

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KY112
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Name of Service:	Sliabh Luachra Montessori
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Address of Service:	The Square, Rathmore, Co. Kerry
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Eircode:	P51 VX03
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Name of Registered Provider:	Emma Cooper
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Service type:	Part Time, Sessional
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Date(s) of Inspection:	07/11/2024
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No of pre-school children:	AM	25	PM	4
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Address of the Early Years Inspectorate:	13 Market Square, Mallow, Co Cork P51 DD5Y
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Inspection undertaken by:	B. Fraher and E. Friel
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Title:	Early Years Inspectors
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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	N/A
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Description of service

Sliabh Luachra Montessori is an early years care and education service offering both part-time and sessional services. Opening hours are from 9.15 am to 2.15 pm, facilitating the Early Years Care and Education (ECCE) Scheme between 9.15 am and 12.15pm. While registered for children aged from 2 years to 6 years of age the service currently accommodates children aged from 2 years 6 months to 5 years and is opened 38 weeks of the year.

The service is located on the main street in the village of Rathmore in County Kerry. It operates from a two-storey mid-terrace house which has been converted for use as a childcare premises. The ground floor consists of an entrance hall, care room (Dancing Daisies) and a storage room, the first floor consists of a care room (Shining Sunflowers), a sensory room and a storage room with an unused toilet. Both care rooms have children's sanitary facilities with two toilets located off each room and an adult toilet located on the ground floor. A secure outdoor play area is situated at the rear of the service and there is car parking on the main street, directly outside the main entrance.

Staffing

There are five staff employed by the service including the registered provider, of these, three are AIM Support Workers. All five staff were working directly with the children on the day of inspection.

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.

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 registered provider, deputy, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

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

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

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

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

Compliance Information

- (1)
- (a) The registered provider was the designated person in charge and there was a named deputy manager in place.
 - (b) The registered provider and the deputy manager were on duty at the service when the inspectors arrived and were available for the duration of the inspection.
 - (c) The name of the person in charge and deputy were clearly displayed and the staff were aware of their roles and responsibilities.
- (2) The recruitment records in relation to five adults who were employed in the service were reviewed.
- (a)(b) Of the ten references, nine validated references were from previous employers, and one reference was from a reputable source
 - (c) Garda vetting disclosures had been obtained and were on file for each of the five adults. However, the service did not adhere to the re-vetting time frames 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) International vetting records were on file for one adult who had resided outside of the jurisdiction for a period of longer than 6 consecutive months.

(4) Four staff members working directly with children attending the service held at least a major award in Early childhood Care and Education at Level 5 on the National Framework of Qualifications.

Non-Compliance Information

(4)

(1) There was one staff member who did not have evidence of a qualification in Early Childhood Care and Education at level 5 or above on the National Framework of Qualification or a qualification deemed by the minister to be equivalent. Not having suitably qualified staff, may compromise the safety of the children.

Corrective & Preventive Action submitted by the Registered Provider

The following statement was received from the registered provider:

Corrective and Preventive Action

The staff member will not be included in ratio numbers and will not be involved in the care of children until her qualification has been received. Future staff will be employed after qualifications are on file.

Supporting documentation submitted

The statement from the registered provider has been accepted.

Summary Comment

The corrective action submitted by the registered provider has addressed the non-compliance identified under Regulation 9 (4) (1).

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) At the time of inspection, there were minimum number of adults required responsible for the direct care and supervision of the children in attendance at all times.

(2) Adequate adult to child ratios were observed in all care rooms, over the duration of the inspection as follows:

Morning:

Room Name and Age Range of Children	Number of Children present	Number of Adult present
Dancing Daisies (2.5 years to 3 years)	12	2
Shining Sunflowers (3.5 years to 5 years)	13	3

Afternoon:

Room Name and Age Range of Children	Number of Children present	Number of Adult present
Dancing Daisies (2.5 years to 4 years)	4	2

(8) (a) On the day of inspection there were at least two adults 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:

- (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.*

Compliance Information

(1) A sample of twelve pre-school children’s records were inspected, each pre-school record was found to contain the required information of (1)(a) to (i) above.

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:

- (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

(k) The Inspector reviewed the accident and incident record book. One incident was recorded for 2024 and contained the required information.

Non-Compliance Information

- (i)
- (1) On the day of inspection, the staff roster did not reflect the staff on duty; one staff member present in the Dancing Daisies care room was not recorded on the staff roster. In conversation, the registered provider was unaware that the staff member's details were not included on the roster.

Corrective & Preventive Action submitted by the Registered Provider

The following statement was received from the registered provider:

Corrective and Preventive Action

1. A staff roster has now been put in place in the service. All staff will be listed on the roster in the future.

Supporting documentation submitted

1. Photographic evidence of the current staff roster was received in the office of the inspectorate.

Summary Comment

The response from the registered provider was deemed to meet regulatory compliance under Regulation 16 (1) (i).

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.

Compliance Information

Basic needs:

- Food was prepared by the parents or guardians, and healthy snacks were observed to be consumed by the children. Examples included sandwiches, fruit, yogurts, rolls and cheese. Lunch in the Dancing Daisies care room was observed being eaten at 1.20pm. Examples included filled sandwiches, cheese and a variety of fruit.
- The staff were observed to be kind, caring and attentive towards the needs of the children in their care. An example of this was when a child wished to discuss a topic with the staff member, they gave time and attention to this child.
- Children using the toilet were observed to have unrestricted access to the toilets located in both pre-school rooms. Staff were on hand to offer assistance as required.
- The layout of the care rooms supported the children to move freely within their environments and to actively engage in their chosen tasks.

Supporting relationships:

- Staff in the shining sunflowers care room were observed engaging in activities which extend the language development of children whose first language was not English, through modelling and questioning. An example included a staff member working with a child on a one-to-one basis. The staff member was heard naming each coloured fruit, and the child responded by picking up the coloured fruit and putting it into the corresponding bowl with tweezers.
- All children were observed to be actively encouraged by the staff to participate in activities. Resources including physical equipment were in use in the Shining Sunflowers care room to ensure an inclusive environment where all the children could sit comfortably and participate in tabletop activities.
- Adults were observed to encourage positive behaviour in the Dancing Daisies care room. An example included when two children were attempting to play with the same toy and were encouraged to share.

Non-Compliance Information

(1)(a)

BASIC NEEDS:

- (1) The inspector observed that drinks were not available to the children in Dancing Daisies room outside of mealtimes. On the day of inspection, the children were seen to place their bottles outside a locked door after mealtimes. In conversation with staff, bottles and lunch bags are stored in the hallway. This reduces the chance of adequate hydration for the children.
- (2) Contrary to the services healthy eating policy which stated that spare lunches would be kept on the premises at all times, the inspector observed that no additional food was available in the service in the event a child forgot their snack or were hungry. In discussion, the registered provider stated that they do not keep additional food in the service.

PHYSICAL AND MATERIAL ENVIRONMENT

- (3) There was no seating area or soft furnishings provided for the children to rest or relax in the Dancing Daisies care room where the children remained in until 2.15pm daily. The lack of a rest area prevented the children from having an area to relax or opt out when they required to do so.

Corrective & Preventive Action submitted by the Registered Provider

The following statements were made by the registered provider:

Corrective and Preventive Action

1. Children now have access to water throughout the day and drinks will be stored in the care room in the future.
2. Food has been purchased to ensure that it is available on the premises at all times.
3. Soft furnishings have been added to the rest area and will remain in the room in the future.

Supporting documentation submitted

The following photographic evidence was received in the office of the inspectorate:

1. Children's drinks in the care room were visible.
2. Food stored in the fridge in each care room.
3. The chair in the rest area.

Summary Comment

The corrective actions submitted by the registered provider have addressed the non-compliances identified under Regulation 19.

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 outdoor play areas were observed to be secured with walls and wire fencing in the back.
- The windows in the care rooms were adequately secured to ensure the safety of the children.
- The indoor toys and play equipment assessed were in good condition and were free from pinch and crush points.
- No cleaning agents were stored within reach of the children.
- The temperature of the warm water throughout the care rooms and the sanitary accommodation were recorded at 43°C. This temperature was at a level which prevented the risk of scalding to a child.

Infection Control:

- Handwashing facilities were accessible to the children, with warm running water, liquid soap and wall mounted paper towel dispensers available. Handwashing was observed to be performed before meals and after toileting and staff prompted children with reminders before food as seen in Dancing Daisies care room.
- Children's coats and outdoor clothing were stored off the ground on wall hooks.
- Staff were observed sanitising the tables and sweeping the floor after snack time, ensuring areas were kept clean and hygienic.

Administration of Medication:

- Medication was not observed to be administered to the children at the time of the inspection.
- The inspector observed that one child was prescribed emergency medicine with signed parental consent and an action plan was stored with the medicine for the staff.

Fire Safety:

- The emergency exit doors were observed to be unobstructed.

- All fire extinguishers were wall mounted.

Outing:

- On discussion with staff, the Shining Sunflowers room went on weekly outings to places of local interest such as the train station, the vets and nature walks accompanied by two to three staff members.

Non-Compliance Information

General Safety:

- Garda vetting was available for five staff members. However, two vetting disclosures were not dated within the previous three years in adherence with the Early Years Inspectorate Regulatory Notice 'EYI-RN12. Renewal of Garda vetting'.
- The main entrance door was unsecured when the inspectors arrived at 9:40 am, posing a safety risk, as unauthorised adults could gain entry to the service. In discussion, the registered provider stated that the door is left open between 9:00 and 9:30 to facilitate parents/guardians and this was an oversight.
- There was a large, unanchored, shelving unit stored on the windowsill in the Shining Sunflowers care room. This was accessible to the children and was unsteady to touch, posing a safety risk to the children should it fall over on top of a child.
- Staff handbags were seen to be stored in a sink in the dancing daises room. The handbags were accessible to the children which posed a risk to a child removing unknown personal items from staff's bags.
- A trampoline was visible in the outdoor area, posing a potential risk of accident or injury to the children.

Infection Control:

- A nappy changing unit was observed in use in a storage room that also housed a fridge, toaster, kettle, slow cooker and microwave. In conversation, the registered provider stated that there was no room to store the unit elsewhere in the service. Changing nappies in the same area where food is prepared poses a risk of cross contamination and foodborne illness.
- The wash hand basin observed in the nappy changing area was being used for washing play equipment in use by the children, posing a risk of cross contamination.
- Perishable food of children in both care rooms was observed to be stored in the children's bags, located outside the door of each care room, posing a risk of the perishable food spoiling which may lead to illness.
- A changing mat in use on the nappy changing unit in the storage area was split at the top and the foam was exposed, posing a risk of cross contamination as it could not be cleaned effectively.

(10) Bins in the service were noted to not be pedal operated in both Dancing Daisies and Shining Sunflower care rooms. In addition, the pedal operated bin in Dancing Daisies sanitary area was broken. This poses a risk of cross infection for the children placing their hands on the bins.

(11) The mat under the outdoor slide was torn with inner material exposed. This made it difficult to clean adequately and posed a risk of infection to the children.

Fire Safety:

(12) A labelled fire exit door in Dancing Daisies, which staff informed the inspector was used as a fire exit, led down a path past paint brushes in blue liquid, a broken mop head and pieces of timber. These obstacles had the potential to impede the safe evacuation of the children and adults in the event of an emergency or fire.

(13) The registered provider informed the inspector at the closing meeting that this fire exit is not in use, although it was signposted as such, and staff stated it was a fire exit. Staff and management not being clear on which door is the fire exit could lead to confusion during an emergency evacuation, posing a risk to all in the service.

(14) The fire exit door in Shining Sunflowers had no fire exit sign and had a key lock. This posed a risk to the staff and children in the event of a quick evacuation.

Outing:

(15) Staff informed the inspector that they take weekly outings from the service and walk to local areas of interest. On discussion with staff in Shining Sunflowers care room and the register provider, no written risk assessment was performed for outings in the service. This is contrary to the service's outing policy which stated a risk assessment is carried out on the proposed outing location prior to the outing itself. This poses a risk to the safety of the children.

Action submitted by the Registered Provider

The following statements were made by the registered provider:

Corrective & Preventive Action

General Safety:

1. Garda vetting disclosures were applied for two staff members and received back from the Garda vetting bureau. Garda vetting will be renewed every three years to ensure compliance.
2. Staff were reminded that the main door must be secured, and this will be checked daily.
3. The shelf has been removed. Heavy equipment and furniture will not be placed on the window cill in the future.
4. Staff handbags were removed from the sink and will be stored out of reach of the children.

5. The trampoline was removed from the outdoor play area. No further trampolines will be purchased for the service.

Infection Control:

6. All Kitchen items have been removed and the area will be used solely for nappy changing in the future.

7. Play equipment items are removed from the sink and the sink will be solely used for hand washing for nappy changing.

8. Two fridges have been purchased. All perishable foods will be stored in the fridge in the care rooms.

9. The torn changing mat has been removed and replaced.

10. New pedal operated bins have been purchased for Dancing Daisies and Shining Sunflowers care rooms. All bins in the service will be pedal operated in the future.

11. The mat is now removed. Staff will ensure resources are checked prior to going out to play.

Fire Safety:

12. All items have been removed from the fire exit route and the pathway will remain clear.

13. Management and staff have agreed on the alternative fire exit door on the ground floor.

14. A thumb twist lock has been fitted on the Shining Sunflowers fire exit door. All fire doors will have a thumb twist lock going forward.

Outing:

15. A risk assessment will be completed and further for any outings going forward.

Supporting documentation submitted

The following photographs, documentation and statements were received in the office of the inspectorate:

General Safety:

1. Renewed Garda vetting for two adults.

2. The statement from the registered provided was accepted.

3. Photograph of press removed.

4. A photograph was received of the bags removed from the sink.

5. The statement from the registered provider is accepted.

6. Photograph of empty kitchen worktop.

7. A photograph of the empty sink.

8. Photographs of two fridges and receipts.
9. Photographic evidence seen of disposal of the mat and new one fitted.
10. Photograph of new pedal bins.
11. The statement from the registered provider is accepted.
12. Photographic evidence was sent of the clear pathway.
13. The statement from the registered provider is accepted.
14. Photographic evidence of the thumb twist lock fitted to the fire exit door of the Shining Sunflowers care room.
15. A completed risk assessment for an outing and risk assessment template.

Summary Comment

The actions taken by the registered provider have addressed the non-compliances identified under Regulation 23.

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) Evidence was available to demonstrate that two of the adults held current First Aid Responder (FAR) certification and that at least one of these adults was rostered to work at the service during the hours of operation.

(2) (a) There were sufficiently stocked wall mounted first aid boxes available in the service, which were safely stored out of reach of children.

(b) At all times when the service was in operation, first aid supplies were accessible to the adults if a child may require treatment.

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 written record which demonstrated the completion of regular monthly fire drills was available. The last recorded fire drill was undertaken on the 23rd of October 2024.
- (b) Maintenance records indicated that the firefighting equipment was serviced on 3 September 2024 and smoke alarms on the 12th April 2024.
- (4) Notice of the procedures to be followed in the event of fire were displayed on the walls of both care rooms.

Part VI – Safety

Regulation 28 – Insurance

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

Compliance Information

The insurance certificate indicated that adequate cover was in place for the provision of part-time day care and the policy was valid until 28th March 2025.

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.*

Compliance Information

- (a) From a visual assessment, the building appeared to be of sound and stable structure.
- (b) The outdoor environment was enclosed securely.
- (c) Within the care rooms and sanitary areas, natural lighting was provided through windows, and this was supplemented with artificial lighting.
- (d) Cleaning records were furnished to the inspector from the Shining Sunflowers and the Dancing Daisies care rooms, these were noted to be completed and up to date.
- (e) The children had access to toilet facilities adjoining each care room. The adult sanitary facilities consisted of one toilet and one hand basin.

Non-Compliance Information

29(d)

1. There was a broken, plastic waste pipe receptor, accessible to the children, below the storage room window in the outdoor play area posing a risk to the children from the broken sharp edges.
2. An air vent on the outside wall of the storage room, which was accessible to the children, was broken and the remaining pieces had sharp edges. In conversation, the registered provider was unaware of the broken vent.
3. The inspector noted the outdoor tables to be covered in sand. On discussion with the registered provider, there was no cleaning schedule for the outdoor area. This posed a risk of cross infection for the children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. A new waste pipe has been fitted. Staff will regularly check to ensure there is no broken sharp edges evident.
2. The Air vent has been replaced and staff will monitor this in the future.
3. A new cleaning record is now in place and staff will ensure this is used.

Supporting documentation submitted

1. The statement from the registered provider has been accepted.
2. A photograph of new air vent.
3. Photograph of cleaning schedule.

Summary Comment

The actions taken by the registered provider have addressed the non-compliances identified under Regulation 29 (d).