

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2015MO119

Name of Service: The Mulberry Tree (Kilmore)

Address of Service: Unit 3, Killala Road Business Park, Killala Road, Ballina, Co. Mayo

Eircode: F26 N296

Name of Registered Provider: Breege Howley Jackson

Service type: Full Day

Date(s) of Inspection: 18/06/2025

No of pre-school children:	AM	62	PM	28

Address of the Early Years Inspectorate:	Early Year's Inspectorate, Child and Family Agency, Government Buildings, Convent Road, Roscommon, Co. Roscommon
Inspection undertaken by:	A. Kennedy and S Killeen
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

The Mulberry Tree (Kilmore) is situated in a business park on the outskirts of Ballina town in County Mayo. It is one of two services operating within the business park and has been in operation since 2012. The service is registered to provide a full day care service for children aged 2-6 years of age. The hours of operation are from 08:00hrs to-17:30hrs weekdays which includes a morning sessional service from 9.00hrs – 12.00 hrs. in the senior sessional service and 09:30hrs to 12.30hrs in the junior sessional service.

The premises consists of a two-story commercial facility which was adapted for the provision of a childcare facility. There are four playrooms in total, at ground floor level. The kitchen is in the other adjacent premises where meals are prepared. A reception area and relevant ancillary facilities are also provided. An enclosed outdoor play area is located to the rear of the building.

Staffing

There are twelve adults employed in the service, nine of which were working directly with children on the day. The registered provider was present on the day of the inspection. There is an appointed service manager and two deputy managers who operate the service on a daily basis and also provide cover for staff breaks.

A staff member from the kitchen serves the hot meal in each of the care rooms and one adult in an office administrator role.

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

The inspection focused on an examination of compliance under Regulation 9 (1) (a) (b) (c), (2) (a) (b) (c) (d) and (4). Regulation 11, 22, 23, 28 and 29. These findings are outlined within the relevant regulations within this report.

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, 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) The registered provider ensured that.

(a) There was a designated person in charge and a named adult to deputise in their absence.

(b) The designated person in charge was available on the premises throughout the period of inspection.

(c) There was 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.

(2) On the day of inspection, eleven adults were present, nine adults who were employed to work directly with the children.

There is an appointed service manager and two deputy managers who operate the service on a daily basis and also provide cover for staff breaks.

On the most recent inspection dated the 3rd December 2024, nine staff files were reviewed and satisfactory.

It was advised by the person in charge that three new staff had commenced in the service since the inspection conducted on 3rd of December 2024.

The three files were reviewed

(a)(b) Six written validated references were on file from past employers for the three adults.

(c) Garda vetting disclosures had been obtained for the three staff. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) Police vetting from the police authorities in another state was available for one adult who had lived outside the state for a period of six consecutive months or more.

Non-Compliance Information

(4) There was no documentary evidence on file in the service to demonstrate that three staff employed to work directly with the children in the service held the relevant qualification in early childhood care and education.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider submitted a written response on 8th and 16th of September to state that three new staff have commenced in the service. The vetting details for the three new staff was submitted.

Supporting documentation submitted

The vetting documentation was submitted for the three new staff members to include photographic identification, six references with evidence of validation, employment histories, Garda vetting and evidence of qualification.

Summary Comment

The early years inspectorate have assessed the actions taken and evidence submitted and deems it to address the non-compliance under regulation 9.

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.

(4) Subject to paragraph (5), where a registered provider contemporaneously provides-

(a) a sessional pre-school service, and

(b) a full day care service or a part-time day care service, or both, the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).

Compliance Information

(1) On the day of inspection, there was an adequate number of adults working directly with the preschool children attending the service.

In the morning

- In the full day care junior room there were 18 children aged between 3-4 years of age been cared for by two adults.
- In the junior preschool sessional room, there were 16 children aged between 3-4 years of age been cared for by three adults.

- In the senior preschool sessional room, there were 11 children aged between 4-5 years of age been cared for by two adults.
- In the full day care senior room, there were 17 children between 4-5 years of age been cared for by two adults.

In the afternoon

- In the full day care junior room, there were 15 children aged between 3-4 years of age been cared for by two adults.
- In the full day care senior room, there were 13 children between 4-5 years of age been cared for by two adults.

(2) The minimum ratio of adults to children was maintained at all times throughout the inspection.

(8) The registered provider ensured that there were always at least two adults on the premises when children were present in the service as evidenced in a sample review of attendance records.

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

- In the morning before 9.00hrs, the children had the opportunity to have a selection of cereals, with milk.
- At 11.00hrs, the children attending the preschool rooms had their snacks provided by parents and guardians which included raisins, cheese, meat slices, crackers, rice cakes, sandwiches, vegetables / fruit pieces and yogurt.
- At 12.30hrs, the children had their main meal. On the day of inspection, the main meal was bacon potato, and turnip. An alternative meal of tuna and pasta was also on offer.
- At 15.10hrs, the children were had their snacks provided by parents and guardians which included raisins, cheese, crackers, rice cakes, sandwiches, wraps, vegetables / fruit pieces and yogurt.
- Cutlery and plates were offered for children’s snack / mealtimes.
- Clean and safe drinking water at a low-level drinks’ tables were available and accessible to children in each playroom.
- There was a designated fridge in the staff room, for the safe storage of perishable foodstuffs from children’s lunch boxes, for their snack 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.

Compliance Information

General Safety:

- There was a buzzer access system into the front door entrance.
- The external play area was secure so that children could not leave the area unsupervised and unauthorised persons could not enter the area.
- All cleaning agents were stored inaccessible to the children.
- Daily records of attendance were kept for all of children attending the playrooms.
- It was advised by the person in charge that a new climbing frame and slide has been purchased for the outdoor area. The children do not have access to this until the impact absorbent matting and the play structure has been complete.

Infection Control:

- The children were observed washing their hands after toileting, outdoor play, messy play and after blowing their noses.
- The children washed their hands under supervision prior to consuming their meals and snacks.
- Suitable hand washing facilities in each of the playrooms were provided with supplies of liquid soap.
- The playrooms had cleaning products and foot operated lidded bins.
- The pre-school rooms and sanitary areas were well ventilated with the windows open throughout the inspection.
- Tabletops were cleaned immediately prior to children's snack break.
- Mouthed toys were removed after use and sterilised appropriately. The adults were observed regularly washing their hands including after disposing of tissues into bins.
- Fixtures, fittings and play resources were observed to be in a hygienic condition. The adults showed awareness of the services procedures including the management of suspected infection when questioned.
- A refrigerator was provided in the staff room for the storage of perishable foods.
- The children's belongings for nappy changing were individually labelled and in designated storage containers.
- The nappy changing area had a leak-proof, sealable airtight container for the disposal of nappies.
- The nappy changing policy was displayed on the wall of the nappy changing areas.

- There were cleaning schedules and records for the playrooms and sanitary areas.
- Adequate supplies of disposable tissues were readily available in the playrooms.

Administration of Medication:

- Medication was stored inaccessible to the pre-school children.
- Medicines examined were within date. Care plans were in place for the children who may require medication.
- The staff advised that the suncream are supplied by parents and guardians, and stored in the service, with dates of expiry checked on an annual basis.
- The staff demonstrated knowledge of safe practices with regards to the safe storage and administration of medication should it be required.

Safe Sleep:

- There were stackable beds available to enable a child to rest/sleep. On the day of inspection, 4 children in the full day care junior room were observed sleeping on the beds following signs of tiredness,
- Each child had designated linen in individual storage baskets and on the individual labelled stackable beds
- A staff member physically checked sleeping children's, colour, position and breathing and the room temperature and this was observed on the day of the inspection.

Fire Safety:

- The emergency exit routes were observed to be free from obstruction during the inspection
- Records on file demonstrated that fire drills were carried out each month which helped to ensure that adults and children were familiar with the procedures in the event of an actual fire.

Outing:

- The inspectors were advised during the inspection that the children from the preschool senior sessional room were due to go on an outing to a playground on 19th of June. The staff completed a risk assessment in relation to outing, and they would bring the first aid kit and the children's attendance record book with them on the outing.

Non-Compliance Information

General Safety:

1. A trailing wire was accessible to the preschool children in the junior pre-school sessional room which could pose risk of injury to a child.

2. A fluorescent light cover in the senior preschool sessional room was observed to be cracked which could pose risk of injury to a child.
3. During the inspection, two bait boxes used for pest control were observed under the sinks in the Full day care junior room and in the full day care senior room. These boxes were accessible to the preschool children and could be a potential safety concern.
4. There were no step ups provided for the children to access the nappy changing units in the full day care junior sanitary areas which could be a potential safety concern necessitating the adults to lift the child onto the units which could pose a potential risk of injury.

Safe Sleep:

5. On the day of the inspection, it was observed that measures to maintain a safe sleeping temperature between 18–22°C were not in place. The full day care junior room used for children's rest did not meet the recommended temperature range during the inspection period.

The following room temperature recordings were taken on the day of the inspection:

At 13.01 hrs, the room temperature reading was 22.3°C and four children were sleeping

At 13.17hrs the room temperature reading was 23°C and four children were sleeping.

It is acknowledged, that on the day of the inspection, when staff were advised by the early years inspector of the high temperatures, the staff opened windows and the doors to enhance cross ventilation to reduce the temperature of the room during the sleep period.

Action submitted by the Registered Provider

Corrective & Preventive Action

The registered provider submitted a written response on 8th of September to state

1. The trailing flex has been secured to the wall in the junior preschool sessional room and this has been added to the manager biannual checklist.
2. The fluorescent light cover has been replaced, and the light covers have been added to the managers biannual checklist.
3. Locks have been fitted to the cupboard doors in all of the preschool rooms and the locks on the cupboards have been added to the biannual checklist.
4. New step ups have been purchased to access the nappy changing units provided and these have been added to the managers biannual checklist.

Safe Sleep:

5. Temperature checklists have been introduced, and the temperatures are checked at sleep/rest time.

A new air con unit has also been purchased.

Supporting documentation submitted

General Safety:

The registered provider submitted photographic and documentary evidence of

1. The secured flex on the wall in the junior preschool sessional room.
2. The replaced light fitting in the senior preschool sessional room.
3. Locks fitted on the doors of the cupboards
4. Proof of purchase of steps to access the nappy changing units

Safe Sleep:

5. Documentary evidence of the temperature checklists.

Summary Comment

The early years inspectorate have assessed the actions taken and evidence submitted and deems it to address the non-compliances under regulation 23.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The service's insurance with an expiry date of 27th March 2026 was for a full day care, catering for 78 children. The insurance covered the following,

- Public liability,
- Personal accident,
- Insurance against fire and theft,
- Buildings,
- Outings undertaken as part of the service provision.

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) The service was maintained in an appropriate and adequate state of repair.
- (b) The entrance into the service and the outdoor play area were adequately secured to prevent a child exiting and an unauthorised person entering the premises.
- (c) The playrooms were adequately lit, ventilated, and heated.
- (d) The premises was maintained in a clean and hygienic condition. The lino flooring has been secured with metal strips. in the preschool junior full day care room
- (e) The sanitary facilities were adequate for the needs and requirements of the children attending the service.