

# 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,			
<b>Eircode:</b>	D02 CP59			
<b>Name of Registered Provider:</b>	Emmet Rice , Joyce Grant			
<b>Service type:</b>	Full Day, Part Time, Sessional			
<b>Date of Inspection:</b>	22/06/2023			
<b>No of pre-school children:</b>	AM	31	PM	31
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Floor 7 Brunel Building, Heuston South Quarter, St. John's Road West, Kilmainham, Dublin 8			
<b>Inspection undertaken by:</b>	E. Finnegan Hayes			
<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 daycare basis from 8am-6pm Monday to Friday. The service is comprised of 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 provider employs 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 eight staff were present in the service; seven of whom were working directly with the children in the service. The registered provider does 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.

A sampling process was used to assess compliance under Regulation 19(1)(a); Health, Welfare and Development of child and Regulation 23; Safeguarding the Health, Safety and Welfare of child and Regulation 24 - Checking in and out and record of attendance . As a result, the scope of the inspection included the Wobbler room and Toddler 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

An immediate action notice was issued to the registered provider on 22/06/2023 in relation to an ambient temperature not being maintained in the care rooms while children were playing and in rooms where children were sleeping. A response which addressed the concerns was received from the registered provider on 23/06/2023.

A referral to the fire officer was made on 28/06/2023 in relation to a fire safety concern identified.

### 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,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

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

#### Compliance Information

(1)(a)(b) The service had a designated person in charge and a named person to was able to deputise as required in the absence of the person in charge. A review of the roster showed that the named person in charge or the deputy is available on the premises at all times during the opening hours of the service.

(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) Twelve written and verified references were available from a previous employer in relation to 8 staff members.
- (b) Six Written and verified references were available from a source other than a previous employer in relation to 5 staff members.
- (c) Garda vetting declarations were available for 9 staff members.

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

(4) Evidence was available to show that 8 staff members who worked directly with the children held at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

### Non-Compliance Information

(2)(d) Evidence was not available to show that police vetting had been obtained and reviewed by the registered provider in relation to two staff members who had lived outside of Ireland for a period of more than 6 months as an adult.

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

#### Corrective and Preventive Action

(2)(d) Police vetting has been obtained for the two staff members. Manager is now aware that police vetting is required even if it has been over 15 years ago. Files will be checked regularly to ensure compliance.

#### Supporting documentation submitted

Documentation in relation to above has been reviewed by the inspectorate.

### Summary Comment

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

## Part III – Management and Staff

### Regulation 11 - Staffing levels

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

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

### Compliance Information

(1) The registered provider ensured that an adequate number of adults were caring for the children in the service. On the day of inspection 31 children were being cared for by seven staff members.

(2) Ratios were maintained on the day of inspection. The following was observed;

- In the Wobbler room 9 children aged 1-2 years were cared for by 2 staff members.
- In the Toddler room 12 children aged 2-3 years were cared for by 2 staff members.
- In the Montessori room 10 children aged 2-3 years were cared for by 2 staff members.

An additional staff member was available to cover in rooms as required for nappy changes and breaks.

### 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 10:30am followed by dinner at 11:45am 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.
- Nappy changing was completed on a schedule 3 times per day and as needed to ensure the child's comfort.

#### 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.
- Additional play experiences and equipment were provided in line with the children’s interests for example the children in the Toddler room were provided with a water play activity when they requested and additional sand was provided in the sandpit as needed.
- Children were observed to have access to the garden for extended periods throughout the day. A range of toys and equipment which supported the children’s development was available including a dome climbing structure, bikes, sandpit, water tray and slides were available for use. Staff were observed to use a mounted canopy to provide a shaded area for play as the sun moved around the building in the afternoon.

### Supporting Interactions:

- Staff were observed to interact with the children in a kind and caring way engaging with them in their play and at mealtimes for example while the children from the Wobbler room were in the garden staff were observed to play with the children; one staff member was playing with four children in the sandpit while the other staff member was pretending to eat the “ice-cream” that the children were making for her. In the toddler room staff were observed kneeling beside the children at dinner time, chatting with them while helping them eat as required.

### Non-Compliance Information

1. Water was not freely available or accessible to the children throughout the day, for example drinks were stored on a high shelf in the care room while children were inside and although the children’s beakers were brought from the care rooms when the children went to the garden they were left inside the building on a shelf inside the door of the service while the children played. While it is acknowledged that drinks were provided to the children from the Toddler room while they were in the garden when they requested them water should be freely available to the children to allow them to alleviate their thirst as needed.
2. The books available in the Toddler room were observed to be in poor condition; torn with crumpled pages and were not displayed in a way that encourages children to engage with them. This limits the children’s access to written language.

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

### Corrective and Preventive Action

1. Cups have been placed a low level in all rooms and in the garden. Manager will check daily that this is being done and staff have been told in meeting about the importance of having water available.
2. Books have been replaced in the toddler room and displayed in a more appealing way. Manager will check daily.

### Supporting documentation submitted

Photos detailing above have been reviewed by the inspectorate.

### Summary Comment

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

## Part VI - Safety

### Regulation 23 - Safeguarding health, safety and welfare of child

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

### Compliance Information

#### General Safety:

- The entrance door was secured on arrival to the service. A video bell was installed which allowed staff to see visitors before allowing access. This prevented unauthorised person entering the service.
- The front door was fitted with a lock at adult height which prevented children leaving the service unsupervised.
- Cleaning sprays were stored out of reach of the children on high shelves in all care rooms.

#### Infection Control:

- Handwashing was observed to be done frequently throughout the day after garden time and nappy changing and before mealtimes.

#### Safe Sleep:

- Staff were knowledgeable of safe sleep practices.
- Staff carried out regular physical checks of sleeping children no more than 10 minutes apart and recorded the required information in relation to these checks.
- The temperature of the care rooms was observed to be recorded and staff took action to reduce the room temperatures where required.

#### Fire Safety:

- Staff were knowledgeable of the fire evacuation procedure.

### Non-Compliance Information

#### General Safety:

1. The wood at the bottom of the shed door was observed to be broken with sharp edges and a hole was present which was the correct size for a small hand to fit through. This posed a risk of injury to the children.

#### Infection Control:

2. Paint was observed to be peeling on wooden surface in the sanitary area such as the wood behind the sinks and on the nappy changing unit. This prevented adequate cleaning of the area and posed a risk of cross infection.
3. Two low beds which were being used to cover an area of the garden which did not have soft flooring fitted. These were observed to be unclean and torn in places with loose strings present. This posed a risk of cross infection and injury to the children.

#### Safe Sleep:

4. An ambient temperature of 16-20°C was not maintained in rooms where children were sleeping. The following temperatures were recorded;
  - The Cot room temperature was recorded as 25.5°C at 12:23pm and 25.2°C at 12:49pm.
  - The Toddler room temperature was recorded as 25.8°C at 12:33pm and 23.3°C at 12:52pm.
 An immediate action notice was issued in relation to above.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

1. The wood at the bottom of the shed has been repaired. We have added checking the shed to our weekly risk assessment.

#### Infection Control:

2. The sanitary area has been sanded down and painted. We will check this weekly and repair in a timely manner as needed.
3. The low beds in the garden have been removed and replaced with soft outdoor tiling. We will no longer use low beds in the garden.

#### Safe Sleep:

4. Air conditioning units are now being used along with fans and basins of ice to reduce the temperature as needed in sleep rooms. The temperature will be checked daily by the manger and staff are aware to inform management if the temperature is difficult to control.

### **Supporting documentation submitted**

Photos and daily risk assessment document have been reviewed by the inspectorate.

### **Summary Comment**

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

## 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 record of visitors to the service was available and had been used as recently as 19/06/2023 and dated back more than 1 year.

### **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 9:30am was not recorded in the attendance book at 10:30am when the inspector checked.

(3) While a visitor record book was available in the service the inspector was not asked to sign in on arrival in the service. A review of the visitor book showed that the required details are not recorded for each visitor. A sample of 12 entries were reviewed and the following was observed;

- 1 record did not have contact details or a reason for entry.
- 2 records did not have times of entry/exit, contact number, reason for entry or details of the person approving entry.
- 3 records did not have time of exit, contact number, reason for entry or details of the person approving entry.
- 2 records did not have details of the person approving entry.
- 3 records did not have a contact number or details of the person approving entry.
- 1 record did not have a contact number, reason for entry or details of the person approving entry.

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

#### Corrective and Preventive Action

(1) During staff meeting we explained the importance of signing in the children in a timely manner. Manager will keep a closer eye on roll books.

(3) During staff meeting we explained the importance of signing in visitors. Manager will keep a closer eye on visitor sign in books.

#### Supporting documentation submitted

Visitor record book has been reviewed by the inspectorate.

### Summary Comment

The registered provider has addressed the non-compliance under Regulation 24.

## 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) The registered provider did not ensure that a person trained in First Aid Response (FAR) was available to the children at all times during the opening hours of the service. On the day of inspection, no staff were in possession of a valid FAR certificate. Evidence was available to show that training had been held in the service in recent weeks however it was not clear who had been trained.

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

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

(1) FAR certificates arrived a couple of days after inspection. The weekly risk assessment will now include checking that the FAR training is in date.

#### **Supporting documentation submitted**

Documentation in relation to above has been reviewed by the inspectorate.

### Summary Comment

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

## 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*

### Non-Compliance Information

(c)

1. An ambient temperature of 18-22°C was not maintained in the care rooms in the service. The following temperatures were recorded;
  - The temperature of the Wobbler room was recorded at 25.5°C at 11:43am.
  - The temperature of the Toddler room was recorded at 25.9°C at 11:53am.
  - The temperature of the Montessori room was recorded at 26°C at 11:58am.

An immediate action notice was issued to the provider in relation to the room temperatures.

(d)

1. Paint was observed to be chipped and peeling on wooden surfaces throughout the service such as door frames and skirting boards which prevented adequate cleaning. These items were observed to have visible dirt on them and required cleaning.
2. The sealed area to the back of the adult sink in the sanitary area adjacent to the nappy changing unit and around the tap on the same sink was observed to be visibly dirty and not adequately sealed. This prevented adequate cleaning of the area.

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

#### Corrective and Preventive Action

(c)

1. Fans are available for each care room, and we have mobile air conditioning unit that can be moved as needed throughout the centre. Holes have been drilled into the window protector to allow air to circulate. The temperature will be checked daily by the manger and staff are aware to inform management if the temperature is difficult to control.

(d)

1. Our handyman has been booked in to paint the centre in September.
2. The area around the sink has been sealed and repainted

## **Supporting documentation submitted**

Photos and booking confirmation for painting has been reviewed by the inspectorate.

## **Summary Comment**

The corrective and preventive actions taken have rectified the non-compliances identified on inspection.