insured. The insurance certificate provided for review showed cover for up to 45 children with an expiry date 27 March 2025.

### 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*

#### Compliance Information

(c) The premises was observed to be kept adequately lit, heated and ventilated. Windows were opened throughout the service for ventilation and an ambient temperature of 18-22°C was maintained in the three care rooms. The following temperatures were recorded.

- The temperature of the Wobbler room was recorded at 20.2°C at 11:15am.
- The temperature of the Toddler room was recorded at 20.8°C at 11:26 am.
- The temperature of the Montessori room was recorded at 20°C at 11:39am.

(d) The premises was observed to be clean and well maintained.

The preventive actions for Regulation 29(c) and (d) from the last inspection had been maintained.