

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015FL307
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Name of Service:	The Learning Circle
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Address of Service:	37 Myrtle Drive, The Coast, Baldoyle, Dublin 13, Co. Dublin
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Eircode:	D13 X2N4
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Name of Registered Provider:	Michelle Murphy
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	09/07/2024
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No of pre-school children:	AM	35	PM	31
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Address of the Early Years Inspectorate:	Early Years Inspectorate Child and Family Agency Dublin Northeast Second Floor, Unit 4&5 Nexus Building Block 6A, Blanchardstown Corpo Park, Dublin 15.
Inspection undertaken by:	E Hosford and Á Dunne
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

The Learning Circle is a private service which provides a sessional, part time and full-time service to children aged from birth to 6 years and is registered to operate from operates from 7:30am to 6:15pm Monday to Friday but is currently operating from 8am to 6pm. The service also provides a school age service.

The service operates from a purpose built two storey premises on the north side of Dublin city and was operating four care rooms for early years children and two care rooms for school age children. The rooms were as follows: Panda 1 and Panda 2 Room (1-3 years), Baby /Penguin Room (1-2 years), Monkey Room (3-4 years), Dolphin 1 Room (school age) and Sharks Room (school age children). A separate sleep room is situated on the ground floor beside the Penguin Room and has six standard cots. An enclosed outdoor area is available to the children at the rear of the premises and a garden terrace is available on the first floor.

Staffing

The service employs 28 staff including the registered provider, designated person in charge, two deputy people in charge, two cooks, and administrative assistant and 20 childcare staff, one of whom only works with the school age children. The registered provider and the designated person in charge are not assigned to a care room but are available to assist in the care rooms as required. There were 20 staff present on the day of the inspection and of these 10 were working directly with the children aged between 0-6years.

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. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under:

- Regulation 9(2)(a)(b)(c)(d), (4), (7)(a) Management and Recruitment
- Regulation 11(1), (2), (9) Staffing Levels
- Regulation 15 (f) Record of a Pre-school Child
- Regulation 16(1)(k)(4) Records in relation to the Preschool Service
- Regulation 19(1)(b)(3) Health, Welfare and Development of child
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child
- Regulation 27 Supervision
- Regulation 30 Complaints

A sampling process was used to assess compliance under the following:

- Regulation 9(7) Management and Recruitment
- Regulation 15 (f) Record of a Pre-school Child
- Regulation 16(1)(k)(4) – Record in relation to Preschool Service
- Regulation 19 (1)(b)(3)-Health, Welfare and Development of child
- Regulation 23- Safeguarding Health, Safety and Welfare of Child

As a result, the scope of the inspection included the Panda 1, Panda 2 and the Monkeys rooms and did not include the Baby /Penguin room. Regulation 11 was inspected across all care rooms.

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

The inspection was triggered by information received by the inspectorate.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, 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

(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.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

(a) the policies, procedures and statements of the service specified in Schedule 5;

Compliance Information

The files of 28 staff employed within the service were reviewed.

(2)

(a)(b) Two written references were available for the registered provider along with 56 validated written references from a recent past employer or a source other than a past employer for the 28 full files reviewed.

(c) Garda vetting disclosures were available for 28 staff members, however, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under Regulation 23 of this report.

(d) Documentary evidence showed that seven adults had lived outside of the state for six months or more as adults and international police vetting from eight states were available for inspection.

(4) Twenty-two staff who worked directly with the children attending the service held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs.

(7)(a) The registered provider ensured all adults in the service were provided with induction upon commencing employment to include, health and safety procedures, child protection procedures, work practices and daily operations of the service. The registered provider also provided evidence of recent staff meetings, and one to one meeting with reviews for staff. This was in line with the services staff training policy.

Non-Compliance Information

(4) One staff member who worked directly with the children attending the service did not have written documentation to confirm that the qualifications they held was at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(4) In response to the non-compliance the service has stated that, an application was made to obtain confirmation of qualification, it will be sent to Early Years Inspectorate on receipt. Until then the staff member is working in the afterschool until confirmation of their qualification is obtained.

To prevent the non-compliance, the staff file check list to include the question if we need to obtain confirmation of qualification has been updated.

Summary Comment

The corrective and preventive action taken have addressed the non-compliance identified on 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.

(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) There were an adequate number of adults working directly with the children as there were 9 staff working directly with 35 children aged between 0-6 years in the morning and 7 staff working with 31 children in the afternoon. An additional staff member was available to help across the care rooms during the operation of the service along with the registered provider and designated person in charge.

(2) The correct adult/child ratio was maintained in the service throughout the inspection at all times.

Panda 1 Room: 2 adults caring for 9 children aged between 1-3 years in the morning and 7 children in the afternoon.

Panda 2 Room: 1 adult caring for 6 children aged between 1-3 years in the morning and afternoon.

Baby/Penguin Room: 3 adults caring for 8 children aged between 1-2 years in the morning and 2 adults caring for 8 children in the afternoon.

Monkey Room: 3 adults caring for 12 children aged between 3-4 years in the morning and 2 adults caring for 10 children in the afternoon.

(8)(a) The registered provider ensured that two adults were present on the premises at all times.

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:

(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.

Compliance Information

(1)(f)

The inspector reviewed documentation relating to children that required additional support within the care rooms. The information was clearly displayed for staff in the care room, and they were familiar with the children and their individual requirements.

Part IV – Information and Records

Regulation 16 – Record in relation to pre-school service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

- (h) details of attendance by each pre-school child on a daily basis;
- (i) details of staff rosters on a daily basis;
- (k) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance Information

- (h) The service maintained the arrival and departure time of each child to the service.
- (i) A detailed staff roster was available to demonstrate the staff present in the service.

Non-Compliance Information

(1)(k) The registered provider did not ensure a full record in writing was consistently maintained for accident and incidents. Following a review of 20 records, the following was observed:

- Fourteen records did not include the child's date of birth while one form did not document the child's surname.
- Two forms did not include the date of the incident and when the form was completed.
- Two records did not include the parent's signature where they acknowledge they had been informed of the accident or incident and six forms did not include the date the parent signed the form.
- Full records, including signatures and dates must be maintained.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1)(k) In response the service has stated that all staff have been spoken to and advised about the non-compliance and how to correctly fill in accident forms.

A form was placed in all the rooms near the accident forms to remind staff what needs to be filled in.

Summary Comment

The corrective and preventive action taken have addressed the non-compliance identified on inspection.

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

(3) A registered provider shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful are carried out in respect of a pre-school child whilst attending the service.

Compliance Information

(1)(a)

- Children were provided with regular and adequate food on the day of the inspection. A snack from home was eaten by the children in the morning from the Monkey room while the service provided a snack to children from the Panda 1 and Panda 2 care room of fruit, breadsticks and hummus. A hot meal of pasta with vegetable sauce was provided at lunch time. Alternative and additional food was available to children if required. Children with alternative diets and preferences were catered for. Mealtimes were relaxed with staff available to the children while sitting with small groups offering encouragement and conversation. Children were given time to eat their meal at their own pace.
- Staff engaged and interacted with the children in a respectful, warm and sensitive manner. Appropriate verbal and nonverbal communication such as low tones, eye level contact, touch, using the child's name and other strategies were observed. These strategies can facilitate emotional and social development in young children.
- The experiences and activities provided to the children in the rooms were suitable to the age and stage of development of the children. For example, staff discussed the choice to participate, and the timing of these activities, and how alternative activities were provided. Appropriate activities following the interests of children can promote independent decision making and foster meaningful play experiences.
- Daily routines were available and were reflected in practice. Routine provides for comfort and predictability, which can promote a sense of security.

- Engagement with parents and families was facilitated through conversations at drop off and collection. Any information such as updates on the service was shared with parents by email. Staff in the care rooms detailed how they held weekly meetings to discuss the curriculum for the following week, planned activities and equipment required. Staff also maintained documentation detailing the children's overall development and progression. This engagement can promote a sense of welcome and belonging for young children and their families.
- All children had the freedom to move throughout their care room and access toys and equipment independently.

(3)

- Staff were observed engaging with the children in a positive and relaxed manner. Children were guided with clear instructions with reinforcement and encouragement given when required. Any minor disputes between the children were dealt with fairly by staff who gave explanations and explained boundaries to the children.
- No practices that were deemed disrespectful, harmful or neglectful were observed during the inspection in the Panda 1 and Panda 2 rooms and the Monkey room.

Non-Compliance Information

(1)(a)

1. Children in the Panda 1 room were observed using their soothers for prolonged periods throughout the day. This does not support the children's oral motor skills, speech development and pronunciation.
2. Toys and equipment in the Panda 1 room did not encourage or invite the children to engage with them. For example, cause and effect toys were without batteries, supporting equipment for the doll's house, and a toy aeroplane were not accessible and dolls with cloth bodies were soiled and visually dirty. The children's family wall was not visually available to the children as it was positioned too high.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. In response the service has stated that this was addressed with staff in a meeting, and we discussed with staff how we could work with them to support children without soothers. Also discussed how we can work with the parents to work together on less soother use. We created a poster for the room as a reminder of soother use. This will be reviewed by management regularly.

2. To address this non-compliance a meeting was held with staff to discuss the importance of the learning environment for the children. Using the Aistear/Siolta practice guide we reflected on the room and addressed the concerns raised, creating a more stimulation and engaging environment for the children. We will engage with a Quality Development service from September to look at the whole building and work together to improve all areas of our service. This will also be reviewed in the September staff meeting.

Supporting documentation submitted

1 and 2. Documentary and photographic evidence to support corrective and preventive actions.

Summary Comment

The corrective and preventive action taken have addressed the non-compliance identified on 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 to the main building had an electronic automatic door system in place, which was operated and managed by staff.
- Internal doors throughout the premises had handles and latches up high out of reach of children.
- The outdoor play space was fully enclosed. The doors into the kitchen, staff toilet and storage areas were secured and not accessible to children.

Infection Control:

- Handwashing was completed before meals with liquid soap and thermostatically controlled warm water available at all wash hand basins used by the children.
- While children slept cots and low beds were observed to be positioned with appropriate space between them to support effective infection control.
- The premises appeared to be in a clean and hygienic condition and documented up to date cleaning records were available and displayed in the premises.

Safe Sleep:

- A log was maintained where the temperature of the room and the colour, breathing and position of sleeping children was checked every 10 minutes.
- The temperature of the room while children slept was maintained at the recommended ambient temperature of 18-22 °C for children over one year old.
- Children under the age of 2 years that slept on low beds has a documented sleep assessment completed with parents.

Fire Safety:

- Fire exits were unobstructed, and the fire evacuation routes were displayed throughout the premises.

Non-Compliance Information

General Safety:

1. Garda vetting disclosures that were available for two staff members were not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting.
2. A child under the age of 2 years was observed being left unattended on a low floor bed while they drank from a bottle. This increased the potential risk of choking.

Infection Control:

3. Nappy changing was not carried out in line with appropriate infection control practice. For example.
 - An open nappy bag with a soiled nappy and soiled wipes was placed directly beside a child's head on the nappy mat following its removal.
 - Children with soothers did not have them removed while having their nappies changed.

Administration of Medication:

4. Ten administration of medication records were reviewed, six had no parental pre consent for the administration of the medication and two did not have the second staff members name who observed the medication administration process recorded.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. In response the service has stated that Garda vetting was submitted for staff members and a new staff file check list includes area to update garda vetting.
2. This non-compliance was addressed with staff at a meeting. Attention was drawn to the risks involved with child drinking bottle in bed. Safe sleep policy was resent to staff and placed in an optimal place in the room.

Infection Control:

3. To address this non-compliance, it was discussed at a meeting with staff. Staff were also reminded that children should not have soothers going into the changing room. Staff attention was brought to the policy in the changing room and a visual poster was placed alongside the policy to reinforce the procedure.

Administration of Medication:

4. This was addressed with staff at a meeting to include what details/ information had been missed when staff are filling in the medicine forms.

The medicine form/accident form checklist is on the wall in every room to remind staff to fill form in correctly.

Supporting documentation submitted

General Safety:

- 1 and 2. Evidence of actions taken.

Infection Control:

3. Photographic and documentary evidence of actions taken.

Administration of Medication:

4. Documentary evidence of the corrective and preventive actions taken

Summary Comment

The corrective and preventive action taken have addressed the non-compliance identified on inspection.

Part VIII - Notifications and Complaints

Regulation 32 – Complaints

- (1) A registered provider shall ensure that the complaints policy of the service specifies-
- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,
 - (b) the manner in which such a complaint shall be dealt with, and
 - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.
- (2) A registered provider shall ensure that-
- (a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and
 - (b) the complaint is duly dealt with in accordance with the provider's complaints policy.
- (3) A record in writing referred to in paragraph (2)(a) shall-
- (a) include the nature of the complaint and the manner in which the complaint was dealt with, and
 - (b) be open to inspection on the premises by an authorised person.

Compliance Information

(1) (a), (b) and (c).

Documentation was available for inspection to demonstrate that the service complaints policy specified the required information as outlined in Regulation 32, Part VIII Notifications and Complaints section (1),(a),(b) and (c).

(2)(a) and (b)

A written record was available to demonstrate that the service kept a record of any complaint made to the provider and that it was dealt with in accordance with the service policy, which stated the complaints procedure and process to be followed by staff.

(3)(a) and (b),

Documentation relating to one complaint made to the service were available for inspection and included the following:

- nature of the complaint,

Early Years Inspectorate Regulatory Report

Pre School

- Action taken by the service to address the complaint,
- Follow up with complainant, and the agreed outcome.