

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	Tu2015FL204
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Name of Service:	Magic Years Creche & Montessori (Carpenterstown)
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Address of Service:	Station View, Carpenterstown Road, Dublin 15.
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Name of Registered Provider:	Mary Hale
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Service type:	Full Day
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Date of Inspection:	15/04/2024
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No of pre-school children:	AM	83	PM	79
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Address of the Early Years Inspectorate:	Early Years Inspectorate 2nd Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15 D15 CF9K
Inspection undertaken by:	C. Harte and E. Finnegan Hayes
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

Magic Years Creche and Montessori is based in a purpose-built premises in a residential area of Dublin 15. This is one of two services operated by the registered provider. The service offers care and education to children between the ages of 0 to 6 years, Monday to Friday from 7.30am to 6.15pm. The service participates in the Early Childhood Care and Education (ECCE) scheme.

The premises is a two-story detached building. The ground floor comprises of four care rooms:

- Senior Wobbler Room caring for children from 2 to 3 years.
- Playschool Room catering for 2 to 3.5 years.
- Junior Preschool Room caring for 3- to 4-year-olds.
- Senior Preschool Room caring for 4 to 5-year-olds.

The first floor has one care room, the Nursery / Junior Wobbler room, which caters for children from 1 to 2 years. There are nappy changing facilities on this floor and three cot rooms.

The premises also includes kitchen, an office, staff room and sanitary accommodation, and the outdoor play area is situated to the rear and side of the premises.

The service also operates a registered school age childcare service.

Staffing

The service currently employs 27 staff including the operations manager, person in charge, two school aged childcare staff, a cook, administrator and twenty-one staff who work directly with the preschool children.

The operations manager, administrator and two members of the management team were present on the day of the inspection. The registered provider does not work directly with the children.

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, safety, premises and facilities. The inspection may also focus on other areas as required. The following regulations were reviewed.

Regulation 9; (1)(a)(b), (2)(a)(b)(c)(d), (4) – Management and Recruitment

Regulation 11; (1), (2) - Staffing levels

Regulation 19; (1)(a) -Health, Welfare and Development of Child

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

Regulation 25 (1)(2)(a)(b)-First Aid

Regulation 29- Premises

A sampling process was used to assess compliance under Regulation 9 Management and Recruitment, Regulation 19 Health, Welfare and Development of Child. As a result, the scope of the inspection included Nursery Junior Wobbler room, Senior Wobbler room and 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.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the operations manager, 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.

(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 named person in charge and a named person to deputise as needed. A review of the roster showed the designated person in charge or deputy were rostered to be on the premises at all times during the operational hours of the service for the week of the inspection.

(c) There was a clear management structure in place and staff were aware of their own roles and responsibilities.

(2) Discussion with the person in charge and a review of the staff roster showed that twelve new staff had commenced employment since the last inspection in February 2023. The files of these staff along with Garda vetting for seventeen other staff and outstanding qualifications since the last inspection of four staff were reviewed.

(a) Thirteen written and validated references were available from a past employer.

(b) Eight written and validated references were available from a source other than a past employer.

(c) Garda vetting disclosures had been obtained for twenty-nine staff. 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 who had lived in a country other than Ireland for a period of more than 6 months as an adult.

(4) Evidence was available to show that of thirteen staff members reviewed who worked directly with the preschool children eleven 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)(a)(b) Three staff did not have a second validated reference from a previous employer or a source other than a past employer.

(4) Evidence was not available to demonstrate that two staff members who worked directly with the preschool 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. This was a non-compliance on the previous inspection in February 2023. The actions taken by the registered provider have not rectified the issue.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(a)(b)

Corrective action: A second validated reference is now available for the three staff members.

Preventive action: The service administrator will endeavour to ensure two validated references are in place prior to the commencement of new staff members.

(4)

Corrective action: A staff member who is currently studying has applied to the DCEDIY for a letter of temporary permission to practice. The second staff member will work in supernumerary capacity.

Preventive action: The registered provider will ensure no unqualified staff member is recruited.

Supporting documentation submitted

- Reference documents.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 9 (2)(a)(b) has been addressed. The non-compliance identified under Regulation 9(4) remains outstanding and will be reviewed on the next inspection.

Part III – Management and Staff

Regulation 11 - Staffing levels

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

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

Compliance Information

- (1) On the day of the inspection the registered provider ensured there was an adequate number of adults working directly with the children attending the service.
- (2) The adult to child ratios were correct when the inspectors arrived unannounced to the service and throughout the inspection.

Room	Age range	No. of children	No. of adults	No. of adults required
Nursery Jnr Wobbler room	1-2 years	17	4	4
Snr Wobbler room	2-3 years	17	3	3
Playschool room	2-3.5 years	12	2	2
Jnr Preschool	3-4 years	16	2	2
Snr Preschool	4-5 years	21	2	2

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:

- Staff were observed to support children with self-care skills such as cleaning their noses.
- Mealtimes were a social occasion as children sat with their peers and were joined by staff members. Staff offered additional portions, encouraged children to eat independently and assisted as needed.

Supporting relationships:

- Staff in the nursery wobbler room were observed to sit on floor with children interacting and singing. The staff used strategies such as labelling, questioning and repetition supporting language development for children.
- Staff described how they share information with parents such as food, toileting, sleep, and activities using a software application and through conversations at drop off and collection times. A parentship approach between the service and home environment helps support the children's care and developmental needs.
- Staff were observed being responsive to children's needs in garden for example when a child commented about being cold the staff member assisted by going to get gloves and when another child requested

resources the staff supplied them with additional toys. Being responsive and acting on the children's needs helps develop a sense of security and comfort.

Physical and material environment:

- Children had access to a range of equipment in the care rooms such as dress up for imaginative play, peg boards and threading for fine motor movement, sensory toys, a range of blocks for construction and cosy areas with cushions and soft mats offering a place rest.
- Images of children and their families were displayed in the playschool room at the children's level fostering a sense of belonging.
- Displays of the children's recent activities such as artwork were presented throughout the premises facilitating a sense of achievement.
- In the outdoor area children had access to a range of resources promoting fundamental gross motor movements for example a climbing unit, seesaw, slide and ride on toys.

Non-Compliance Information

(1)(a)

Basic needs:

1. Three children in the nursery junior wobbler room were given their drinks when their meal had ended. Having the children's drinks available throughout the meal encourages the children and allows more opportunity to drink.
2. A toilet in the senior preschool room did not have a toilet seat fitted supporting comfort for the children during toileting.

Physical and material environment:

3. The layout of materials in the nursery junior wobbler room was not accessible and inviting for the children. This discouraged exploration and reduced opportunity for choice in a variety play experiences.

The following was observed:

- Supporting resources for the play kitchen were stored on the window ledge out of reach of children.
- Books were stored on the window ledge out of reach of children.
- A storage unit containing toys at the children's level was placed under table.

- Chairs were not available for use by children in the nursery junior wobbler room between meals meaning the children were unable to sit at the table to engage in quiet tabletop activities. Tabletop activities help build posture and promote cognitive function development in young children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

- Staff were reminded that children must be offered their drink at the same time their meal is served.
- A toilet seat has been fitted.
- Supporting equipment is now alongside the kitchen. Books are in a basket accessible to children. The storage unit has been relocated.
- Chairs are now placed beside the table.

Preventive Action

Inspection findings were disseminated, and staff were notified to any maintenance or safety issues should be communicated with the operations manager so corrective measures can be taken.

Supporting documentation submitted

- Photographic evidence.
- Staff memo.

Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliances identified under Regulation 19 have been addressed.

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 main entrance was secured with a buzzer system and was locked when the inspectors arrived at the service. This prevented unauthorised person gaining access or children exiting unsupervised.

- Cleaning sprays were observed to be stored out of reach of children.
- Handrails were present on the staircases.
- There was no trailing cables or flexes observed.

Infection Control:

- Soothers were stored in individually labelled boxes.
- Nappy changing mats were observed in good condition and pedal operated bins were present in the changing areas for the disposal of soiled nappies, gloves, and aprons.
- Windows were opened in the service for ventilation.

Safe Sleep:

- Staff were observed to check children regularly while they slept at ten-minute intervals. These checks were adequately recorded and detailed the colour, breathing and position of the children.

Fire Safety:

- Fire exits were observed unobstructed.
- Staff were aware of the procedure for fire evacuation.

Non-Compliance Information

General Safety:

1. Tall storage units in the nursery junior wobbler room were not fixed securely to the wall and posed a risk of injury to the children.

Infection Control:

2. Food in the nursery Junior Wobbler room was not reheated in line with service policy. Food was delivered to the room at 11:29am and was served to the majority of children at 11:57am. At 12:25pm a portion of dinner was reheated in the microwave in the kitchenette by a staff member and given to a child who arrived late. This portion was not temperature checked before being served to a child. Service policy states that the temperature should be checked and recorded to demonstrate over 70°C for reheated foods. The service policy identifies a hazard of harmful bacteria for reheating practices which should be controlled and monitored with temperature checking.
3. Children in the nursery Junior Wobbler room were observed to have their hands cleaned with a cotton pad which staff advised had water and baby oil mix solution before dinner. This is not in line with services policy or HPSC guidance for effective handwashing and posed an infection control risk.
4. Two cots in cot room 3 were observed to be less than 50 cm apart posing an infection control risk.

5. Areas and materials in the service were observed to be damaged which prevented effective cleaning posing an infection control risk. The following was observed.

- Five cots in cot room 2 had chipped paint exposing wood.
- Laminate covering was missing from the cupboard doors in the senior preschool room.
- Flooring in the senior preschool room was torn and damaged.
- Wood under the sink in the junior preschool room was warped and missing paint.

Administration of Medication:

6. Three expired emergency medications were stored with two in date medications. This posed a risk of expired medication being administered to a child in the event of an emergency. The service policy did not include the disposal of medication, but the operations manager advised service practice is to return the medication the parent.

Safe Sleep:

7. The temperature in the playschool room during sleep exceeded the recommended temperature of 18-22°C where children over 1 year were sleeping. The temperature was 23.7°C at 1:01pm and 23.8°C at 1:25pm. It is acknowledged that the operations manager showed evidence of engaging with a contractor to reduce the heating temperatures in the service.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. **Corrective action:** Tall storage unit has been replaced with a new wall fitted unit.
Preventive action: Findings from the Tusla inspection were disseminated with staff. Staff were notified that any maintenance issue or safety concern should be communicated with the operations manager so corrective measures can be taken.

Infection Control:

2. **Corrective action:** Staff have been advised that additional single portions of food are available in the kitchen for late arrivals.
Preventive action: Report findings have been disseminated among the staff including the cook to create awareness.
3. **Corrective action:** This practice has ceased.
Preventive action: Inspection findings have been disseminated to staff. Registered provider intends to install a low-level hand basin in lobby outside changing where children can wash their hands.

4. **Corrective action:** A cot in rest room 3 has been replaced ensuring a 50cm gap can be maintained.
Preventive action: Inspection findings have been disseminated to staff. A safety notice has been put in place in cot room 3.
5. **Corrective action:** Cots will be repainted by June 28th. Kitchen in Senior preschool will be replaced. Flooring to Senior preschool Wobbler room will be replaced. Vanity unit has been replaced.
Preventive action: Inspection findings disseminated to staff.

Administration of Medication:

6. **Corrective action:** Expired medication has been returned to the child's next of kin.
Preventive action: Inspection findings have been disseminated to staff.

Safe Sleep:

7. **Corrective action:** UV filters and black out blinds have been fitted and the service boiler adjusted to help regulate temperatures.
Preventive action: Staff were notified any safety concerns should be communicated with the operations manager so corrective actions can be taken.

Supporting documentation submitted

General Safety:

- Staff memo.
- Photographic evidence.

Infection Control:

- Staff memo.
- Photographic evidence.

Administration of medication:

- Staff memo.

Safe Sleep:

- Staff memo.
- Photographic evidence.

Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliances 1, 2, 3, 4, 6, 7 have been addressed. The non-compliance under Regulation 23 infection control number 5 remains outstanding until the repair work is completed.

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 the service roster and available certificates demonstrated that a person trained in First Aid Response (FAR) was available at all times to the children attending the pre-school on the week of the inspection 15th-19th of April 2024.

(2)(a) and (b) A suitably equipped first aid box was available and safely stored in an easily accessible and conspicuous position on the premises.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are-

(d) cleaned, maintained and repaired, as required

Non-Compliance Information

- (d)
1. On the day of the inspection the inspectors observed insects in areas of the premises including a sink, corridor, and care room. It is acknowledged that the service had the most recent spray treatment carried out by pest control on April 12th however, actions taken had yet to be effective.
 2. The service was not cleaned, maintained, or repaired as required. Some examples include:
 - Gaps in the flooring were observed where the floor did not meet the wall and dirt and debris had gathered.
 - A gap was observed in the flooring outside the kitchen where pipes under concrete had become visible.

- There was evidence there had been a leak in the Senior Wobbler room. The ceiling was observed to be damaged and discoloured with a small hole present. Although the registered provider has advised the leak has been repaired the damaged caused by the leak to the ceiling has not been addressed.
- Large cobwebs were observed in a care room around the ceiling.
- A build-up of dirt and debris was visible on a fan in use in a care room.
- The sink side panel of wood in the senior preschool sanitary area was observed worn and damaged.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. **Corrective action:** Pest control contractor is manging the issue. A full treatment of the service has been completed and a follow up treatment is scheduled for May 28th 2024.

Preventive action: A service level agreement is in place with a pest control company. They will continue to monitor the service and complete any necessary treatments.

2. **Corrective action:**

- The flooring is a floating solid wood and will expand and contract depending on weather. A contractor assessed the floor on 16th of May and are scheduling a date for completion of remedial works.
- The gap located outside the kitchen has been filled.
- The ceiling has been painted.
- Professional cleaners have completed a deep clean of the service.
- Vanity unit in senior preschool has been replaced.

Preventive action: Findings of the Tusla inspection have been disseminated to the staff and they were informed to communicate and maintenance or safety issues the operations manager. An agreement is in now in place with a cleaning company and a deep cleaning service will be competed quarterly. The registered provider will continue to address any maintenance or safety concern in a timely manner.

Supporting documentation submitted

- Photographic images.
- Staff memo.
- Invoices.
- Correspondence with pest control contractor.

Early Years Inspectorate Regulatory Report Pre School

Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliances number 1 and 2 bullet points 2, 3, 4 and 5 identified under Regulation 29 have been addressed. The non-compliance under Regulation 29 number 2 bullet point 1 remains outstanding until the remedial work is completed.