

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015LH047		
Name of Service:	Ladybird Lane Day Nursery & Montessori		
Address of Service:	Oriel Cove, Clogherhead, Co. Louth		
Eircode:	A92 XF60		
Name of Registered Provider:	Maeveen Carroll		
Service type:	Full Day, Part Time, Sessional		
Date(s) of Inspection:	12/07/2023		
No of pre-school children:	AM	17	PM 12
Address of the Early Years Inspectorate:	Early Years Inspectorate, Child Wellbeing Centre, Castleblayney Co. Monaghan		
Inspection undertaken by:	M. Flood and S. Skinnader		
Title:	Early Years Inspectors		
Authority to Inspect			
The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).			
Conditions if applicable	Not Applicable		

Description of service

Ladybird Lane Day Nursery & Montessori has been operating as a privately-owned childcare service in this setting since 2006. This service provides full day care, part-time and sessional care and education to pre-school children aged from 0 to 6 years. The service operates from 07:45 to 18:00 each weekday and the setting caters for a maximum of 65 children. The service participates in the Early Childhood Care and Education (ECCE) scheme from 09:00 to 12:00 each weekday.

The service operates from a purpose-built premises in a residential area of Clogherhead in Co. Louth. There is parking onsite for drop off and collection. The premises consist of 5 playrooms: 4 within the main building and 1 playroom to the rear of the main building. There is also a spacious outdoor play area on the premises which is divided into 2 separate areas.

Staffing

There were 15 staff employed in the service including the following:

- Fourteen childcare staff who work directly with the children, that includes the registered provider and staff who provide relief in the service.
- One staff member who is employed to carry out cooking and caretaking duties.

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/ and safety*. The inspections may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 11, 20, 21, 22, 25, and 28; however, on inspection additional non-compliances which posed significant risk was identified under Regulations 19 and 23. 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

An Immediate Action Notice was issued in respect of safety concerns, for elevated sleep room temperatures that were identified on the day of the inspection. A response was received, and the information was accepted by the inspectorate.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, person in charge, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(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)&(b) The service had a designated person in charge and named deputy person to deputise as required. The deputy person in charge was on the premises when the inspectors arrived on the premises at 10:45 and was present throughout the inspection. The registered provider arrived on the premises after 11:05 and was present in the service for the remainder of the inspection.

(2)(a) & (b) There were 2 written and validated references from a past employer or an alternative source, for 14 staff members which included the registered provider. One staff member had one written reference available for inspection.

(c) Documentary evidence of a processed Garda vetting disclosure was available for all 15 staff members in the service.

(d) Following a review of the staff files presented on the day of inspection, international police vetting was available for the 2 staff members who had resided outside the Irish jurisdiction for a period of greater than 6 months as an adult.

(4) Documentary evidence was available to demonstrate that 13 out of 14 members of staff, who work directly with the pre-school children held at least the minimum required level 5 on the National Framework of Childcare Qualifications.

Non-Compliance Information

(2)(a) &(b) One staff member did not have a 2nd written and validated reference available for inspection.

(4) Sufficient documentary evidence was not available to demonstrate that one staff member who works directly with the preschool children held at least the minimum required level 5 on the National Framework of Childcare Qualifications or a qualification deemed to be equivalent.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

(2)(a) &(b) A second written and validated reference is now available in the service for the staff member.

(4) QQI Level 5 Certificate in Early Years Care and Education is now available in the service.

Preventive Action

All staff files have been checked to ensure two written and validated references are held on file in respect of all adults working in the setting.

Staff files will be reviewed on an annual basis to ensure the necessary documents are held on file.

Supporting documentation submitted

(2) Evidence of written and validated reference

(4) Copy of qualification submitted to the Office of the Early Years Inspectorate.

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliances. Based on this information the non-compliances identified under Regulation 9 have been addressed. Implementation and sustainment of the preventative action plan detailed will require assessment at the next inspection.

Part III – Management and Staff

Regulation 11 - Staffing levels

(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.

(2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.

(8) Without prejudice to paragraphs (2) to (7)-

(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,

Compliance Information

(1) During the period of inspection there were an adequate number of adults working directly with the children attending the pre-school service.

(2) On the day of the inspection when the inspectors arrived unannounced at the service at 10:45 the following care rooms were in operation:

- The Bunnies Room: There were 2 staff members working directly with the 6 pre-children present.
 - The Foxes Room: There was 1 staff member directly with the 5 pre-school children present.
 - The Squirrels Room: There were 2 staff members working directly with the 6 pre-school children present.
- There were also 3 children attending the school aged service present in this room.

There was one additional staff member present in the service who was engaged in catering duties. The registered provider arrived on the premises at 11:05 who was present for the remainder of the inspection.

(8)(a) Following a review of the available documentation e.g., staff rotas and children's attendance records, this information demonstrated that the registered provider ensured that there were at least 2 adults on the premises at all times.

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.

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

Non-Compliance Information

(1)

1. One child who was displaying obvious sign of tiredness was not put down to sleep in a timely manner. This was further confirmed by one of the staff members present who was heard saying " *I know you're tired ...but we need to have our dinner*". It is acknowledged that on consultation with the inspector the staff member then proceeded to put the child down to sleep.
2. When the Squirrels and Foxes Rooms joined for lunch in a downstairs room, a child who finished their lunch first had to sit at the table and wait on their peers to finish their lunches before they could go outside. Some of the children became restless and got up from the table before being directed back to the table. The children did not have access to any toys at this time either.

(3)

3. In the Bunnies Room, repeated negative language was observed to be used to deal with minor issues within the room which was not considered suitable for the age range of the children attending the room. For example the children were told " *no...no...no...*", " *Give that toit's not time for puzzles*", " *come on that's enough messing...*" " *come on ...we don't mess with the toys...*". The children were also repeatedly told to " *sit on your chair properly*" when one staff member was reading a story.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Corrective Action

1. All staff have been reminded of their role and responsibility that the individual needs of each child is supported and taken into consideration. The children's needs are not service lead. Children are supported to sleep/ rest when they are tired and not just at dedicated times during the day.
2. All staff have been reminded of encouraging a pleasant and relaxed atmosphere at mealtimes. Each child is given enough time to eat and enjoy their meal without being rushed and that activities for children who have finished their food before others is available such as access to books of their choice from the book corner.

(3)

3. All staff have been reminded that all interactions with children are aimed at promoting their wellbeing and staff expectations for children's behaviour should always be developmentally appropriate. The staff in the Bunnies Room have recently completed 'Encouraging Positive Behaviour' Training (20 July 2023). Certificates of completion attached.

Preventive Action

- Ongoing staff training and supervision
- A copy of Regulation 19 is available for all staff to read in the staff room.
- Our Healthy Eating Policy, Supporting Children's Behaviour Policy plus Sleep and Rest Policy are regularly reviewed and updated and disseminated to all staff.

Supporting documentation submitted

Photographic evidence of 'Encouraging Positive Behaviour' training certificates.

Safe sleep and rest policy.

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliances. Based on this information the non-compliances identified under Regulation 19 have been addressed. Implementation and sustainment of the preventative action plan detailed will require assessment at the next inspection.

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-

(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,

Compliance Information

(1)(b) There were adequate facilities for children to rest during the day. There was a separate sleep room off The Bunnies Room that contained 5 standard cots. Two sleep beds were also in use in this room.

Children in each of the care rooms had access to soft furnishings such as a large mats and soft cushions and they were observed to access this area for story time or to sit and read a book.

(3)(a) Each of the care rooms had a change of environment to the outdoor area during the inspection. The children have access to 2 separate outdoor play areas on the premises:

Area 1 is located off the Bunnies room. This area consisted of a concreted ramp down to a safety surfaced area that is secure. The children had access to a variety of toys and equipment including a plastic train climbing frame, some ride on toys, a plastic playhouse, rockers and an age-appropriate climbing frame.

Area 2 is located to the rear of the premises and is accessed by the children attending all the other care rooms in the service. This area consisted of a tarmacked and grassy area and an area of safety surfacing and concrete paths. The “learning nook” which is a partially covered area is also available for use in all weathers and consists of seating and a blackboard. The children enthusiastically showed the inspector a Swallows nest which had nestled in the corner of the area. The children had access to a variety of pieces of play equipment which included climbing frames, a slide, a caterpillar tunnel for crawling through, a covered sand tray, a wooden boat which provided a seating area, a playhouse, a large tyre and a number of ride on trikes and rockers. A wooden bench for sitting on was also available. The children were also able to access some toys which were stored in the wooden sheds including the large building squares.

Non-Compliance Information

(1)(b)

1. There were no safety labels available on any of the 5 mattresses in the sleep room.
2. Two out of the 5 mattresses did not have a waterproof, wipeable covering and had foam exposed rendering them unsuitable for use.

(3)(a)

3. There was an accumulation of leaves in the outdoor play area off the Bunnies Room, which is a safety hazard.
4. In the large play area to the rear of the premises, some parts of the safety surface were in disrepair with holes and gaps evident which are a trip hazard.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Corrective Action

(1)(b)

1. Two new cot mattresses have been purchased. Staff have been instructed not to cut off safety labels.
2. The safety labels on the mattress are on the mattress cover, with the foam pad underneath. See photo attached showing foam with cover with label attached.

The service did have waterproof mattress protectors in the sleep room but unfortunately had not been added to the cot mattress. The registered provider has also bought 3 additional covers to ensure there is always an adequate supply of waterproof protectors available.

(3)(a)

3. Following the spell of unfavourable weather the outdoor play spaces have been swept and cleaned to ensure the spaces are safe and free of any hazards.
4. The safety surface in the large play area will be repaired as soon as there is a period of dry weather. A professional repair kit is available for this.

Preventive Action

All play areas and equipment, both indoors and outdoors, will be examined regularly to ensure there are adequate supplies and that they are in good working order.

The maintenance and repair of the physical environment of our service will be carried out at regular intervals.

The surface has not yet been repaired on our larger area - we have been advised to wait until the weather improves for this to be carried out. In the interim we have covered the small hole with a piece of larger play equipment. We will monitor this daily.

All staff are instructed to report to the designated person in charge of any faults or damage in the service.

Supporting documentation submitted

- Photograph cot mattress with safety label
- Sleep and rest policy

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliances. Further information was requested from the registered provider and based on this information the non-compliances (1)(b) 1 & 2 and (3)(a) 3 have been adequately addressed.

However, insufficient evidence has been submitted to determine that the non-compliance 4 has been adequately addressed and therefore Regulation 20 remains non-compliant.

Part V - Care of Child in Pre-school Service

Regulation 21 – Equipment and materials

A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.

Compliance Information

- In each of the care rooms there was a variety of play materials and equipment. The equipment was suited to the ages and stages of development of the children present and promoted many areas of child development. The play equipment was stored on low level open shelving which was accessible to the children.
- In the playrooms the toys and equipment available were divided into specific areas of interest including the home area, the reading and book area, construction area, the art gallery, sensory play area which included sand and water trays. Each of these areas were supported with equipment and materials that enhanced the play experience for the children and promoted areas of development. There were also a variety of low-level toy boxes that included blocks, animals, trains and tracks. All toy boxes were labelled with photographs of the toys contained within so that the children could select and replace their chosen toy of interest and promote independence.

In the Squirrels Room there were boxes / bags of equipment made up based on weekly themes for the children to partake in and to complete and display associated artworks.

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.

Compliance Information

A variety of snacks and meals were consumed by children on the day of inspection. The consistency and portion sizes were appropriate for the age and stage of development of the children present. The service has a detailed weekly menu plan on display and all meals and snacks were prepared and provided by the service's resident cook. The mid-morning snack consisted of bread sticks, raisins and apples. Homemade vegetable soup, sandwiches and bread and butter was served at lunchtime. The children's dinner included sausages, vegetables, mash potatoes and gravy. A variety of homemade fruit bread, buns and banana cake were also available throughout the day. Potable drinking water was available to children at all times.

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.

Non-Compliance Information

The Inspectorate is not assured that adequate steps have been taken to ensure the health, safety and welfare of the pre-school children attending the service. The following observations were made:

General Safety:

1. The sleep room temperature exceeded the safe sleep guidelines of 16°C- 20°C while children were sleeping. At 13:20 the inspector recorded the sleep room temperature at 23.3°C. When staff were questioned about the sleep room temperature, they were unfamiliar with the requirement to assess the sleep room temperature and there was no temperature recording equipment available. An immediate action notice was issued in respect of this safety concern to which a response was received and accepted by the inspectorate.

2. A number of sharp corners were exposed on the low-level shelving units which is a potential injury hazard in the Foxes and Squirrels Rooms.
3. In the Foxes Room 1, the blind cord was broken and hanging down accessible to the children. This is a safety risk.
4. In the Foxes Room, the CD player and DVD player were unsecured with trailing electrical leads which were accessible to the children. These are a safety and impact hazard.
5. In the Squirrels' Room, cleaning spray was stored on the sink and accessible to the children. This is a health and safety risk.

Corrective and Preventive Action submitted by the Registered Provider

Corrective Action

General Safety

1. The Immediate action response has been submitted to the Inspectorate and accepted.
A sleep room notice is erected in the Bunnies Room.
2. Safety corners have been ordered and will be put in place as soon as they are delivered.
3. The blind cord has been replaced and secured.
4. All electrical leads are safely and neatly stored out of reach of children. When the electrical equipment is not in use it is unplugged and stored out of the reach of children.
5. Cleaning sprays in the playrooms are stored out of the reach of children at all times.

Preventive Action

Safety audits will be carried out to ensure health and safety hazards are minimized.

The Safe Sleep Policy has been reviewed and updated to explain in detail the requirements involved during sleep / rest times for children.

The Manager and Supervisor will regularly review staff practices to ensure compliance with health and safety and the Safe Sleep Policy.

The registered provider is in consultation with an Engineer in reviewing the measures to address the temperature of the sleep room. The Inspectorate will be updated once a decision has been made.

The maintenance and repair of the physical environment of our service will be carried out at regular intervals.

All staff are instructed to report to the designated person in charge of any faults or damage in the service.

Supporting documentation submitted

- Sleep room notice regarding sleep room temperatures.
- Photographs of electric temperature recording device and cool air fan.
- Sample of daily risk assessment.
- Photographs of restricted blind cord and sharp corner cushion.

Summary Comment

An immediate action notice was issued in respect of this safety concern to which a response was received and accepted by the inspectorate.

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliances. Based on this information the non-compliances identified under Regulation 23 have been addressed. Implementation and sustainment of the preventative action plan detailed will require assessment at the next inspection

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

(2)(a) and (b) The first aid boxes were available in each of the care rooms and kitchen area and were easily accessible in the event of an emergency.

Non-Compliance Information

(1) On the day of the inspection and on review of the staff roster, a person trained in First Aid Response (FAR) was not available on the premises at all times.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

(1) On the day of inspection staff had up to date Paediatric First Aid training. Two staff members trained in First Responder Training (FAR) were on leave.

Three additional staff members have now been booked on FAR training (September and October 2023) to ensure a FAR trained member of staff is available on the premises at all times.

Supporting documentation submitted

Copy of training booking schedule submitted to the Office of the Early Years Inspectorate.

Summary Comment

The registered provider submitted details of the corrective and preventative actions taken in the service to address the non-compliance. Based on this information the non-compliance identified under Regulation 25 has been addressed. Implementation and sustainment of the preventative action plan detailed will require assessment at the next inspection.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

Adequate insurance was in place for a maximum of 65 children attending the service on a full day care basis up until the 27/3/24.