

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015LH003
--------------------------	-------------

<b>Name of Service:</b>	Olive Tree Daycare
-------------------------	--------------------

<b>Address of Service:</b>	28a Rosehall, Crosslanes, Drogheda, Co. Louth
----------------------------	---

<b>Eircode:</b>	A92 D6PW
-----------------	----------

<b>Name of Registered Provider:</b>	Barbara Clarke
-------------------------------------	----------------

<b>Service type:</b>	Full Day
----------------------	----------

<b>Date of Inspection:</b>	18/07/2024
----------------------------	------------

<b>No of pre-school children:</b>	AM	23	PM	10
-----------------------------------	----	----	----	----

<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, 181-189 Lakeshore Drive, Airside Business Park, Swords, Co. Dublin K67 Y5C6.
<b>Inspection undertaken by:</b>	S Taaffe
<b>Title:</b>	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).

<b>Conditions if applicable</b>	Not Applicable
---------------------------------	----------------

### Description of service

Olive Tree Daycare is a privately owned full day care service located in a 2-storey adapted dwelling in a residential housing development in Drogheda in Co. Louth. The service operates from 7.30am to 6.00pm from Monday to Friday for 51 weeks each year, catering for a maximum of 37 pre-school children at any one time. Olive Tree Daycare currently accommodates pre-school children from 1 to 6 years of age and school aged children up to 12 years of age. The service participates in the state funded early childhood care and education (ECCE) scheme for eligible pre-school children from 9.00am to 12.00 midday daily for 38 weeks each year. Two of the five care rooms in the service are located on the ground floor, namely Amy's Room and the Toddler Room with two care rooms provided on the first floor, namely the Pre-school Room and the Back Room. A separate single-storey prefabricated unit located to the side of the premises is operated as the Pre-school/ Afterschool Room. The service's sleep room containing 4 standard cots is located between and accessible from both Amy's Room and the Toddler Room on the ground floor of the main premises. A fully enclosed outdoor play area is provided to the rear and side of the premises.

### Staffing

The registered provider employs 11 staff members, two of whom are on extended statutory leave and not currently working in the service. Two staff members are employed as co-managers, with one or both present in the service on a daily basis. Ten of the 11 staff members work directly with the pre-school children and one staff member works with school aged children only. The registered provider does not work directly with the pre-school children but engages in administrative duties on a daily basis, either in the service or off-site.

### 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 regulations 9, 11, 16, 19, 23, 24, 25, 26 and 28. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under regulation 16(1)(j)(k) – record in relation to pre-school service, and regulation 19 - health, welfare and development of child. As a result, the scope of the inspection included Amy’s Room (where the youngest children are accommodated) and the Toddler Room, both located on the ground floor.

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 inspector wishes to acknowledge the cooperation of the registered provider, the co-manager, 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

(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 co-manager was the designated person in charge of the service and there was a named person appointed to deputise as required.

(b) One of the two co-managers was present and in charge of the service when the inspector arrived unannounced at 9.00am with the registered provider arriving in the service shortly afterwards. Both remained on the premises for the duration of the inspection.

A total of 12 staff files were reviewed, maintained in respect of the registered provider and the 11 staff members employed in the service.

(2)(a)(b) There were 2 written references available for the registered provider and 2 written, validated references available for the 11 staff members.

(a) Seventeen written references were from past employers.

- (b) Seven written references were from sources other than a past employer.
- (c) Garda vetting disclosures were available for the registered provider and all 11 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) International police vetting was available as required for 4 adults who had resided outside the Irish jurisdiction for a period of greater than 6 months as adults.
- (4) All 10 staff members who work directly with pre-school children in the service held a major award in Early Childhood Care and Education at Level 5 - 6 on the National Framework of Qualifications or had been issued with a letter of eligibility to practice following an assessment of their qualification by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

### Part III – Management and Staff

#### Regulation 11 - Staffing levels

- (1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.*
- (2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.*
- (8) Without prejudice to paragraphs (2) to (7)-*
- (a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,*

#### Compliance Information

- (1) On the day of inspection there was an adequate number of staff members working directly with the children attending the service.
- (2) The adult to child ratios were correct in the service when the inspector arrived unannounced on the premises at 9.00am and remained so throughout the inspection.

The following adult to child ratios were observed when the highest numbers of children were present during the inspection:

- In Amy's Room there were 5 children (of whom 3 children were aged 1 year 3 months to 1 year 8 months and 2 children who were aged 2 years 2 months and 2 years 4 months) being cared for by 1 staff member.
- In the Toddler Room there were 4 children aged 2 years 7 months to 3 years being cared for by 1 staff member.
- In the Pre-school Room there were 8 children aged 3 years 8 months to 5 years 2 months being cared for by 1 staff member.
- In the Back Room there were 6 children aged 3 years 3 months to 3 years 11 months being cared for by 1 staff member.
- One staff member was caring for 8 school aged children in the Afterschool Room.

The co-manager was available to provide relief and support to the care rooms during the inspection at mealtimes, for nappy changing and for break cover when required.

(8)(a) The registered provider ensured that 2 adults were present on the premises at all times, as evidenced in staff rosters and staff attendance records maintained in the service.

### 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.

(j) details of any medication administered to a pre-school child attending the service with signed parental consent;

(k) details of any accident, injury or incident involving a pre-school child attending the service.

#### Compliance Information

(1)(i) An up-to-date weekly staff roster was available, and staff sign in records were maintained on a daily basis.

(k) The service had a record in writing of accidents, injuries and incidents involving pre-school children. Thirteen of these records were sampled, compiled from 05/04/2024 to 12/06/2024, and each record was found to be clear and legible, and included parental signatures to document that they had been informed and were aware of the relevant incidents that had occurred.

### Non-Compliance Information

(1)(j)

1. There was evidence in the service that oral anti-biotics had been administered to pre-school children in attendance without the service having obtained written parental consent to authorise staff members to administer this medication to the children. Examples of this practice included antibiotics administered to children in the service on 29/08/2023, 30/08/2023, 31/08/2023, 01/09/2023, 05/03/2024 and 06/03/2024.
2. Not all medication administration forms maintained in the service were complete as the parent's signature was not always obtained when they were collecting their child to document that they were fully aware of which and how much medication had been given to their child and the specific time it had been administered in the service, to allow appropriate time to elapse before a further dose was administered at home. Examples of this practice included medication administered to children in the service on 05/03/2024 and 06/03/2024.

Similar non-compliances in relation to incomplete medication administration records were found at the time of the last inspection on 21/08/2023.

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

The registered provider stated the following corrective actions and preventive actions have been undertaken:

#### Corrective Action

(1)(j)

1. & 2. Staff were immediately advised of the importance of administration of medication procedure. This was further discussed with all staff at the staff meeting on 24/07/2024.

#### Preventive Action

(1)(j)

1. & 2. Management will regularly cross check that the administration of medication is carried out correctly at all times.

### Summary Comment

The assurances provided by the registered provider that these corrective actions will be sustained on an on-going basis is accepted by the Inspectorate and this will be reviewed on the next 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

#### Compliance Information

(1)(a) The following examples demonstrate how the registered provider ensured that children's learning, development and well-being was facilitated in the sampled rooms (Amy's Room and the Toddler Room):

#### Basic needs:

- The staff members were observed to be respectful and warm in their interactions with the children in their care. The staff members were observed initiating conversations, listening to and responding to the children in an interested and affirmative manner. The children were observed to be familiar with the registered provider, the co-manager and all staff members in the service, frequently using the adults' names and chatting to them in a relaxed and comfortable manner.
- Child-led play was encouraged and supported, and the children were observed engaging in activities using equipment of their own choice under the guidance of the staff members, with assistance provided when necessary.
- The children's independence was encouraged. For example, children who were able fed themselves and children who were able were facilitated to use the toilet independently under discreet supervision. The children who were not yet toilet trained had their nappies changed when required.
- No child slept during the inspection due to the children's early departure from the service. The inspector was informed that individual child-led sleep routines were facilitated in Amy's Room while all other children who availed of a day-time nap were facilitated to sleep on sleep mats set up on the floor of the Toddler Room at the service's designated sleep time after lunch.
- A written record of the younger children's activities, details of their meals and snacks, what time and how long they had slept for, details of nappy changes and other relevant information was provided to parents on a daily basis. The children and parents were greeted by staff members in a friendly and familiar way on their arrival to and departure from the service. Family photographs were on display which supported the children to develop a sense of belonging and connectedness in the service.

### Physical and material environment:

- In the sampled rooms the play materials and equipment were stored on low-level shelving to facilitate the children to select and replace items of interest independently. Jigsaws and manipulative toys, small world toys including vehicles, animals, people and figurines, wooden and plastic bricks and musical instruments were amongst the play materials provided.
- Interest areas were established including home areas, construction zones, and reading and relaxation areas. Dolls, buggies and baby care items were provided to support role play opportunities. Floor matting and soft cushions close to the bookshelves are provided to enable children to rest and opt out of activities as required. A suitable range of age-appropriate books were available to provide choice for the children and support their language development.
- It was observed that the children attending the Pre-school Room were engaging in water play when the inspector entered this room unannounced at the start of the inspection to determine the number of children and staff members present. In addition, a well-resourced sand table was also provided in this room while a tray-top table containing lentils, sand and coloured rice facilitated sensory play in the Back Room.
- Due to the somewhat restricted floor space in Amy's Room and the Toddler Room, the service made use of high-level shelving in the hallway to store and display a range of extra play equipment and arts and crafts materials. The inspector was informed that these were rotated for use into the care rooms on a regular basis to support children's play, learning and activities. Photographs were available in the service showing the children engaged in activities using these extra materials.
- The outdoor play area was divided by wooden fencing into three separate spaces, the two largest of which were surfaced with impact-absorbent material. The third and smallest section located beside the external fire escape was surfaced in artificial grass. A range of age-appropriate push-along toys, ride-on toys, large blocks and balls were provided in each section and suitable seating was provided for children and staff members when outdoors. A large wooden climbing frame with swings and slide attached was provided in the section accessed by the older pre-school children and the school aged children. A plastic playhouse and a wooden kitchen were provided in the area used by the younger pre-school children.

### Non-Compliance Information

1. There was a lack of natural, sensory and open-ended materials in Amy's Room and in the Toddler Room to facilitate sensory play experiences or encourage the children's creativity and imagination at times of their

own choosing. For example, sensorial materials such as sand, water, compost, dried rice, crushed cereal or dried pasta were not provided for play in these rooms. The inspector was informed that sensorial play was facilitated in both these rooms on a regular basis and photographs in the service confirmed this, but the lack of accessible sensorial play materials in the rooms denied the opportunity for the children in these two rooms to exercise choice in relation to their engagement in sensory activities throughout the day.

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

The registered provider stated the following corrective actions and preventive actions have been undertaken:

#### Corrective Action

1. A new range of sensorial play equipment was purchased for the rooms. Tray tables are available in both rooms and supplied with various sensory materials that are accessible to children throughout the day. Sensory toys, sensory floor mats and foam seating are added to the rooms and accessible to children throughout the day. A 3-drawer storage unit is now in the Baby Room for storage and accessibility to additional sensory equipment and toys.

#### Preventive Action

1. Manager will continue to add to the range of accessible sensorial equipment and materials in these rooms.

#### Supporting documentation submitted

The registered provider submitted the following documentary evidence:

- A range of photographs showing sensory play materials and tray top tables in care rooms in the service.
- Receipts for a range of play materials and equipment.

### Summary Comment

The corrective action and evidence submitted by the registered provider has been reviewed and accepted. The non-compliance observed in relation to Regulation 19(1)(a) has been adequately addressed.

### 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 front and rear doors and the side gate were appropriately secured which prevented children from exiting the service unsupervised and prevented unauthorised persons from gaining access to the service.
- The warm water temperature in the sanitary accommodation, the care rooms and the outdoor tap did not exceed the recommended maximum water temperature of 43°C which reduced the risk of scalding for the children.
- Windows and window blinds were appropriately secured.
- Cleaning agents were stored safely on high shelving out of reach of children.
- The kitchen, when unoccupied, was inaccessible to children during the inspection.

##### Infection Control:

- Thermostatically controlled warm water, liquid soap and paper hand towels were provided for handwashing in the sanitary accommodation and at the sinks in the care rooms.
- Appropriate hand hygiene procedures were observed to be carried out during the nappy changes observed. Staff members wore disposable gloves and aprons when changing the children's nappies and washed their own hands and the children's hands after each nappy change. Pedal operated lidded nappy bins were provided for the disposal of nappies which reduced the risk of cross-infection.
- In Amy's Room and the Toddler Room children's soothers were stored in personalised lidded containers when not in use. A portable microwave soother steriliser was available in the service and sterilising fluid was available for mouthed toys. In discussion with the inspector, staff members clearly communicated appropriate management of mouthed toys and soothers on a daily basis.
- Up to date documented cleaning schedules were on display in the service.

##### Administration of Medication:

- Medications were stored out of the reach of children. No child was observed having medication administered on the day of inspection.

##### Safe Sleep:

- Based on an examination of the children’s attendance records maintained in the service, all children under 2 years of age had access to one of the 4 standard cots on a daily basis.
- In discussion with the inspector, staff members described safe sleep practices. The records indicated and staff members reported that sleep checks were carried out and documented at 10 minutes intervals, noting the child’s position, colour and breathing pattern.
- The ambient temperature in the sleep room was maintained within the optimum sleep room temperature range of 18-22°C for sleeping children aged 1 year and older.

### Non-Compliance Information

#### General Safety:

1. Garda vetting disclosures were available for the registered provider and all 11 staff members. However, 5 of these vetting disclosures were not dated within the previous three years in adherence with the Early Years Inspectorate Regulatory Notice ‘EYI-RN12.3 Renewal of Garda Vetting’. It is acknowledged that there was evidence available in the service that the registered provider had recently applied to renew Garda vetting for these 5 staff members through a national registered organisation but the up-dated vetting documents had not yet been issued.

#### Infection Control:

2. In Amy’s Room the children’s hands were not washed before they ate their morning snack.

### Action submitted by the Registered Provider

The registered provider stated the following corrective actions and preventive actions have been undertaken:

#### Corrective Action

##### General Safety:

1. Garda vetting has been obtained for 4 of the 5 outstanding renewal vetting disclosures. The 5<sup>th</sup> renewal will be forwarded when received as it is still in progress with the vetting bureau.

##### Infection Control:

2. All staff reminded to wash children’s hands before mealtimes and at all times necessary throughout the day.

#### Preventive Action

##### General Safety:

1. Garda vetting will be renewed for all other staff members in January 2025 to ensure all vetting disclosures are in date in adherence with the Early Years Inspectorate.

### Infection Control:

2. The importance of hand washing was discussed with staff at the staff meeting on 24/07/2024.

### Supporting documentation submitted

Copies of updated Garda vetting disclosures, issued by the Garda vetting bureau on dates from 23/07/2024 to 20/08/2024 in respect of the 5 relevant staff members were submitted to the Inspectorate.

### Summary Comment

The corrective action and evidence submitted by the registered provider has been reviewed and accepted. The non-compliance observed in relation to Regulation 23 has been adequately addressed.

## Part VI - Safety

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

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

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

*(a) no person other than-*

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

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

*(iii) an employee, or*

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

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

### Compliance Information

(1) The service maintained accurate details of all children in attendance during the inspection. Details of children's daily attendance including arrival and departure times were recorded in roll books maintained for each care room in the service.

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

### Part VI - Safety

#### Regulation 25 - First aid

- (1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.*
- (2) A registered provider shall ensure that a suitably equipped first aid box for children-*
- (a) is safely stored in an easily accessible and conspicuous position on the premises, and*
  - (b) is available to the children attending the pre-school service at all times.*

#### Compliance Information

- (1) Three staff members held in-date First Aid Response (FAR) training. Based on the staff members' training records and the service's staff roster, it was evident that the registered provider ensured that a person with FAR training was always immediately available to the children attending the service.
- (2)(a)(b) The first aid boxes available in the service were suitably equipped and stored in a conspicuous location in the staff office on the ground floor of the premises and these were available for the children in attendance, in the event of an emergency.

### Part VI - Safety

#### Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-*
- (a) any fire drill that takes place in the premises, and*
  - (b) the number, type and maintenance record of 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.*

#### Compliance Information

- (1)(a) A record was maintained of fire drills which had been completed in the service. Based on the records maintained and as reported by staff members, fire drills were carried out monthly. The last recorded fire drill took place on 05/06/2024.
- (b) A record was kept of the number, type and maintenance of the fire fighting equipment and smoke alarms in the premises. Fire extinguishers were certified as having been serviced on 26/09/2023 and the smoke detection system on 28/02/2023.

(4) Notices of the procedures to be followed in the event of a fire were conspicuously displayed in the premises.

## Non-Compliance Information

(1)(b) The available records for the maintenance of the fire detection system indicated that the last maintenance check was carried out on 28/02/2023 which is outside the recommended annual best practice guidelines.

## Corrective & Preventive Action submitted by the Registered Provider

The registered provider stated the following corrective actions and preventive actions have been undertaken:

### Corrective Action

(1)(b) Fire safety company to carry out a service on the smoke detection system in August 2024.

### Preventive Action

(1)(b) All fire services to be scheduled to be carried out annually and certified.

### Supporting documentation submitted

A copy of a maintenance certificate dated 28/08/2024 for the fire detection system in the service was submitted to the Inspectorate.

## Summary Comment

The corrective action and evidence submitted by the registered provider has been reviewed and accepted. The non-compliance observed in relation to Regulation 26 has been adequately addressed.

## Part VI - Safety

### Regulation 28 - Insurance

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

## Compliance Information

The registered provider had insurance cover in place for 40 children attending the service on a full day care basis. The policy showed that the service was insured until 27/03/2025.