

# 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:** 03/12/2024

|                                   |    |    |    |    |
|-----------------------------------|----|----|----|----|
| <b>No of pre-school children:</b> | AM | 69 | PM | 28 |
|-----------------------------------|----|----|----|----|

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| <b>Address of the Early Years Inspectorate:</b> | Early Year's Inspectorate,<br>TUSLA, Child and Family Agency,<br>2nd Floor, St. Mary's HQ.,<br>Castlebar,<br>Co. Mayo. |
| <b>Inspection undertaken by:</b>                | B Lavin and A Kennedy  |
| <b>Title:</b>                                   | Early Years Inspector(s)   |

### 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

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 nine adults employed in the service, eight 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.

### 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 inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under Regulation 9 (1) (a) (b) (c), (2) (a) (b) (c) (d) and (4). Regulation 11, 20, 22, 23, 25, 26, 28 and 29. 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.

## 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)

There was a person in charge and a person available to deputise as required.

(c)

Clear lines of accountability was demonstrated in the service with child care educators, room leaders, manager and deputy managers. Staff were aware of their roles and responsibilities.

(2) (a) (b)

Nine staff files were reviewed.

Eighteen validated past employer references were available for the nine adults employed in the service.

(c)

Garda vetting disclosures had been obtained for 9 staff.

(d)

One adult of the nine files reviewed had the required international police vetting where an adult had resided in a state other than Ireland for over six consecutive months.

(3)

These vetting procedures were carried out prior to an adult having direct contact with the preschool child.

(4)

Eight adults working directly with the children held a recognised major award in Early Childhood Care and Education at level 5 or above on the national framework of qualifications, or qualifications deemed by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to meet the regulatory requirement.

### 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 inspectors' unannounced arrival to the service there were eight adults working directly with 69 children in the morning and four adults working with 28 children in the afternoon.

(2) In the Preschool senior full day care room, there were 19 children aged from 3-4 years cared for by 2 staff members in the morning during sessional hours and 15 children were cared for by 2 staff in the afternoon.

In the preschool junior full day care room, there were 18 children aged from 2 years 9 months to 3 years 6 months been cared for by 2 staff in the morning during sessional hours and 13 children were cared for by 2 staff in the afternoon.

In the preschool senior sessional room 17 children aged from 3 to 5 years were cared for by 2 staff members in the morning.

In the preschool junior sessional room, there were 15 children from 3 years to 3 years 6 months were cared for by 2 staff in the morning.

(8) (a) There were at least two staff members always present during the inspection. Records reviewed found that at least two staff were present at all times during operational hours in the service

### 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-

(a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoors and, where required by these Regulations, outdoors, during the day, and

(b) there are adequate and suitable facilities for a pre-school child to rest during the day

(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)(a)

The environment in the service playrooms provided a range of challenging, diverse and creative experiences for children in line with their stage of development. The atmosphere and the learning environment was encouraging and unhurried. The play materials and environment were changeable, flexible, and responsive to the emerging changing needs, preferences, and interests of the children.

The indoor playrooms were designed and arranged to

- maintain a space that was clean, organised, and free of clutter,
- accommodate children individually, and in small groups,
- divide the space into areas that were supplied with materials organised in a way to support children's play and learning,
- give all children access to the same facilities, activities and play opportunities, to promote their welfare and development.

### The Playrooms

- The equipment was stored on low-level shelving and was readily accessible to the pre-school children.
- The play equipment and materials were age and stage appropriate, they were designed to offer a child manipulative activity, to encourage hand eye co-ordination, to develop fine motor skills and logical thinking.
- In the Pre-school rooms, materials and items of interest included art and craft materials such as paints, rolling pins, trays, bibs, brushes, paper and glitter, shapes, bits, and bobs. There were games, reels, buttons, threading materials, puzzles, jigsaws, insets, connectors, and links. There were little people, little bears, potato heads, dolls and action figures. There were drills, saws, and construction materials. There were transport vehicles, tracks, garages, musical instruments, and dress up clothing. There were vanity areas with hairdressing tools. There were kitchens with utensils and shops with real world items. There was a dolls house with wooden furniture.
- Displayed on the walls were posters, visual aids, photographs, artwork, and themes including the family tree, flags, posters on life cycles, our birthday wall, our classroom agreement, a jobs board feelings and emotions and Autumn artwork completed by the children.

(b)

A rest / quiet area was provided in each of the playrooms in the form of child size couches, poofs, and soft matting to facilitate a child to rest or opt out of an activity if he or she chose to. The sleep and rest facilities provided by the service were suitable for the age and development stage of the children attending the service. The junior preschool was changed into a sleep room at 1pm to allow for three children over the age of two years to have a nap. The children who did not require a nap watched a movie in the vacant senior sessional room. The lighting in the room was dimmed to aid sleep but remained at a sufficient lighting level to allow the staff member present with the children to carry out regular observations of the children. Individual bed linen was provided for each child, and

this was stored in labelled storage boxes when not in use and laundered weekly. Individual sleep mats were available to the children, and these were cleaned after every use.

(3)(a)

### Outdoor area

- The outdoor area was surrounded by fencing and gates. The area was covered with tarmacadam,
- There were picnic tables, sand trays, scooters, tricycles, a selection of tyres and cones, and a playhouse for children's play and exploration. A rota system for the outdoors ensured that children had access to the outdoor area on a daily basis.

## 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 chicken curry and rice.
- At 15.10hrs, the children were had their snacks provided by parents and guardians which included raisins, cheese, crackers, rice cakes, sandwiches, wraps, breadsticks, 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, 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.

##### Infection Control:

- Hand washing facilities were provided with a supply of warm water, liquid hand soap and disposable paper hand towels.
- Children were observed washing their hands after toileting / nappy changing, after messy play and outdoor play and prior to their meals / snacks.
- Staff involved in the serving of food and nappy changing used disposable aprons and gloves when nappy changing. The children's barrier creams were clearly individually labelled / stored within the nappy changing areas.
- The service had a sterilising system for mouthed toys.
- Tabletops and work surfaces were cleaned with designated cloth towels / disposal paper towels and disinfectant spray.
- The playrooms were observed to be kept adequately ventilated with the windows and doors left open whilst maintaining the room temperatures at the required levels.
- Adequate supplies of disposable tissues were readily available in the playrooms.

##### Administration of Medication:

- On the day of inspection, no child was on medication. Through discussion with the inspectors the staff demonstrated that they were aware of the correct procedures for the storage and administration of medicines.

##### Fire Safety:

- The emergency exit routes were observed to be free from obstruction during the inspection

### Non-Compliance Information

#### General Safety:

A blind cord which was inaccessible to children on a window in the senior preschool sessional room was broken. It is acknowledged subsequent to the inspection, the registered provider submitted photographic evidence of the repaired blind cord to the office of the Inspectorate on the evening of the 3<sup>rd</sup> December.

#### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

The blind cord was repaired, and the checking of blind cords will be part of the bi-annual checklist.

#### Supporting documentation submitted

Photographic evidence of the secured blind cord was submitted to the office of the early year's inspectorate on the 3<sup>rd</sup> December 2024.

#### Summary Comment

The corrective and preventative actions submitted by the registered provider have adequately addressed the non-compliance found on 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

(1) On the day of inspection one staff member on duty was trained in first aider response (FAR) training and was available to children attending the preschool service.

(2) (a) (b).

Fully stocked first aid boxes are available in each of the care rooms and are available to children at all times. Extra equipment is stored in the main staff room if required.

### 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 written record was available of the monthly fire drills completed in the service. The last recorded fire drill was dated 08/11/2024.
- (b) Records were available in relation to the number, type, and maintenance of fire-fighting equipment with the last annual service dated 28/03/2024. Records of the annual servicing by a competent person, in relation to the premises smoke and fire detection system were dated 20<sup>th</sup> of November 2024.
- (4)
- There was evidence of the fire evacuation procedures setting out the procedures to be followed in the event of a fire in each of the playrooms and in the entrance lobby.

### 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 27/03/2025 was for a full day care, catering for 80 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-*

- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

### Non-Compliance Information

(d) The lino flooring in the preschool junior full day care room which was secured with black adhesive tape caused the floor to be uneven. The flooring needs repairing as it poses a trip hazard to children and adults within the room.

(e) There were insufficient sanitary facilities in the preschool junior full day care room for the children attending the service. At 10.50am there were 13 toilet trained children present in the room with one sanitary facility available to the children. The requirement is one sanitary facility to every 11 children.

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

#### **Corrective and Preventive Action**

(d) The lino flooring has been secured with metal strips. The condition of the floor will be checked at the bi-annual checks.

(e) There is now sufficient sanitary facilities for the 13 toilet trained children as we have now reverted the nappy changing children back to a toilet facility.

The service manager will monitor the number of children both wearing nappies and toilet trained to ensure compliance.

#### **Supporting documentation submitted**

Photographic evidence was submitted to the office of the early year's inspectorate.

### Summary Comment

The corrective and preventative actions submitted by the registered provider have adequately addressed the non-compliance. Sanitary facilities will be reviewed on next inspection.