

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015FL203
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<b>Name of Service:</b>	Magic Years Creche & Montessori School
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<b>Address of Service:</b>	Beechlawn House, Clonsilla Road, Dublin 15, Co. Dublin
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<b>Eircode:</b>	D15 WK81
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<b>Name of Registered Provider:</b>	Mary Hale
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<b>Service type:</b>	Full Day
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<b>Date(s) of Inspection:</b>	14/02/2024
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<b>No of pre-school children:</b>	AM	51	PM	51
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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 & E. Finnegan Hayes
<b>Title:</b>	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).

<b>Conditions if applicable</b>	Not applicable.
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### Description of service

Magic Years Creche and Montessori School in Dublin 15 is one of two services owned by the registered provider. The childcare service operates from a two story detached premises in Dublin 15. The service provides full day care, part-time and sessional care to children aged from 0 to 6 years. The service operates from Monday to Friday, 7.30am to 6.15pm and delivers the Early Childhood Care and Education (ECCE) Programme on a sessional basis from 9.00am to 12.00pm during term time. The care rooms include a Junior Wobbler Room (6 to 18 months), a Senior Wobbler Room (18 months to 2 years 6 months), Playschool Room (2 years 6 months to 3 years 6 months) on the ground floor and two rooms which are used by the Preschool Room (3 – 6 years) on the first floor. A cot room, nappy changing facilities and sanitary accommodation are located on the ground floor, with further sanitary accommodation for staff and children, an office, and a staff kitchen on the first floor. There is a fully enclosed outdoor play to the rear and side of the premises accessed from the Nursery, Senior Wobbler and Playschool Rooms.

### Staffing

The registered provider employs fourteen staff to work in the service. This includes one operations manager, one administrator and twelve staff who work directly with the children in the service. Eleven staff were present providing direct care to the children on the day of inspection. The operations manager and an administrator arrived at the service following the commencement of the inspection. The registered provider does not work 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 areas of governance, health, welfare and development of child and safety. The inspection may also focus on other areas as required. The following regulations were reviewed:

- Regulation 9 (1)(2)(3)(4)-Management and Recruitment.
- Regulation 11(1)(2)-Staffing Levels.
- Regulation 15-Record of a Pre-School Child
- Regulation 19(1)(a)-Health, Welfare and Development of Child
- Regulation 23-Safeguarding the Health, Safety, and Welfare of child.

A sampling process was used to assess compliance under regulations 15, 19 and 23. As a result, the scope of the inspection included the Junior Wobbler, Senior Wobbler, and the Playschool 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

14 February 2024

An Immediate Action notice was issued to the service in relation to safety concerns under Regulation 23- Safeguarding Health Safety and Welfare of the Child. A written response was received on 15 February 2024 which addressed the non-compliances under Regulation 23. Please see details in the body of the report.

### Acknowledgments

The inspectors wish to acknowledge the cooperation of the operations manager, person in charge, administrator, 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) There was a named person in charge when the inspectors arrived unannounced to the service. The registered provider has a named person who can deputise when required.
- (b) Staff rosters were available for inspection and indicated that the person in charge and/or the named person who can deputise are on the premises during the hours of operation of the service.
- (c) Staff members were aware of the management structure in the service.
- (2) Fourteen staff in total are employed including the operations manager and service administrator. The files of all fourteen staff were reviewed.
- (2)(a)(b) Twenty-eight written and validated references were available in relation to the fourteen staff members.
- (c) Garda vetting was available for all fourteen staff members.
- (d) Police vetting was available in respect of ten staff members who had lived outside the jurisdiction for longer than six months as an adult.
- (4) Documentation was available to show that twelve staff members who work 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.

### Non-Compliance Information

- (2)(d) Police Vetting was not available for a staff member who had resided outside of the jurisdiction for more than six months as an adult. It is acknowledged that Police Vetting was applied for the next day 15/02/24.
- (3) The procedures specified in paragraph (2) were not completed prior to a staff member being appointed, assigned or allowed access to or contact with a child.

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

#### Corrective Action and Preventive Action

(2)(d) & (3) An application was submitted for the required document on the 22/02/2024 seeking police clearance for the staff member. The staff member was recruited in 2021 prior to the commencement of the service's new administrator. International police clearance was in place for another jurisdiction for this staff member.

The registered provider has stated that the new administrator is aware of the legislation surrounding police clearance and will continue to fully adhere to this legislation during the recruitment of new staff.

#### Supporting documentation submitted

- Email of application seeking International police vetting for staff member.

## Summary Comment

The corrective and preventive action taken has been accepted and will address the non-compliances identified. However, Regulation (9)(2)(d) remains outstanding for 1 staff member until the processed police vetting has been obtained and submitted to the inspectorate.

## 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 was an adequate number of adults working directly with the children as follows:

There were 10 adults working with 51 children in the morning and 9 adults working with 51 children in the afternoon.

(2) The correct adult/child ratio was maintained in the service throughout the inspection as follows:

### During the morning:

- Junior Wobbler Room – there was 2 adults working directly with 7 children aged 1 to 1 ½ years old.
- Senior Wobbler Room – there were 3 adults working directly with 12 children aged 1 ½ to 2 ½ years old.
- Playschool Room – There were 4 adults working directly with 15 children aged 2 ½ to 3 ½ years old.
- Preschool Room – there was 3 adults working directly with 17 children aged 3 to 5 ½ years old.

### During the afternoon:

- Junior Wobbler Room – there was 2 adults working directly with 7 children aged 1 to 1 ½ years old.
- Senior Wobbler Room – there were 3 adults working directly with 13 children aged 1 ½ to 2 ½ years old.
- Playschool Room – There were 2 adults working directly with 15 children aged 2 ½ to 3 ½ years old.
- Preschool Room – there was 2 adults working directly with 16 children aged 3 to 5 ½ years old.

### 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) Fifteen children's registration forms were requested for review. There was a record in writing containing the following particulars:

- (a) The name and date of birth of the child was available for fifteen children.
- (b) The date on which the child first attended the service was available for fifteen children.
- (c) Provision to record the date on which the child ceased to attend the service was available for fifteen children.
- (d) The name and address of a parent or guardian of the child and a telephone number where that parent or guardian of the child can be contacted during the hours of operation of the service was available for fifteen children.
- (e) Authorisation for the collection of the child was available for fourteen of the fifteen children's records reviewed.
- (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 was available for fifteen children
- (g) The name and telephone number of the child's registered medical practitioner where the family has registered with a general practice was available for eighteen children.

- (h) Record of child's immunisation information available for fifteen children.
- (i) Written parental consent for appropriate medical treatment of the child in the event of an emergency was available for fifteen children.
- (3)(c) Records were open to inspection by an authorised person. All records requested by the inspector were provided.

### Non-Compliance Information

(e) Authorisation to collect was not completed on one of the child's records reviewed. Staff informed the inspector that the child has been collected on occasion by a family member other than the parents/guardians. The name of this person needs to be documented in the child's record to ensure the child is collected only by persons who are authorised to do so with the consent of the parent/guardian.

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

#### Corrective Action

The registered provider has stated that the required record has now been completed by the child's next of kin.

#### Preventive Action

Findings from the Tusla inspection were disseminated with staff. Staff have been notified that all children's records must be completed prior to the child's commencement in Magic Years. This includes authorisation for collection.

#### Supporting documentation submitted

Evidence of memo disseminated to staff.

### Summary Comment

The registered provider has addressed the non-compliance under Regulation 15-Record of pre-school child.

## 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 promoted healthy eating. Staff reported a four-week food menu is shared with parents and guardians. Children were provided with food which was an appropriate texture in line with their age and stage of development and additional portions were observed being brought to the care rooms during dinner.
- Alternative meal options and food times were available for children, for example, when a child in the Senior Wobbler room did not want to eat the pasta bake dinner, a staff member offered the child mashed potatoes and vegetables. Staff discussed how food times can vary, for example, if a child is asleep, they will be offered food after they wake up. Children were observed to eat fruit salad for morning snack this included strawberries, bananas, blueberries, and apples cut into small pieces.
- Drinks were available to the children throughout the morning in each room and drinks were provided to the children with their meals.
- Children from all care rooms were observed to access the different outdoor areas during the day. This supports their social, cognitive, gross, and fine motor development.

#### Physical and material environment:

- The scope of the inspection included the Junior Wobbler, Senior Wobbler, and the Playschool room. In each of these care rooms there was a variety of play materials and equipment available to the children according to their age and stage of development. For example, in the Junior Wobbler Room there was a selection of puppets, soft books, sensory toys and effect toys such as musical battery-operated toys. Cause and effect toys help promote joint attention, play skills and exploration.
- In the Senior Wobbler Room toys and materials were observed to be grouped thematically throughout the room which encourages independent spontaneous play experiences.
- In the Playgroup Room there was a nature table which was well stocked with a variety of natural materials such as pinecones.

- Low level tables and chairs allowed children to engage in tabletop activities and mealtimes comfortably. Cosy areas with rugs, cushions, soft chairs, and books for rest and relaxation were present in the three care rooms observed. In addition, there was a low level sofa in the Junior Wobbler Room to support the comforting of children, and this was observed in use during the inspection.
- Language and literacy were supported in the care rooms through songs and stories.

### Supporting Relationships:

- Children were given sufficient time to enjoy their snacks and dinner. This facilitated mealtimes to be a social occasion for children to engage with peers.
- The presence of Family wall displays, Birthday wall displays and the children's artwork on display demonstrated a sense of identity and belonging for the children.
- Staff were able to discuss how they support children with the transition from junior to senior rooms by offering a settling in period where a staff member from the Junior Wobbler room accompanied the transitioning child to the senior room for short periods of settling-in time. This was to ensure the child was familiar with the staff, children, and care room before the transition from one room to another was made.

### Non-Compliance Information

1. Supporting equipment for the toy kitchen in the Junior Wobbler Room was observed to be out of reach of the children. This does not support choice or promote independent play experiences for the children in this room.
2. The privacy of the children was not maintained in the sanitary area located just off the playschool room. Two doors between the care room and toilets were observed to be propped open during the inspection making both toilets visible from the care rooms while in use. Privacy while using the toilet is required for children's comfort and wellbeing.
3. There were no toilet seats present on two of the children's toilets in the sanitary area upstairs. This does not support the comfort of the children when going to the toilet.

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

## Corrective Action and Preventive Action

1. Supportive equipment for the toy Kitchen has now been situated on a lower shelf accessible to the children. Staff were reminded that all supportive equipment is left within reach of the child.
2. The door prop has been removed. A notice has also been placed on the door to remind staff to ensure the door leading into the toilet is left closed. The registered provider will arrange that the toilet cubicles are fitted with doors.
3. Toilet seats have been fitted.

Findings from the Tusla inspection were disseminated with staff.

## Supporting documentation submitted

- Evidence of memo disseminated to staff.
- Photographic evidence of sign on door to remind staff door closed to protect children's privacy.
- Photographic evidence of new toilet seats.

## Summary Comment

The corrective action taken by the registered provider has addressed the non-compliances identified under points 1 and 3. Regulatory compliance remains outstanding for point 2 until the doors have been fitted to the cubicles. This will be reviewed at the next inspection.

## Part VI – Safety

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

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

## Compliance Information

### General Safety:

- The entrance door leading into the premises was appropriately secured to prevent the children from exiting unsupervised and to restrict unauthorised persons from gaining access to the premises.

- The external outdoor play areas were 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.
- There were no flexes or cables observed that were accessible to the children.
- Cleaning agents and medication were stored safely out of the reach of children.

### Infection Control:

- Soothers were stored safely, and staff in Junior Wobbler room were knowledgeable on how to clean and store soothers between each use. Soothers were stored individually.
- Bed linen was stored in individual labelled boxes.

### Safe Sleep:

- Children under the age of one that required sleep were facilitated in cot beds. Staff maintained a record of the children that slept, to include their colour, breathing and position every 10 minutes. The temperature of the cot room was also recorded to ensure that it was maintained within the recommended range of 16-20 °C.
- Children over the age of two years that required sleep were facilitated on low stackable beds with their individual sheets and blankets. Staff maintained a record of the children that slept, to include their colour, breathing and position every 10 minutes. The temperature of the care room was also recorded to ensure that it was maintained within the recommended range of 18-22 °C.

### Non-Compliance Information

#### General Safety:

1. The temperature of a radiator which was accessible to children in the Junior Wobbler Room was not maintained below 50°C. This posed a risk of injury to children. An immediate action notice was issued. It is acknowledged the service took immediate action and got a plumber to fit thermostatic radiator valves on the same day.
2. Three glass doors in the Senior Wobbler room were observed not to have visibility strips. This posed a risk of injury to children.

### Infection Control:

3. In both the Junior and Senior Wobbler rooms, children were observed to wash their hand before mealtimes using a communal basin 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.
4. An unlidded Sensory box was observed to be stored under the counter in the Junior Wobbler sanitary area. This presented an infection control risk.
5. Blankets and toys were stored in the adjacent area to the Junior Wobbler sanitary area, which was not sealed off from the toilet area, although a door was present to separate these areas this was observed to be wedged open on the day of inspection. This presented an infection control risk.
6. Nappy changing was not observed to be in line with best practice. A sample of six nappy changes were reviewed and the following was observed:
  - Five of the six children did not have their hands washed following nappy changing and the staff member was not observed to wash their hands following the nappy changing of three children.
  - Gloves were not removed in a timely manner, for example a staff member was observed to change four soiled nappies. The staff member was then observed to disinfect the nappy changing mat while still wearing the same gloves.

Appropriate use of gloves and adequate hand washing are required to prevent the spread of infection.
7. The bin in the Playgroup sanitary area was not pedal operated. This does not support infection control.

### Administration of Medication:

8. A clearly written medical care plan to enable staff to identify and accurately administer treatment when required was not available for one child with a medical condition. The absence of a care plan posed a risk of staff not being aware of symptoms to look out for and the correct procedure to follow in the event the child required the medication to be administered.

### Safe Sleep:

9. The registered provider did not follow Tusla's "Guidance for the Early Learning and Care sector on sleep provision for children under 24 months". In the Senior Wobbler Room a child under 2 years of age was not provided with a mattress with a minimum depth of 6cms to sleep on but was observed to sleep on a low level stackable bed at nap time.

An individual sleep plan was not available for this child. 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.

### Fire Safety:

10. During sleep time in the Senior Wobbler Room the four doors leading out of the room were not observed to be clear. Low beds and cots were observed to be placed in such a way which restricted movement in the room and posed a potential tripping hazard. An immediate action notice was issued. The following was observed:

- One labelled emergency exit was observed to be obstructed by a wooden table.
- Two labelled emergency exits were observed to be partially obstructed one by a cot, one by a bin. One additional exit which leads into the hallway of the service was observed to be partially obstructed by a dolls bunk bed toy equipment.
- Sleep beds were positioned less than 50cm apart which impeded a clear walkway through the care room.

Fire exits need to be unobstructed and walkways to be kept clear to ensure the safe evacuation of children and staff in the event of an emergency. It is acknowledged that the service took immediate action to address the non-compliance when the issue was highlighted by the inspector.

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

#### Corrective Actions

#### General Safety:

1. Thermostatic radiator valve was fitted on the day of inspection.
2. Visibility strips are now in place on all glass doors.

#### Infection Control:

3. This practice has since ceased.
4. The sensory box was disposed of.
5. Toys and play equipment are no longer stored in the lobby area of the changing rooms.
6. All children hands are washed and dried after each nappy change. Gloves will be removed prior to cleaning the changing area.
7. A fire-retardant pedal bin has been purchased.

### Administration of Medication:

- A Care plan for the use of prescribed medication has been developed for the child and signed by the next of kin and person in charge. A Copy of this care plan can be found alongside the child's medication. In addition, the care plan has been uploaded onto the child's electronic information records.

### Safe Sleep:

- This practice has since ceased. The registered provider has consulted with the person in charge and directed that all children under 2 years must sleep in a cot.

### Fire Safety:

- This practice has ceased. Images of the new layout of the cots and stackable beds was submitted as part of the immediate action notice the following day 15/02/2024.

### Preventive Actions

The registered provider has stated that the findings and outcomes of the Tusla inspection were disseminated to staff. In addition, the following preventive actions have been implemented for the following points;

#### General Safety:

- & 2. Staff were notified that the any maintenance issue or safety concerns should be communicated with the operations manager so corrective measures can be taken.

#### Infection Control:

- A memo was sent to all staff on the 05/03/2023 informing them of the correct procedures relating to nappy changing, the procedure stipulates that gloves should be removed prior to cleaning the changing area.

#### Administration of Medication:

- Staff have been notified that children must have a care plan in place for any medication the next of kin has authorised staff to prescribe.

#### Safe Sleep:

- Staff have been notified that they must adhere to the 'Guidance for Early Learning and care sector on sleep provisions' for children under 24 months.

#### Fire Safety:

- Management have rearranged the cots/ stackable beds in the senior wobbler room so that they no longer pose a risk to the evacuation of the children. Images of how the cots and stackable beds must be arranged can be found in the senior wobbler to help guide practitioners.

## Supporting documentation submitted

### General Safety:

- Invoice from plumber.
- Photographic evidence of thermostatic radiator valves (TRV) on radiators.
- Photographic evidence of visibility strips on glass doors.

### Infection Control:

- Evidence of memo disseminated to staff.
- Photograph evidence that toys and play equipment are no longer stored in the lobby area.
- Invoice for three new fire-retardant pedal bins.

### Administration of Medication:

- Evidence of memo disseminated to staff.
- Care Plan for child.

### Safe Sleep:

- Evidence of memo disseminated to staff.

### Fire Safety:

- Evidence of memo disseminated to staff.
- Photographic evidence of beds positioned 50cms apart and all doorways clear of any obstruction.
- Photographic evidence of images shown to staff to help guide practitioners position cots and stackable beds in the senior wobbler care room.

## Summary Comments

The registered provider through the corrective and preventive actions taken has addressed the non-compliances identified under Regulation 23.