

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015MO120		
<b>Name of Service:</b>	The Mulberry Tree Learning Centre		
<b>Address of Service:</b>	Unit 5, Killala Road Business Park, Killala Road, Ballina, Co. Mayo		
<b>Eircode:</b>	F26 YY58		
<b>Name of Registered Provider:</b>	Breege Howley Jackson		
<b>Service type:</b>	Full Day, Part Time, Sessional		
<b>Date(s) of Inspection:</b>	24/10/2024		
<b>No of pre-school children:</b>	AM	109	PM 103

<b>Address of the Early Years Inspectorate:</b>	Early Year's Inspectorate, Child and Family Agency, Government Buildings, Convent Road, Roscommon, Co. Roscommon
<b>Inspection undertaken by:</b>	A. Kennedy and B. Lavin
<b>Title:</b>	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 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-17:30hrs weekdays which includes a morning sessional service from 9.30hrs – 12.30 hrs.

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-four adults employed in the service, eighteen of which were working directly with children on the day. The registered provider plays an active role in the operation of the service and 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 cook and a cleaner are also employed.

### 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 areas of governance, health, welfare and development of child, and safety and premises and facilities. The inspection may also focus on other areas as required.

The inspection process has been amended to minimise the amount of time that inspectors spend in the service. A sampling process was used to assess compliance under Regulation 19 health welfare and development of child and Regulation 23 Safeguarding health, safety and welfare of child.

As a result, the scope of the inspection included the baby junior room, the baby senior room, the wobbler junior room, the preschool senior 1 and did not include the toddler senior, junior preschool, wobbler senior, toddler junior and preschool senior 2.

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, deputy persons 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

(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) There was a named designated person in charge in the service and two named staff members to deputise as required in their absence.

(b) The designated person in charge was present in the service on the inspectors' unannounced arrival and remained present throughout the inspection.

(2) There were twenty-four staff members working in the service including the registered provider and the service manager

The following vetting documents were available on file in the service for the twenty-four staff members:

- (a) Two written validated references from past employers including their most recent employer for eighteen staff members
- (b) Two staff members had a written validated references from sources other than past employer.

(c) Garda vetting disclosures had been obtained for all staff. The service did adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years.

(d) International police vetting was available for five staff members who had lived outside of the state for more than six months as adults.

(4) There was evidence of the required qualification in Early Childhood Care and Education or equivalent on file for sixteen staff members who worked directly with the children.

### Non-Compliance Information

(4) Evidence of the required qualification in Early Childhood Care and Education or equivalent for two staff members working directly with the children was not on file within the service.

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

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

The registered provider submitted a written response to state one staff member is currently completing the level 5 and will be qualified in May 2025. This staff member is now working in the school age service and an additional staff member has been employed to work with the preschool children.

#### **Supporting documentation submitted**

Evidence of two validated references, a garda vetting disclosure, employment history, qualifications and photographic identification was submitted for the new staff member and evidence of qualification was submitted for the second staff member.

### Summary Comment

The actions taken and evidence submitted by the service has been reviewed by the Inspectorate and deemed to have addressed the regulatory non-compliance found 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.

### Compliance Information

(1) On the inspectors' arrival to the service there were eighteen adults working directly with 110 children in the morning.

Room name	Number of children	Age range	Number of staff present
Baby Junior	8	12-15 months	2
Baby senior	6	15 – 19 months	2
Toddler senior	11	2 – 3 years	2
Junior pre school	17	2 – 3 years	2
Wobbler junior	10	18 – 23 months	2
Wobbler senior	10	23 months – 2 years	2
Toddler senior	11	2 – 3 years	2
Preschool senior 1	18	3-4 years	2
Preschool senior 2	18	4-5 years	2

There were eighteen adults working with 103 children in the afternoon.

Room name	Number of children	Age range	Number of staff present
Baby Junior	6	12-15 months	2
Baby senior	6	15 – 19 months	2
Toddler senior	11	2 – 3 years	2

Junior pre school	16	2 – 3 years	2
Wobbler junior	10	18 – 23 months	2
Wobbler senior	9	23 months – 2 years	2
Toddler senior	11	2 – 3 years	2
Preschool senior 1	17	3-4 years	2
Preschool senior 2	17	4-5 years	2

### Part V - Care of Child in Pre-school Service

#### Regulation 19 - Health, welfare and development of child

*(1) A registered provider shall, in providing a pre-school service, ensure that-*

*(a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and*

#### Compliance Information

- The staff encouraged and supported the children to be as independent, as possible.
- The children were given sufficient time to eat in an unhurried manner. The staff complied with the service's healthy eating policy.
- Nutritious meals and snacks were provided by the service and served at regular times and no more than 3 hours apart.
- Each child had enough time to eat and enjoy their meals and snacks without being rushed.
- The tables and chairs and highchairs were suitable for the children's ages and stages of development.
- The staff encouraged children to feed themselves independently, according to their age and stage of development.
- The crockery, cutlery and drinking utensils were suitable for the children's ages and stages of development.
- The staff responded to children's individual personalities, sensitivities and needs in relation to nappy changing, toileting and toilet training. On the day of inspection, twenty-seven children wore nappies and were changed on a regular basis. The privacy and dignity of a child having their nappy changed was maintained. The older children in the pre-school rooms, had unrestricted access to the toilets and did not

have to wait to use the toilet. The staff used the correct language surrounding toileting and nappy changing. The staff responded to children's cues quickly.

- Picture and word reminders and instructions were displayed and used as aid memoirs.
- The staff provided for each child's comfort and need for rest, relaxation in each of the playrooms. The pre-school rooms had safe and comfortable spaces for babies and toddlers to lie, roll, creep, crawl, pull themselves up, learn to walk and be protected from children who were more mobile.
- The children had plenty of opportunities to move themselves, to practice and improve their emerging skills, such as co-ordination and balance. Play activities and experiences were developmentally appropriate and suitably challenging. Children were aware of routines and daily transitions were seamless and made as comfortable as possible for example going outside, getting ready for meals and sleep provision
- The children were observed at free play, connecting, stacking, building, and linking. and doing puzzles and tabletop activities. The children played with transport vehicles, toy kitchen, soft toys, farm toys, baby dolls, dinosaurs, dress up and natural environment items such as leaves, twigs and pinecones.
- The staff used visual aids and probed with questions such as 'who is this?', 'how many are there?', and 'where is that?'. The children enjoyed action songs, mealtime songs and children's learning songs.
- The staff supported children in forming and sustaining positive relationships by -
  - having a key person system for each child,
  - showing respect for each unique child and developing their trust,
  - listening to the voice of the child as they communicate their needs, thoughts, and experiences both verbally and non-verbally, by reading children's cues, gestures, and body language,
  - using soft tones, the child's individual name, and getting down to their level and making eye contact,
  - providing opportunities for individual and small group activities and play, leading to increased social awareness, co-operation, collaboration, teamwork, and a sense of belonging,
  - providing opportunities for children to learn from each other and with each other, to work together, join in and contribute to projects and tasks,
  - working with parents and guardians by sharing knowledge and observations of the child's interests, strengths, developmental and care needs, approaches to learning, changes in their life, and any other concerns.
- On speaking with the staff, the inspectors were informed that they verbally provided parents with daily information on their child's experiences in the service including the child's likes, interests and preferences

and play activities engaged in. This information was provided at collection times, via text messages, and by phone call and via a bespoke childcare application.

- The staff ensured that the children had ongoing opportunities to interact informally with one another for example at free play, parallel play, outdoor play and eating together.
- The staff provided opportunities for children to learn from each other and with each other, to work together, join in and contribute to projects and tasks.
- The staff supported children to enter social groups, and to learn to help and positively engage with other children. They encouraged and praised children for specific, positive, and appropriate behaviours.
- Children were given positive alternatives, rather than just being told 'no'. Children were supported in preventing, managing, and resolving conflict. Children could identify, name, and explore their feelings both positive and negative.
- Outside play was encouraged and children were observed to play freely. There was a separate enclosed outdoor play area for the children aged 3 years and under. The children had the opportunity to develop their gross motor skills on slides, rocking horses, ride on toys and climb through tunnels. Sensory play and imaginative play were provided for with playhouses and a sandbox.
- A flexible daily schedule was in place which allowed for physical activity depending on the children's individual needs.

### 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 were stored inaccessible to the children.
- Leads, cables, and flexes were wall mounted and secured to prevent any trip or strangulation hazard.

- 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. Windows had restrictive access devices as a safety precaution.
- All toys and play equipment were observed to be safe and in good condition.
- Daily records of attendance were kept for all the children attending the service.

### Infection Control:

- Children were observed washing their hands after toileting / nappy changing, outdoor play, messy play and after blowing their noses. The children washed their hands under supervision prior to their snacks and mealtimes.
- The children's belongings for nappy changing were individually labelled and in designated storage containers.
- The children's barrier creams were clearly individually labelled and stored within the nappy changing areas.
- The nappy changing areas had a leak-proof, sealable airtight container for the disposal of nappies.
- The nappy changing policy was displayed on the walls of the nappy changing areas and staff completed nappy changing records for each child requiring a nappy change.
- There were cleaning schedules and records for the playrooms, communal areas, sanitary areas, and outdoor areas and on the cleaning and disinfection procedure undertaken in the service.
- The outdoor play equipment was cleaned after each child's use, and prior to each child's use with documented records maintained.
- 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.

### Administration of Medication

- Medication was stored inaccessible to the pre-school children.
- Medicines examined were within date.
- 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.

### Safe Sleep:

- There were 21 cots, and stackable beds available in the designated sleep rooms, for children requiring sleep provision. On the day of inspection, 8 children in wobbler junior sleep room were observed sleeping in cots and on demand following signs of tiredness, with a sleep room temperature of 19°C ,19.3°C and 19.6°C.
- At 12.45pm the gym room was converted into a sleep with 37 children sleeping on low beds. The sleep room temperature was 19.7°C.
- 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.
- There was a digital wall thermometer in the sleep rooms to ensure safe sleep room temperatures.

### Non-Compliance Information

#### General Safety:

1. In the outdoor all-weathered sheltered play area, there were five tricycles with chipped paint thereby posing a potential safety risk.

#### Infection Control:

2. There was a metal railing surrounding the nappy changing unit in the baby senior nappy changing area which was rusty and worn and could prove difficult to effectively clean.
3. The MDF layer on the open shelving unit in preschool senior room 1 and the wobbler junior room was peeling off. This could prove difficult to effectively clean.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

The registered provider stated in a written response that

1. The five tricycles have been resprayed and the staff have been advised to ensure the tricycles are stored in the shed and these have been included on the outdoor maintenance checklist.

#### Infection Control:

2. The metal railing surrounding the nappy changing unit in the baby senior nappy changing area has been replaced. And the nappy changing areas are included on the indoor maintenance checklist.

- The surface on the open shelving in the preschool senior room 1 and the wobbler junior room have been repainted and the furniture is included on the indoor maintenance checklist.

### **Supporting documentation submitted**

#### **General Safety:**

- Photographic evidence of the repainted tricycles in the sheltered play area and a copy of the outdoor maintenance checklist.

#### **Infection Control:**

- Photographic evidence of the new metal railing on the nappy changing unit in the baby senior nappy changing area and a copy of the indoor maintenance checklist.
- Photographic evidence of the repainted surface on the shelving unit in the preschool senior room 1 and the wobbler junior room and a copy of the indoor maintenance checklist.

### **Summary Comment**

The actions taken and evidence submitted by the registered provider has been reviewed by the Inspectorate and deemed to have addressed the regulatory non-compliances found under Regulation 23.

## **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) The service provided evidence that there were two staff trained in first aid for children available to the children, attending the pre-school service.

(2)(a) There was a first aid box on the ground floor and the first floor which were safely stored, easily accessible and in a conspicuous position.

(b) The service demonstrated that the first aid boxes were fully equipped and available to the children attending the pre-school service.

### 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 that took place in the service. The last recorded fire drill took place on the 24/09/2024.

(b) Maintenance records of all the firefighting equipment and smoke alarms were available in the service. A record for the firefighting equipment advised that the last service was 28/03/2024 and smoke alarm advised that the last service was 28/03/2024.

(4) A notice of the procedures to be followed in the event of fire was displayed on the wall in the playrooms in the service.

### Part VI - Safety

#### Regulation 28 - Insurance

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

#### Compliance Information

There was evidence of certification of adequate insurance which had an expiry date of 27<sup>th</sup> of March 2025.

The insurance for 130 pre-school children was for a full day care service, included the following: -

- public liability insurance,
- insurance against fire and theft,
- buildings insurance,
- insurance for 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 areas 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.
- (e) The sanitary facilities were adequate for the needs and requirements of the children attending the service.