

TUSLA PRE- REGISTRATION REGULATORY INSPECTION REPORT

Inspection Due to a Proposed Change of Circumstances



Tusla I.D: TU2015GY166

Name of Service: Mulberry Childcare Limited

Address of Service: Bride Street, Loughrea, Co. Galway. H62 C437

Email Address: info@mulberrychildcare.ie

Name of Registered Provider: Mr Derek Leahy

Type of Proposed Service:	Full Day Care	✓	Part-Time		Sessional	
	Drop-In		Childminding		Temporary	

Proposed change: Change in number of children from 82 to 108.
Change in number of staff from 20 to 26

Proposed Number of Children: 108

Recommended Change Following Inspection: Change in number of children from 82 to 104.
Change in number of staff from 20 to 26.

Registered change: Change in number of children that can be accommodated from 82 to 104
Change in number of staff from 20 to 26

Date of Inspection:	2	6	0	1	2	0	2	4
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Inspection undertaken by: H. Heagney & A. Kennedy.

Title: Early Years Inspector

Tusla Early Years Inspectorate Address: Clinical & Administration Building, Block A - (1st Floor-Green Corridor), Merlin Park, Galway.

Rationale for Inspection: Proposed Change of Circumstance

Note: For Office use only, to be completed by Registration Office

Registration Status:	Registered Full Day Care Service for 104 Children
Date of Registration	1 st February 2024

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Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(D) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

Description of Service	This privately operated service proposes to cater for a maximum of 104 children, at any one time. The service operates a full day care service from 8.00hrs to 18.00hrs, from Monday to Friday. An Early Childhood Care and Education (ECCE) and sessional care pre-school programme is also offered. The pre-school proposes to cater for children aged between 3 months to 6 years of age. The service is registered to operate a school aged service with a breakfast club, afterschool programme and summer camps.
Premises	The pre-school service is located on its own grounds, in the town of Loughrea, Co. Galway. There are five existing playrooms; the Baby room and Toddler Wobbler room are in a detached premises and The Lodge, Cabin 1 and Cabin 2 are in three prefabrication units. There are two designated sleep rooms, with three cots and nine cots. Additionally, ten stackable beds are available for older pre-school children requiring sleep. The premise has its own kitchen, where children's main meals are prepared, cooked, and stored on site. The pre-school children have access to various secure outdoor play areas at the rear of the detached premises, for children's play activities, fresh air, and exploration. This inspection was for a newly detached purpose-built wooden cabin named the "Nest".
Staffing	The registered provider is supernumerary and not on the premises daily. There is a designated person in charge and a named person who is able to deputise. There are currently twenty-six staff including the registered provider. Twenty-two staff hold a Quality and Qualifications Ireland (QQI) at a Level 5 or over, in Early Childhood Care and Education. The staff have documentary evidence of on-going training and education. There are two designated chefs and a maintenance person.
Methodology	The inspection was an announced inspection to assess compliance with the Childcare Act 1991 (Early Years Services) Regulations 2016 and Childcare Act 1991 (Early Years Services) (Amendment) Regulations 2016.

	<p>The Inspection focused on regulations under the following themes; Governance, Health, Welfare and Development of the child, Safety and Premises.</p> <p>The findings on inspection based on information obtained through examination of documentation, direct observation, and discussion with relevant staff are documented in the inspection report and taken into consideration when making a decision in relation to registering the change in circumstance. 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.</p>
Acknowledgements	<p>The inspectors wish to acknowledge the cooperation of the person in charge and deputy person in charge, who were present on the day of the inspection.</p>

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.

Requirement met:	<p>The requirement was met.</p> <p>There was a designated person in charge and a named person available to deputise in the service.</p>
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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.
- (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.

Requirement met:	<p>The requirement was met.</p> <p>(1)</p> <p>It is proposed that there will be an adequate number of staff working directly with the pre-school children. It is proposed that there will be a maximum of 22 children at any one time, in the Nest with two staff members working directly with these children.</p>
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There were twenty-two staff, who hold at hold a Quality and Qualifications Ireland (QQI) at a minimum of a Level 5, in Early Childhood Care and Education who will be working in the pre-school service.

(8)(a)

The person in charge will ensure that there are two adults on the premises at all times while the service is operating.

Part V - Care of Child in Pre-school Service

Regulation 20 - Facilities for Rest and Play

(1) Subject to this Regulation, a registered provider shall ensure that—

(a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoors and, where required by these Regulations, outdoors, during the day.

(b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

(3) A registered provider of a full day care service, a part-time day care service or a childminding service, other than such a service to which paragraph (2) applies, shall ensure that—

(a) a suitable, safe, and secure outdoor space to which the pre-school children attending the service have access on a daily basis is provided on the premises.

Requirement met:

The requirement was met.

(1)(a)

The design, organisation, and resourcing of the Nest and the outdoor environment were able to support each child’s wellbeing, learning, and development.

The proposed indoor pre-school room was designed and arranged to

- maintain a space that was clean, organised, and free of clutter,
- divided into areas that were supplied with materials organised in a way to support proposed children’s play, development, and learning,
- give all proposed children access to the same facilities, activities and play opportunities, to promote their welfare and development.

The Nest

- The equipment was stored on low-level shelving and was thereby readily accessible to the proposed pre-school children.

- The play equipment and materials were age and stage appropriate, and designed to offer a child manipulative activity, to encourage hand eye co-ordination, to develop fine motor skills and logical thinking.
- Play materials and equipment were developmentally appropriate. There were art and craft materials including crayons, pencils, paper, and paints, lollipop sticks, stickers, pom poms and paper plates. There were problem solving items including games, puzzles, insets, pins with pin boards and tabletop activities. There were blocks, threading materials, stacking, and counting items and shape sorters. There were role playing areas including a kitchen with utensils, dolls, doll accessories, prams, and highchairs for dolls. There was a construction area with a work bench and tools. There were stacking materials including links, connectors, buttons, wooden shapes, magnets, threading materials, and blocks. There were transport vehicles, small world items and dress up items and accessories. There was a selection of books and a bean bag and cushions to enable a child to relax.
- Displayed on the walls of the Nest were visual aids, posters and educational material including birthdays, yoga poses, seasons, colours with Irish words, our community, schedules and the curriculum.

(1)(b)

A rest / quiet area was provided in the Nest, in the form of cushions, mats and a bean bag to facilitate a child to rest or opt out of an activity if he or she chose to.

There were two designated sleep rooms, with three cots and nine cots.

There were ten stackable beds available in the pre-school service for any older child attending the full day care / part time service requiring sleep provision.

(3)(a)

The outdoor area

- The person in charge advised that the outdoor area was an extension of the indoor environment and linked with the learning that goes on inside.
- The person in charge advised that the children in the Nest, would have the opportunity to be outside as often as possible, in all weather conditions.

	<ul style="list-style-type: none"> • The outdoors areas were covered with bark, artificial grass and grass and concrete pathways. The outdoor areas were surrounded by fencing and gates. There were a selection of tractors, scooters, rockers, and bicycles. There were playhouses, counter worktops, wooden planks, tyres, and blackboards. There was an anchored goal posts, swings, slides, and climbing frames. There were activity centres with bridges, viewing posts, slides, digging and picnic areas. There were gravel and sand areas with shovels, buckets, cups, and tyres. There was a tree on a mount and toy boxes. • Additional outdoor play equipment was available in a storage shed.
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Part V - Care of Child in Pre-school Service

Regulation 22 – Food and Drink

A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.

Requirement Met:

- The service had a healthy eating policy, and a four-week menu was on display in the service lobby.
- The person in charge advised that the service would offer the following to all children attending part time and full day care.
 From 8.00hrs to 9.00hrs, a selection of cereals, toast and milk would be offered.
 From 9.45hrs to 10.15hrs, the children attending full day care would have a variety of chopped fruit pieces, yogurts, cheese, crackers with milk or water to drink. The children attending the Early Childhood Care and Education (ECCE) pre-school and sessional care programmes would have their morning snack, supplied by parents and guardians.
 At 12.00hrs, a hot dinner cooked on site would be provided.
 At 15.00hrs, an evening hot snack would be offered with milk or water to drink.
 At 17.00hrs, an additional snack of crackers and fruit would be offered.

	<ul style="list-style-type: none"> • The person in charge advised that the children attending the service on a full day care basis would have two meals, and one snack, supplied by the service and each meal will have at least two food groups. • The person in charge advised that the hot meals and snacks would be prepared, cooked, and stored on site by the service chef, in the designated kitchen. • Drinks of milk and water will be offered for each child’s meal and snack time. • The person in charge advised that a drinks table would be available in each of the playrooms including the Nest, to allow the proposed children the opportunity to ‘self-serve’ their drinks. • Perishable items from children’s lunch boxes would be stored in designated fridge in the Nest.
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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.

Requirement Met:

General Safety

- There was a buzzer access system into the main entrance front door.
- The staff only areas, kitchen, storage areas and adult sanitary areas, were secure and thereby inaccessible to a pre-school child.
- The external play areas were secure so that children could not leave the area unsupervised and unauthorised persons could not enter the area.
- Fire doors throughout the building were unobstructed.
- All cleaning agents were stored inaccessible to the children.
- Leads, cables, and flexes were wall mounted and or secured to prevent any trips or strangulation hazard.
- The oil-fired heating system was thermostatically controlled, to ensure the temperature was maintained between 18°C to 22°C.

- Thermostatically controlled warm water not exceeding 43°C to facilitate hand washing without risk of scalding the children, was available to facilitate hygienic hand washing.
- Heavy equipment and furnishings were anchored appropriately.
- In the Nest window openings were high and thereby inaccessible to the pre-school children.
- All toys and play equipment were observed to be safe and in good condition.
- There were no pits or ponds in the outdoor area to cause any risk to the proposed pre-school children.
- A system was in place to ensure that daily records of attendance were kept for all of the children, that will be attending the pre-school.
- There were records of a regular pest control system, with records indicating the last professional review was dated 8th of December 2023.
- There was a documented risk assessment system for the indoor and outdoor play areas. The service had a risk assessment system for checking that toys and equipment were not broken, in a clean condition and maintained in a good state of repair.
- The person in charge clearly identified to the early years' inspectors, the drop off and collection procedures for children.

Infection Control

- Hand washing facilities were provided with a supply of warm water, liquid hand soap and disposable paper hand towels.
- The toys and play equipment were maintained in a clean and hygienic condition.
- The person in charge advised that the outdoor play equipment would be cleaned regularly, with documented records maintained.
- A refrigerator was provided in the Nest, for the storage of perishable foods.
- The Nest was observed to be kept adequately ventilated with the windows and door left open whilst maintaining the room temperatures at the required levels.

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- The passive ventilation covers, one in the sanitary area and two in the Nest were kept in a clean condition.
- The person in charge had a cleaning schedule template and cleaning records for the materials, equipment, and furnishings.

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 is available to the children attending the pre-school service at all times.

Requirement met:

The requirement has been met.

(1)

Ten staff working in the pre-school service have a current paediatric first aid qualification.

(2)(a)

A suitably equipped first aid box was available and in an easily accessible conspicuous position in the Nest.

(b)

The first aid box was readily available, with content items within date.

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 firefighting 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.

Requirement met:

The requirement has been met.

(1)(a)

Arrangements were in place to record monthly fire drills. The last documented pre-school service fire drill was dated 4th of January 2024.

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	<p>(b)</p> <p>A record of the number, type, and maintenance record of firefighting equipment in the service was on file.</p> <p>Records indicated that the last annual maintenance for the firefighting equipment was dated 8th of May 2023.</p> <p>Records indicated that the last annual maintenance certificate for the smoke and fire detection system was dated 26th of October 2023.</p> <p>(4)</p> <p>A notice of the procedures to be followed in the event of a fire was displayed on the wall at the entrance area in the Nest.</p>
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Part VI – Safety

Regulation 28 – Insurance

A registered provider shall ensure that the pre-school service is adequately insured.

Requirement met:

The requirement has been met.

The service had insurance with an expiry date 27th of March 2024 which was for a full day care service for 110 children and included the following: -

- public liability insurance,
- insurance against fire and theft,
- buildings insurance,
- insurance for outings undertaken as part of the service provision.

The registered provider must ensure that adequate insurance is in place prior to the commencement of the change. The change approval is contingent on the registered providers compliance with Regulation 28.

Part VII – Premises and Space Requirements

Regulation 29 – Premises

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

- (a) of sound and stable structure,*
- (b) safe and secure,*
- (c) kept adequately lit, heated and ventilated,*
- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

Requirement met:	<p>The requirement has been met.</p> <p>(a)</p> <p>In the Nest</p> <ul style="list-style-type: none"> • There was two openable windows and two doors and one openable window in the sanitary accomodation. • The three artificial tube lights fitted were shatter proof covers. • The oil-fired heating system had a thermostatically controlled thermostat to allow the recommended room temperature of between 18°C and 22°C. • On the day of inspection, the indoor room temperature was maintained at 18.3°C. • Records indicated that the service heating system was last serviced in January 2024. • The warm water in the sanitary areas was maintained at a safe temperature of 36.6°C and the person in charge advised it would be no greater than 43°C. <p>(d)</p> <ul style="list-style-type: none"> • In the Nest, the play and work equipment was clean and in good repair. • Cleaning equipment was safely stored away from and inaccessible to the pre-school children. • From observation, the furnished Nest playroom, was maintained in a clean and hygienic condition. <p>(e)</p> <ul style="list-style-type: none"> • Adequate and suitable sanitary facilities were provided. • There were eight designated children’s toilets with eight designated children’s wash hand basins. • There were three designated adult-only toilets with three designated wash hand basins. • There were four designated nappy changing areas with four designated wash hand basins, one adjacent to the Baby room, two adjacent to the Toddler room and one adjacent to the Lodge.
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	<p>There were airtight sealable bins for the disposal of nappies. There was a supply of disposable aprons and gloves for staff involved in the nappy changing procedure.</p> <ul style="list-style-type: none"> • Liquid soap dispensers and paper hand towels in designated dispensers were within easy access to a pre-school child. • Foot operated pedaled lidded bins were provided in the sanitary areas.
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Part VII – Premises and Space Requirements

Regulation 30 – Minimum Space Requirements

- (1) Subject to paragraphs (2) to (6), a registered provider shall ensure that adequate clear floor space is available in the premises for the work, play and movement of children attending the pre-school service.
- (2) A registered provider of a full day care service or a part-time day care service shall ensure that the minimum amount of clear floor space specified in column (3) of Schedule 7 opposite a particular reference number specified in column (1) of that Schedule in respect of the age range of children specified in column (2) thereof at that reference number is available for each child in that age range attending the service.
- (3) A registered provider of a sessional pre-school service or a pre-school service in a drop-in centre shall ensure that a minimum of 1.818 square metres of clear floor space is available for each child attending the service.

Requirement met:	<p>The requirement has been met.</p> <p>(1) Adequate floor space was provided in the proposed Nest playroom, for the free movement of children to work, rest, learn, and play. The registered provider will ensure that the minimum clear floor space is adhered to for pre-school children.</p> <p>(2) The measurement of the Nest, floor space was 40.86 square meters, thereby allowing a maximum of 22 children.</p> <p>thus, ensuring</p> <ul style="list-style-type: none"> – a minimum of 1.818 square metres of clear floor space will be available for each child proposing to attend the sessional service. <p>and</p> <ul style="list-style-type: none"> – a minimum of 2.35 square metres of clear floor space, will be available for children aged 2 to 3 years, proposing to attend the part time / full day care service.
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- a minimum of 2.3 square metres of clear floor space, will be available for children aged 3 to 6 years, proposing to attend the part time / full day care service.

A registered provider of a sessional pre-school service shall ensure that there are no more than 22 children are in a room in the service at any one time.