

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015MO120
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Name of Service:	The Mulberry Tree Learning Centre
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Address of Service:	Unit 5, Killala Road Business Park, Killala Road, Ballina, Co. Mayo
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Eircode:	F26 YY58
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Name of Registered Provider:	Breege Howley Jackson
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Service type:	Full Day, Part Time, Sessional
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Date(s) of Inspection:	04/07/2025
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No of pre-school children:	AM	75	PM	68
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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
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Description of service

The Mulberry Tree Learning Centre 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 2008. The service is registered to provide a full day care service for children aged 0-6 years of age. The hours of operation are from 07:45hrs to-18:00hrs weekdays which includes a morning sessional service from 9.30 hrs – 12.30 hrs. A school aged service is also provided.

The premises consists of a two-story commercial facility which was adapted for the provision of a childcare facility. There are nine playrooms in total, five rooms at first floor level and four rooms at ground floor level. The facility also contains sleep rooms for children in the Baby, Senior and Junior Wobbler rooms, a kitchen where meals are prepared on-site, a reception area and relevant ancillary facilities. A multi-purpose gym on the first floor is utilised by the early years' service as an additional play space during inclement weather and a sleep room for the older children's sleep provision. Two enclosed outdoor play areas are located to the rear and side of the building.

Staffing

There are twenty-eight adults employed in the service, sixteen of which were working directly with children on the day. The registered provider plays an active role in the operation of the service. 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 cook and administration person is also employed in the service

Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance health, welfare and development of child, safety, premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under Regulations 9, 11,23 and 28.

These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under Regulation 23 - Safeguarding health, safety and welfare of child. As a result, the scope of the inspection included the following rooms, baby junior room, baby senior room, wobbler junior room and preschool senior 1.

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 deputy 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,

(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 two named adults to deputise in their absence.
- (b) The deputy designated person in charge was available on the premises throughout the period of inspection.

(2) On the day of inspection, sixteen adults were present, to include the deputy person in charge.

On the most recent inspection dated the 24 of October 2024, twenty-five staff files were reviewed and satisfactory.

It was advised by the person in charge that three staff had commenced in the service since the inspection conducted on 24th of October 2024.

The following vetting information was available for three adults:

- (a) Two written validated references from past employers for one of the adults.
- (b) Four written validated references from reputable sources for two of the adults.
- (c) Garda vetting disclosures had been obtained for all staff. The service also demonstrated

compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) Not applicable as none of the three staff had resided outside the jurisdiction over 18 years of age for a period in excess of six months.

(4) The three files reviewed, evidenced they held a major award at level 5 or above in early childhood care and education on the national qualification framework, or qualifications deemed by the Department of Children, Disability and Equality (DCDE) 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.

(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 baby junior room, there were 5 children aged between 1-2 years of age been cared for by one adult.
- In the baby senior room, there were 5 children aged between 15 months to 2 years of age been cared for by two adults.
- In the wobbler junior room, there were 7 children aged between 1-2 years been cared for by two adults.
- In the preschool senior room 1, there were 10 children aged between 3-4 years been cared for by two adults.

- In the wobbler senior room, there were 6 children aged between 18 months to 2 years 6 months been cared for by two adults.
- In the toddler junior room, there were 10 children aged between 2 years 4 months to 2 years 7 months been cared for by two adults.
- In the toddler senior room, there were 5 children aged 2-3 years been cared for by one adult.
- In the junior preschool room, there were 11 children aged from 2 years to 2 years 6 months been cared for by two adults.
- In the preschool senior room 2, there were 16 children aged from 3 to 4 years been cared for by two adults.

In the afternoon

- In the baby junior room, there were 4 children aged between 1-2 years of age been cared for by one adult.
- In the baby senior room, there were 4 children aged between 15 months to 2 years of age been cared for by two adults.
- In the wobbler junior room, there were 7 children aged between 1-2 years been cared for by two adults.
- In the preschool senior room 1, there were 8 children aged between 3-4 years been cared for by two adults.
- In the wobbler senior room, there were 6 children aged between 18 months to 2 years 6 months been cared for by two adults.
- In the toddler junior room, there were 10 children aged between 2 years four months to 2 years 7 months been cared for by two adults.
- In the toddler senior room, there were 5 children aged 2-3 years been cared for by one staff.
- In the junior preschool room, there were 10 children aged from 2 years to 2 years 6 months been cared for by two adults.
- In the preschool senior room 2, there were 14 children aged from 3 to 4 years 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 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 main entrance door was secure to prevent unauthorised entry.
- The external play areas to the rear and side of the premises were secure so that children could not leave the area unsupervised and unauthorised persons could not enter the areas.
- Fire doors throughout the building were unobstructed.
- All cleaning agents and equipment and storage facilities were kept inaccessible and out of the reach of children.
- Leads, cables, and flexes were wall mounted and secured to prevent any trip or strangulation hazard.
- Materials and play equipment, both indoors and outdoors, were observed to be safe for the pre-school children using them and in a good state of repair. In the outdoor all-weathered sheltered play area, the tricycles and play equipment were observed to be in good condition.
- Warm running water was available for hand washing at a temperature below 43°C.
- Grapes were observed to be cut, reducing the risk of choking to the child.
- Window restrictors on the windows were present to prevent accidental falls.
- The heating system was thermostatically controlled, to ensure the temperatures were maintained between 18°C to 22°C.
- Blind cords were securely fastened thereby preventing any potential risk.

Infection Control:

- There were adequate handwashing facilities available throughout the service, equipped with warm running water, liquid soap, and paper towels. Children were observed washing their hands regularly, including before snacks and meals, demonstrating good hygiene practices. Child-friendly handwashing posters with pictorial instructions were displayed above wash basins to support children's independence and understanding.
- The materials and resources throughout the service appeared to be visually clean.
- Foot-operated pedal bins were provided in all areas for the safe and hygienic disposal of waste.
- Cot and bed linens, including sheets and blankets, were laundered daily.

- Soothers were stored hygienically in individual, clearly labelled containers for each child.
- Cleaning schedules were in place and maintained, staff were observed cleaning the care rooms after the children had finished their lunch.
- The children’s barrier creams were clearly labelled for individual use and appropriately stored within the designated nappy changing areas, ensuring both hygiene and easy access.
- The service’s nappy changing policy was prominently displayed on the walls, and staff diligently maintained individual records for each child requiring a nappy change.
- Comprehensive cleaning schedules and records were in place for all areas of the facility—including playrooms, communal spaces, sanitary facilities, and outdoor environments—demonstrating a consistent and thorough approach to cleaning and disinfection procedures.
- Tabletops, highchairs and work surfaces were cleaned with disposable paper towels and disinfectant spray.
- The playrooms were observed to be kept adequately ventilated with the windows left open whilst maintaining the room temperatures at the required levels.
- Adequate supplies of disposable tissues were readily available in the playrooms.
- There was a metal railing surrounding the nappy changing unit in the baby senior nappy changing area which was replaced since the previous inspection of the service and was in good condition.
- The MDF layer on the open shelving unit in preschool senior room 1 and the wobbler junior room was repaired since the previous inspection and in good condition.

Administration of Medication:

- Medication was stored inaccessible to the pre-school children.
- The medicines examined were within date.
- The staff advised that the suncreams are supplied by parents and guardians, stored in the service and with dates of expiry checked on an annual basis.
- On discussion with staff in the pre-school rooms staff informed the inspector of a child on medication.
- The staff were aware of instructions and storage requirements of the medication.
- On review of the medication, it was stored in a restricted area and stored as per manufacturer’s instructions.
- A medication care plan detailing when to administer, how to administer and reporting instructions were recorded by the service.

Safe Sleep:

- There were 21 cots, and stackable beds available in the designated sleep rooms, for children requiring sleep provision.
- The gym room was converted into a sleep room for the older children sleeping on low beds.
- The staff were observed on the day of inspection completing 7-10-minute checks on the younger children and logging the required information on an electronic application.
- Room temperatures in the sleep rooms were kept at the appropriate level for safe sleep.
- The service has a circulation system in place in each of the sleep rooms where they can set the room temperature, digital display of temperature in the room and a cool air booster if needed to circulate cool air into the sleep rooms.
- Each child had designated linen stored in the sleep rooms, 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 reflected in the sleep records for each of the sleep rooms.
- The sleep policy detailed the correct temperature, lighting, ventilation, and child safety requirements.

Fire Safety:

- A fire evacuation plan was displayed on the walls in each of the playrooms.
- All exits remained free from obstruction on the day.

Non-Compliance Information

General Safety:

1. A section of the flooring was absent in the sanitary accommodation off the junior preschool room which could pose a tripping hazard.

Infection Control:

2. The soft seating in the baby senior toddler room and two highchairs in the baby junior room was ripped and frayed which could prove difficult to effectively clean. It is acknowledged that the staff advised new highchairs have been ordered and they are awaiting delivery of same.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

The registered provider submitted a written response on 11th and 13th of August to advise

1. The section of the flooring has been repaired in the sanitary accommodation off the junior preschool room

Infection Control:

- Two new highchairs have been purchased for the baby junior room and new soft seating has been purchased in the baby senior toddler room.

Supporting documentation submitted

General Safety:

- Photographic evidence was submitted of the repaired floor covering in the sanitary accommodation off the junior preschool room

Infection Control:

- Photographic evidence was submitted of the two new highchairs in the baby junior room and the new soft seating in the baby senior toddler room.

Summary Comment

The inspectors have reviewed the actions and evidence submitted. The non-compliances identified under Regulation 23 have been adequately addressed and will be reviewed on next inspection.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The service had adequate insurance for the number of children in attendance. The insurance certificate was observed to be valid until 27 March 2026.