

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KE032
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Name of Service:	Elms Montessori Limited
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Address of Service:	Kilcullen Community Centre, Kilcullen, Co. Kildare
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Eircode:	R56 VH95
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Name of Registered Provider:	Christine Ayerst
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Service type:	Sessional
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Date of Inspection:	09/09/2024
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No of pre-school children:	AM	21	PM	n/a
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Child & Family Agency, Suite 7, Vista Primary Care, Ballymore Eustace road, Naas, Co. Kildare, W91 X38W.
Inspection undertaken by:	T. Duignan
Title:	Early Years Inspector

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

Elms Montessori Limited was established in 2003 and offers sessional care and education to children aged 2-6 years including the Early Childhood Care and Education (ECCE) programme. The service opens Monday to Friday from 9:00 am -12:00 hrs for 38 weeks of the pre-school year. The service is located in two rooms attached to the larger community centre in Kilcullen with its own independent access.

Staffing

There were five adults present in the service including the registered provider. The adults present and working directly with the pre-school children held qualifications in Early Childhood Care and Education as recognised on the National Framework of Qualifications.

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

The inspection focused on an examination of compliance under regulations:

- Regulation 9 (1), (2), (3), (4), (7) - Management and Recruitment.
- Regulation 10 – Policies, Procedures etc. of Pre-School Service.

- Regulation 11 (1), (2) & (8) (c) - Staffing levels.
- Regulation 16 (1)(c), (h), (i), (k) – Record in Relation to Pre-School Service.
- Regulations 23 – Safeguarding Health, Safety and Welfare of Child (General Safety)
- Regulation 27 - Supervision
- Regulation 28 – Insurance
- Regulation 31 – Notification of Incidents.

These findings are outlined within the relevant regulations within this report.

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

- 1 **5 September 2024** - A notification of incident was received by the Early Years Inspectorate. The content of the information received, when assessed triggered an onsite inspection.
- 2 A written referral was made to a Quality Mentoring Agency with the agreement of the registered provider on 20 September 2024.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

(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.
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and
- (c) these Regulations.

Compliance Information

(1)

(a) There was a designated person in charge.

(b) The named person in charge remained on the premises for the duration of the inspection.

(c) The staff members were aware of the management structure, the lines of authority and their roles within the service.

Five staff records were reviewed.

(2)

(a) Two written and verified past employer references or references from a reputable source in the absence of a past employer were available in respect of one staff member whose records were reviewed.

(c) Garda Vetting disclosures were available for five staff members. 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 in place for one adult employed who had lived in a state other than the State for a period of longer than 6 consecutive months.

(4) Five adults working directly with the children held qualifications in Early Childhood Care and Education at Level 5 or higher on the National Qualifications Framework.

(7)(a) There was documentary evidence available of the following:

- There was evidence that team meetings were held in the service. The registered provider stated that there is always a short debrief meeting with the team at the end of every sessional service each day.
- The registered provider stated that an induction is completed with all staff / students on commencement in the service.
- All staff have completed monthly Montessori education mentoring sessions remotely over the last year.

Non-Compliance Information

(2)

(a)(b) Two written and verified past employer references or references from a reputable source in the absence of a past employer were not available in respect of four staff members whose records were reviewed.

(d) Police vetting was not in place for one adult employed who had lived in a state other than the State for a period of longer than 6 consecutive months.

(3) The procedures specified in paragraph (2) were not carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

(7)(a)

- There was no evidence that staff were provided with training on the policies and procedures for the service.
- There was no evidence that individual staff supervision was completed between the registered provider and each staff member on a regular basis.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (2)
- (a)(b) All outstanding Staff References have been located and verified. Recruitment policy has been adjusted to ensure references are fully compliant.
- (d) Police vetting applied for and an appointment to begin the application process has commenced.
- (3) The recruitment policy has been updated.
- (7) Evidence of staff acceptance and review of policies is now available. The staff handbook has been updated and contains sign off sheet that will be completed annually.

Supporting documentation submitted

- (2)
- (a)(b) The outstanding verified references.
- (d) Email.
- (7)(a)
- Document that policies read and reviewed by staff members.
- Template for supervision.

Summary Comment

The written response and documentation submitted by the registered provider has been assessed by the Early Years Inspectorate.

The non-compliances identified under Regulation 9(2)(a)(b) have been rectified.

The non-compliances identified under regulation 9(2)(d) and (7)(a) are not rectified as the police vetting remains outstanding and individual staff supervision has not commenced.

Regulatory compliance is not met for regulation 9.

This will be assessed at the next inspection.

Part III – Management and Staff

Regulation 10 - Policies, procedures etc. of pre-school service

A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.

Non-Compliance Information

1. The registered provider did not provide the following requested policies:

- Safety Statement
- Supervision of children including management of transitions in the service.
- Staff training policy.

2. The following unsigned and dated policies and procedures for the service had insufficient detail to underpin practice for the service:

The outings policy did not include the following details:

- The risk assessment processes and procedures and how the service would respond to identified risks.
- A checklist for the outing.
- The method of checking children, e.g., roll call.
- Details of the management of a critical incident while on an outing, e.g., missing child.
- Details of insurance cover.

The health and safety policy did not include the following details:

- The procedures to assess any potential risks to the safety of the pre-school children attending the service and the measures to either eliminate or mitigate the risks identified.
- How risk assessments completed by the service are conducted and documented.
- The risk assessment record must show who is involved in the risk assessment process.
- The retention period for the risk management records.

The policy on accident and incidents did not include the following details:

The measures taken in the service to prevent accidents and incidents.

- The steps taken to contact parents / guardians or the emergency services if necessary.
- How information is recorded, documented and stored regarding accidents and incidents
- How notifiable incidents are to be informed to the Early Years Inspectorate.

- Outlines the risk assessment procedures to be taken following an accident / incident in the service.

The induction policy referred to volunteers and student in the service and did not include new staff members.

The critical incident policy did not provide details of the response required in an immediate emergency e.g. missing child.

The settling in policy did not include details of how continuity of care is maintained e.g. key person system.

Policy 19 - Infection control risk assessments was a document which had templates for the managers daily checklist, daily checklists for the sanitary area and the care room. This content of the document did not meet the requirements for a policy document for either risk management or infection control.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Please see new Policies attached.

Outings

Health and safety

Managing accidents and incidents

Induction

Critical incidents

Settling in

Infection control

Supporting documentation submitted

Updated service policy document

Summary Comment

The written response and documentation submitted has been assessed by the Early Years Inspectorate. Regulatory compliance is met for regulation 10.

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.

(3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.

Compliance Information

(1) There were twenty-one children attending the service being supervised directly by five staff members during the inspection.

(3) The minimum ratio of adults to children was adhered to on the day of the inspection.

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:

(c) details of the adult :child ratios in 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

(1)

(c) A record was available which provided details of the adult child ratios in rooms 1 and 2.

(h) A written attendance record was maintained in rooms 1 and 2.

(i) A written staff roster was maintained in the service.

(k) The registered provider ensured that a written record was maintained to record details of any accident, injury or incident involving a child attending the service. The record relating to the incident was available on the day of the 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 registered provider documented the inspectors visit to the service in the visitors on arrival. The service met the necessary safety requirements in respect of the indoor environment, toys and equipment and safe storage of cleaning agents.

There was a sliding bolt on the door to room 1 and a thumb turn lock on the door to room 2 to prevent children from exiting the rooms unsupervised and also restrict unauthorised persons from gaining access to the rooms.

Non-Compliance Information

General Safety:

1. It is acknowledged that the registered provider managed the entrance door entry, however on the morning of the inspection while the entrance door was closed, it was not secured, and the inspector opened the entrance door in to the entrance hall. This is a busy space where children are putting their bags in to their cubby's and changing in to indoor shoes. There is a potential for the person monitoring the entrance door to leave it unattended if they are attending to a child or speaking to a parent. This was brought to the attention of the registered provider during the inspection.
2. There was no documentary evidence available that a written risk assessment had been completed by the registered provider following the incident on 3 September 2024.
3. There was no documentary evidence available that a daily risk assessment of the indoor environments was routinely completed prior to the children using the indoor areas.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Policy has been altered to ensure that a dedicated staff member is responsible for controlling access to the main entrance/exit. Staff will attend door at all times children are in the hallway.
2. Risk assessment has been completed. Risk assessments will be performed and documented within 1 day of any incident. In this case the assessment identified new auto latches should be attached to the doors. This has been addressed.

3. Daily risk check sheet has been adapted and initiated.

Supporting documentation submitted

General Safety:

- 2. Risk assessment document.
- 3. Infection control risk assessment document daily/weekly in classroom.

Summary Comment

The written response and documentary evidence submitted has been assessed by the Early Years Inspectorate. Regulatory compliance is met for regulation 23. This area of practice will be assessed at the next inspection

Part VI - Safety

Regulation 27 – Supervision

A registered provider shall ensure that pre-school children attending the service are supervised at all times.

Compliance Information

The children were observed being supervised by the staff caring for them in the two rooms, and in the sanitary areas.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

There was evidence of current insurance cover valid until 27 November 2024. The insurance provided cover for 23 children.

Part VIII - Notifications and Complaints

Regulation 31 - Notification of incidents

A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:

(e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.

Compliance Information

(e) The registered provider notified the Early Years Inspectorate in writing of an incident within the 3 working days timeframe in which a child left the service unsupervised for a short period of time.