

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015FL306
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<b>Name of Service:</b>	The Kilns Creche & Montessori LTD
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<b>Address of Service:</b>	58 The Kilns, Station Road, Portmarnock, Co. Dublin
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<b>Eircode:</b>	D13 T4A8
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<b>Name of Registered Provider:</b>	Cathy Fitzmaurice
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<b>Service type:</b>	Full Day
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<b>Date of Inspection:</b>	29/10/2024
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<b>No of pre-school children:</b>	AM	22	PM	21
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, 181-189 Lakeshore Drive, Airside Business Park, Swords, Co. Dublin K67 Y5C6.
<b>Inspection undertaken by:</b>	AM Coyle & L Jameson
<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

The Kilns Creche & Montessori is a full day care service registered to accommodate children aged 1-6 years during the hours of operation from 7.30am – 6pm Monday to Friday. The service operates from a ground floor building in an apartment complex in Portmarnock, north Dublin. There are 4 care rooms in the service, namely the Tweenie room, the Toddler room, the Playschool room and the Montessori room. An enclosed outdoor play area is located to the front of the premises.

### Staffing

The registered provider employs a manager who oversees the operation of the early years' service and who provides relief across the care rooms as needed. A further 7 staff members are employed in this service with one staff member employed in the service to reduce the adult to child ratio, and when necessary, to work with children with additional needs, in a post funded by the Minister as part of the Access and Inclusion Model scheme.

### 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.

A sampling process was used to assess compliance under regulation 15 – Record of pre-school child

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

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

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

## Acknowledgments

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

### Part II - Registration and Register

#### Regulation 8 - Notification of change in circumstances

*(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.*

*(3) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) or (2), as the case may be, of a change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.*

#### Non-Compliance Information

(1) The registered provider failed to notify the Early Years Inspectorate of a change in circumstances in relation to the following as per the schedule 4 Form for Notification of Change in Circumstances:

- The designated person in charge of the service is at variance with the person listed on the national register.

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

##### Corrective Action

(1) Manager has filled out and received confirmation of the name change of circumstance form to rectify this non-compliance.

##### Preventive Action

(1) All paperwork will be reviewed before staff take maternity leave and if other changes to their management team occur.

##### Supporting documentation submitted

Confirmation of CIC approval received.

#### Summary Comment

The change in circumstances form submitted by the registered provider has been approved, the regulatory requirement for regulation 8 - Notification of change in circumstances has been addressed.

### 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) The service manager was the designated person in charge of the service.

(b) The service manager was present and in charge of the service when the inspectors arrived unannounced on the morning of the inspection.

The files for 8 staff members all of whom work directly with the children were reviewed.

(2)(a) & (b) Two written, validated references were available for 6 staff members whose files were reviewed.

One validated written reference was available for each of 2 staff members.

(c) Garda vetting disclosures were available for 8 staff members. The Garda vetting records reviewed demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(4) Documentary evidence was available to confirm that 6 staff members whose files were reviewed and who work directly with the children in the service held an appropriate childcare qualification at Level 5 or higher on the National Framework of Qualifications or a qualification deemed by the minister to be equivalent.

### Non-Compliance Information

(2)(a) &(b) A second validated written reference was not available for 2 staff members.

(d) International police vetting was not available for 3 staff members in respect of 4 countries they had resided in outside of the Irish jurisdiction for more than 6 consecutive months as adults.

(4) Documentary evidence was not available to confirm that 2 staff members whose files were reviewed and who work directly with the children in the service did not hold an appropriate childcare qualification at Level 5 or higher on the National Framework of Qualifications or a qualification deemed by the minister to be equivalent.

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

#### **Corrective Action**

(2)(a) &(b) Management have since requested the required references from staff members.

(d) Management have since requested the required police vetting from staff members.

(4) Staff member 1, has since graduated with level 8. Staff member 2, has been made a non-contact staff member until she has completed the last module of her level 5.

#### **Preventive Action**

(2)(a)(b)(d) Management will ensure that all staff have the appropriate documents before their employment commences.

(4) Management will ensure all staff have documents available of their qualifications and ensure all staff members hold the minimum Level 5 certificate in full.

#### **Supporting documentation submitted**

Two validated written references.

Police vetting.

Qualifications for one staff member.

### Summary Comment

The evidence submitted by the registered provider in relation to regulation 9 – Management and recruitment has been reviewed and accepted.

### 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.*

*(8) Without prejudice to paragraphs (2) to (7)-*

*(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,*

### Compliance Information

(1) On the day of inspection there was an adequate number of staff members working directly with the children attending the service.

(2) The adult to child ratios were correct in the service when the inspectors arrived announced and remained so throughout the inspection.

The following adult to child ratios were observed during the inspection:

- In the Tweenie room there were 4 children aged 1 year to 1 year 5 months attending on a full day care basis, being cared for by 1 staff member.
- In the Toddler room there were 3 children aged between 1 year 7 months to 1 year 9 months being cared for by 1 staff member.
- In the Playschool room there were 4 children aged 2 years 2 months to 2 years 9 months being cared for by 1 staff member.

- In the Montessori room there were 11 children aged 3 years 11 months to 4 years 9 months being cared for by 2 staff members one staff member was present in the room to reduce the adult to child ratio, and when necessary, to work with a child with additional needs, in a post funded by the Minister as part of the Access and Inclusion Model scheme.

(8)(a) The registered provider ensured that 2 adults were present in the service at all times verified by staff rosters and staff attendance records maintained at the service

### Part IV – Information and Records

#### Regulation 15 – Record of pre-school child

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

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

*(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-*  
*(c) an authorised person.*

#### Compliance Information

(1) Eight children's records were sampled. All of the 8 sampled registration forms were appropriately completed with the required information as specified in sub-sections (a) to (i) in this regulation.

(3)(c) The children's records were available and open for review by the inspectors as authorised persons.

### 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) The following observations were made on how each child's learning, development and well-being was facilitated within the daily life in the service:

#### Basic needs:

- On the inspector's arrival to the service the children throughout the 4 care rooms were observed to be engaged in play-based activities and the staff members present joined in with the children's play, providing encouraging and nurturing interactions to the children.
- Mealtimes in the service were observed to be a pleasant experience, the children were given plenty of time to enjoy their meals and snacks all of which are prepared and cooked in the onsite kitchen. The staff members were observed sitting with the children while they ate, engaging the children in reciprocal conversation. The staff members in the Tweenie and Toddler room sat in front of the children while they ate warmly engaging with the children at their eye level and providing assistance as needed. A comfortable chair was available in the Tweenie room to hold and cuddle the children as needed.
- The children's personal care needs were promptly attended to. Nappies were changed at scheduled times and more frequently as required and when changing nappies the staff members used the opportunity to engage with and chat to the children. The children who were toilet trained used the toilet independently with discreet supervision provided as needed. Bibs were placed on the younger children prior to eating and the children's hands and face were cleaned after dinner.
- The staff members were observed to positively reinforce the children's achievements with recognition, praise and encouragement. Any minor disagreements that occurred between the children were dealt with in a positive and calm way and the children were supported to resolve any conflict that arose.

### Supporting relationships:

- Throughout the care rooms staff demonstrated familiarity and good relationships with the children by talking about the children's personality, likes and dislikes.
- One child in attendance in the Tweenie room was upset on the day of inspection, the staff member was observed interacting warmly and kindly using gentle touch and tone of voice, to good effect, to support the child.
- The service uses a mobile application (an 'App') to communicate children's routines and progress with their parents and guardians throughout the day. The staff members were observed greeting parents and guardians by name and sharing information in a friendly manner at drop-off and collection time.
- Throughout the care rooms the staff members were observed to work well together as a team, the staff members supported each other in the care of the children, modelling positive ways of interacting with the children and one another.

### Physical and material environment:

- There was age-appropriate furniture in each of the care rooms such as correct sized tables, chairs and highchairs. The play materials which were suitable for the age and stage of development of the children were stored or displayed on low level shelving units.
- Interest areas available in the care rooms included home areas, construction toys, arts and crafts materials and a range of reading resources. A wide range of Montessori play materials were available in the Montessori room for the children to use. In both the Tweenie room and the Toddler room large wall mirrors were provided for the children in addition to push along toys to support the children's gross motor development.
- Suitable rest areas provided in the care rooms for children to take a break from activities and rest if required.
- An enclosed outdoor area is located to the front of the service, the area was surfaced with artificial grass, a climbing frame with a slide, a mud kitchen, a sand table along with ride on and push along toys were available for the children to use. The children did not access the outdoor area on the day of inspection due to safety concerns regarding a balcony above the service from where wood had fallen from into the outdoor play area during a recent storm.

### Non-Compliance Information

#### Physical and material environment:

1. The play kitchen in the Tweenie Room was insufficiently resourced to facilitate meaningful play as evidenced in the small amount of supportive play materials provided in the room, consisting mainly of plastic food, which were stored separately from the kitchen. There was a lack of real-life everyday objects such as food packaging to support the children to engage in role play.
2. There was a lack of natural and sensory materials in the Tweenie and Toddler room in order to facilitate sensorial play experiences or encourage the children's creativity and imagination. For example, sensory type materials such as sand, water, rice or pasta trays were not available to the children to enjoy sensory experiences.
3. Family photographs were not displayed in the Tweenie room and the Toddler room. The lack of family photographs prevented children from using photographs as a means of maintaining links with and bridging the gap between the service and home.

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

#### Corrective Action

#### Physical and material environment:

1. The service has since purchased more kitchen items and staff are working on creating a home corner with more meaningful materials and relatable materials to this area.
2. The service has since bought and introduced more sensory toys to the Tweenie room and a treasure basket also with lots of different textures and sensory items. Staff are working on introducing mini tuff trays to the shelves with rice, pasta, sand. And a rota has been set up to encourage more water play and messy play activities. Staff have also been encouraged to use the large tuff tray to introduce more sensory options to the children.
3. Staff have updated all family trees and have moved the Tweenie family tree into the room so they can see and make reference to their family. Staff are also compiling Toddler Room family tree is also. Staff have begun on working on children's picture books for their library within the class, this is where the parents are encouraged to share photos from home, and these can be available to each child. Staff will also be beginning to create class photo albums within the class. Management has discussed the importance of inclusion and connection between family and service.

## **Preventive Action**

1. Management have discussed with all staff to review of all toys on a more regular basis will and any items broken or need of more supplies this will be rectified in a more timely manner, and notified to a member of management. Staff will work with their better start mentor to help support the team and improve in this area.
2. Staff have been notified to make management aware of the need of more craft, sensory or ingredient materials or supplies in a timely manner so that sensory play can still continue. Management will monitor and mentor the staff to ensure they are creating a rich environment for discovery and play for the children. Staff will work with their better start mentor to help support the team and improve in this area.
3. Management will discuss the importance of inclusion and the benefits it has. Management will follow up with staff to ensure all family trees are updated when needed and display is clear and displayed at a low level so children can access and observe.

## **Supporting documentation submitted**

Photographic evidence of care rooms.

## **Summary Comment**

The evidence submitted by the registered provider in relation to regulation 19 - Health, welfare and development of child has been reviewed and accepted.

### 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 external gate leading from the pathway outside the service and the entrance door leading into the service were appropriately secured to prevent the children from exiting unsupervised and to restrict unauthorised persons from gaining access to the premises.
- The kitchen was inaccessible to the children during the inspection.
- Cleaning agents were stored safely out of the reach of children.

##### Infection Control:

- The children were supported to wash their hands before eating, following nappy changing and using the toilet.
- The service's nappy changing policy was observed to be followed when staff members changed children's nappies.
- Pedal operated lidded nappy bins were provided for the disposal of nappies which reduced the risk of cross-infection.

##### Administration of Medication:

- Medication administration forms were available for documentation should they be required. No child was observed having medication administered on the day of inspection.

##### Safe Sleep:

- The inspectors observed that 10-minute sleep check observations noting each child's colour, position and breathing pattern were being performed and documented on all sleeping children.

##### Fire Safety:

- The emergency fire exits were clear and unobstructed on the day of inspection.

#### Non-Compliance Information

##### Infection Control:

1. The water at the taps in both the sanitary area and the care rooms was cold to touch. Cold water does not support effective hand hygiene practices.

2. The children attending the Tweenie room were not facilitated to wash their hands before they ate their dinner.
3. The children attending the Playschool room ate their morning snack directly off the table.
4. One of the cushions in the rest area in the Toddler room was not covered with a washable cover, this is an infection control risk.

### Safe Sleep:

5. Sleep plans incorporating robust risk assessments were not available for 3 children who were observed sleeping in cocoon beds, all of whom were aged less than 2 years, to demonstrate the children's developmental readiness to move from a cot to floor bed.

### Action submitted by the Registered Provider

#### Corrective Action

#### Infection Control:

1. Regarding the hot water on the day of inspection, manager had electrician come out after the inspection to check our water and there was a fault in the time clock to switch on the water as the clocks changed over the bank holiday, which has since been fixed and service had running hot water by the end of the day.
2. Manager has discussed their hand washing policy with all staff, she has introduced a step to help support the tweenies up to the sink area to wash their hands with a member of staff at all times, alternatively the children can also be brought out to our toilet area where their hands washed.
3. Management discussed with all staff the importance to give children their snack on plates provided.
4. New cushion covers are being sourced to help support the changeover and ensure all pillows have covers at all times.

### Safe Sleep:

5. All parents of the 3 children sleeping on floor beds have since completed the planning for sleep need of children in ELC services advised by Tusla's guidance for the Early learning and Care sector.

#### Preventive Action

#### Infection Control:

1. Clocks and time clocks will be checked after time change throughout the year.
2. Review of handwashing policy more frequently, management will ensure all staff are up to date on this policy and all children in the service are washing their hands as to service's policy.

3. Management will ensure all plates are accessible to staff for their snack times.
4. Should a cushion have no cover it will be removed from the room, management will ensure all covers are washed and available for change over.

**Safe Sleep:**

5. Management will ensure that these forms are filled prior to children sleeping in the floor beds.

**Supporting documentation submitted**

Documented and photographic evidence was provided including copy of parental sleep documentation and sleep plans, copy of services handwashing policy, water maintenance tracker and a photograph of the rest area.

**Summary Comment**

The inspectors reviewed the corrective actions and evidence submitted by the registered provider after the inspection. The registered provider demonstrated that the non-compliance identified under Regulation 23 - Safeguarding health, safety and welfare of child has been adequately addressed.

**Part VI - Safety**

**Regulation 24 - Checking in and out and record of attendance**

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

*(3) A registered provider shall ensure that-*

*(a) no person other than-*

*(i) pre-school child attending the service,*

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

*(iii) an employee, or*

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

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

**Compliance Information**

(1) The children attending the Tweenie Room, the Toddler Room, the Playschool Room and the Montessori Room were entered as present on an application uploaded on mobile tablet devices in each care room, noting the children's arrival and departure times.

(3)(a)(b) A system was in place to ensure that no person other than the children and their parents or guardians, employees, approved students or authorised visitors could enter the service. A visitor's book was maintained, and the inspectors recorded their attendance on the premises and the purpose of their visit.

### 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 person who held in-date First Aid Response (FAR) training was at all times immediately available to the children attending the service. This was evidenced in the FAR training records maintained for 3 staff members and their scheduled attendance in the service's staff roster.

(2)(a)(b) The first aid box available in the service was suitably equipped and stored in a conspicuous location on the premises and were available for the children in attendance, in the event of an emergency.

### Part VI - Safety

#### Regulation 26 - Fire safety measures

(1) A registered provider shall ensure that a record in writing is kept of-

(a) any fire drill that takes place in the premises, and

(b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.

(4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

#### Compliance Information

(1)(a) A record was maintained of all fire drills which had been completed in the service. The records indicated and staff members reported that fire drills were carried out monthly. The last recorded fire drill took place on 04/10/2024.

(b) A record was kept of the maintenance of the Fire extinguishers in the premises which was certified as having been serviced most recently on 23/04/2024.

(4) The evacuation procedure was conspicuously displayed on the premises which contained details in relation to the procedure to be conducted in the event of a fire or emergency in the service.

### Non-Compliance Information

(1)(b) There was no up-to-date official maintenance record available for the smoke alarms on the premises.

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

#### Corrective Action

(1)(b) Manager was speaking to our management company, they are waiting for an engineer to complete the smoke alarm tests.

#### Preventive Action

(1)(b) Manager will keep in contact with the management company to ensure these safety measures are carried out. Their other fire safety equipment has been certified.

#### Supporting documentation submitted

None to date.

### Summary Comment

The regulatory requirement for regulation 26 - Fire safety measures has not been addressed and remains outstanding as evidence of the annual maintenance of the smoke alarms has not been completed and forwarded to the inspectorate.