

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015MO120			
Name of Service:	The Mulberry Tree Learning Centre			
Address of Service:	Unit 5, Killala Road Business Park, Killala Road, Ballina, Co. Mayo			
Eircode:	F26 YY58			
Name of Registered Provider:	Breege Howley Jackson			
Service type:	Full Day, Part Time, Sessional			
Dates of Inspection:	20/11/2023			
No of pre-school children:	AM	110	PM	110
Address of the Early Years Inspectorate:	Tusla Early Years Inspectorate 2 nd floor Estuary House Henry Street Limerick			
Inspection undertaken by:	J Ryan E Browne			
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 Learning Centre is situated in a business park on the outskirts of Ballina town in County Mayo. The service is registered to provide a full day care service for 134 children aged 0-6 years of age. The hours of operation are from 07:45hrs to 17.30hrs weekdays. The premises consists of a two-story commercial building which is adapted for the provision of a childcare facility. There are four care rooms located on the ground floor, and four care rooms and a large indoor hall located on the first floor. There are three sleep rooms and sanitary facilities located throughout the service. There is a kitchen where meals are prepared on-site, a reception, an office and relevant ancillary facilities. Two enclosed outdoor play areas are located to the rear and side of the building.

Staffing

There are 23 staff employed to work directly with children. There are two appointed service managers who operate the service on a daily basis that also provide cover in the care rooms if required. A cook, cleaner and maintenance person 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 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 9,11,19,23,25, 28 and 29.

A sampling process was used to assess compliance under regulation 19, as a result, the scope of the inspection included the Baby Junior room and the Baby Senior room.

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

(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) A designated person in charge of operating the service was present on the day of the inspection. There was a named person available who was able to deputise if required.

(b) During the period of the inspection, the designated person in charge was present and the staff roster indicated that this person or their deputy were always available on the premises.

(2)(a) Two written and validated references were available for all staff members employed to work at the service.

(b) References were submitted by staff from either their past employers or persons other than past employers.

(c) Garda vetting disclosures received from the National Vetting Bureau of An Garda Síochána were available for all staff employed to work at the service.

(d) Police vetting was available for 7 staff members who had resided outside of Ireland for longer than 6 consecutive months.

(4) Of the 27 staff files examined 21 staff working directly with children held an appropriate qualification in Early Childhood Care and Education or an equivalent such qualification.

Non-Compliance Information

(2)(d) Police vetting was not available for 1 staff member who had resided outside of Ireland for longer than 6 consecutive months.

(4) One staff member currently studying for a QQI Level 8 qualification working in the service did not have a letter from the college to state that she held at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework.

Two staff members had level 8 and 9 qualifications however evidence was not available to demonstrate that these qualifications/awards met the criteria as set out in the National Qualification Framework or a qualification deemed by the Minister to be equivalent in childcare.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

This staff member has notified her employer that she will no longer work in the service from 22/12/2023. The registered provider will monitor all curriculum vitae to determine if police clearance is required.

A letter demonstrating that the staff member is currently studying level 5 has been submitted. Going forward the registered provider will seek a letter from staff who are studying QQI Level 8.

The staff members who did not meet the qualification requirements have commenced working with the school aged childcare service.

Additional staff have been employed with the correct childcare qualifications.

Supporting documentation submitted

Photographic evidence has been submitted pertaining to staff qualifications, curriculum vitae and references.

Summary Comment

The actions as stated by the registered provider meet the regulatory requirements of regulation 9.

Part III – Management and Staff

Regulation 11 - Staffing levels

(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) At all times during the period of the inspection the person in charge ensured that an adequate number of staff were working directly with the children.

(2) On the day of the inspection there were 21 staff working across 9 rooms with 110 children present all of which attended full time.

The minimum ratio of staff to children was maintained and an adequate number of staff were working directly with the children in each room.

1. Baby Junior Room - There were 8 (1- 2) children and 2 staff present.
2. Baby Senior Room - There were 10 (1- 2) children and 2 staff present.
3. Wobbler Junior Room - There were 9 (1- 2) children and 3 staff present.
4. Wobbler Senior Room - There were 8 (2- 3) children and 2 staff present.
5. Toddlers Junior Room - there were 9 (2- 3) children and 2 staff present.
6. Preschool Junior Room - there were 22 (3 -4)years) children and 3 staff present.
7. Toddler Senior Room - there were 10 (3 -4)years) children and 2 staff present.
8. Preschool Senior Room - there were 20 (4 years) children and 3 staff present.
9. Preschool Junior 1 Room - there were 14 (2-3years) children and 2 staff present.

Additional staff were available to cover for staff breaks, kitchen duties and cleaning duties.

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

BASIC NEEDS:

Chicken Stew was served for dinner and each child had their own drinking bottle for water labelled and placed on a shelf accessible to the children.

Toilet training was based on the child's stage of development and their readiness to start training rather than their age.

Curriculum plans were displayed in the rooms upstairs in the service and a rota was displayed to ensure that all age groups got a turn to play in the gym room.

Parents provided face cloths for their child each day to maintain their child's hands and face clean following meals and activities.

Rest areas were evident in each room with floor mats and cushions available and children were observed to enjoy resting on them whilst flicking through books and chatting to their friends. Children under 2 years of age slept in cots when staff observed the cues that they were becoming tired. Children over 2 years of age slept on sleep beds in the gym room whilst the staff remained in the room to ensure the children's safety.

Staff were observed interacting well with the children, using soft tones of voice, using the child's name and getting down to their level and making eye contact.

Children were observed to play in the sand room supervised by a staff member. They played in their bare feet and were observed to enjoy lots of digging, shovelling, filling and emptying buckets of sand.

Most children were observed during the day playing in the secure outdoor play area which was well resourced with outdoor play equipment.

Non-Compliance Information

1. In the Baby Senior room activities with the children for the most part were adult directed. Play materials and equipment were not arranged so that they were visible and readily accessible to promote independent access by children. Books, pegboards, playdough, dress up clothes and wooden blocks were all stored in a locked press.
2. In the Baby Senior room, the sensory basket contained no real or natural play materials to promote and extend childrens learning and imaginative play. It contained plastic products only.
3. In the Baby Senior room there was no comfortable adult seating available for staff to sit and comfort a child if they became upset.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Additional play materials are now available on low level shelving and will be rotated daily. Management will check on a weekly basis to ensure that sufficient play materials are available to the children.

The contents of the sensory basket have been upgraded and management will check on a monthly basis to ensure sufficient natural real play materials are available.

An adult sized couch has been provided in the Baby Senior room.

Supporting documentation submitted

Photographic evidence was submitted of additional play materials and furniture available to the children and staff.

Summary Comment

The actions as stated by the registered provider meet the regulatory requirements of regulation 19.

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

Infection Control:

1. Staff in the Baby Senior room did not wash their hands before nappy changing. This increased the potential risk of cross infection between babies and between staff.
2. The nappy changing procedure displayed in the nappy changing area did not state that staff must wash their hands before they commence nappy changing.
3. Staff in the Baby Senior room were observed to wear one glove while changing childrens nappies. This increased the potential risk of cross infection between babies and between staff. It was also at variance to what was documented in the infection control policy standard operating procedure which stated 'staff must wear gloves while nappy changing'.

Safe Sleep:

4. The lighting in the Baby sleep room was too low, and the room was too dark making it difficult for staff to conduct direct visual checks on the sleeping children. The glass viewing panels were covered with posters and all light into the room was obscured. This posed a risk to monitoring the safety of children while sleeping.

Action submitted by the Registered Provider

Corrective & Preventive Action

Infection Control:

The nappy change policy has been reviewed and updated and staff have received training on the updated policy. Two gloves will be worn for all nappy changes. All policies for the service will be updated in January of each year.

Safe Sleep:

The lighting in the baby sleep room will be upgraded by installing a dimmer switch in January 2024.

Summary Comment

The actions as stated by the registered provider meet the regulatory requirements of regulation 23 and will be reviewed on the next inspection of the service.

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) There were three staff present who had completed the current first aid response certification for children.

(2)(a) Two First aid boxes were accessible and safely stored in the service both upstairs and downstairs.

(b)The first aid boxes were available if required by a child.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

Adequate insurance cover was available to cover the number of children attending the service.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are-

- (c) kept adequately lit, heated and ventilated.*
- (d) cleaned, maintained and repaired, as required.*

Non - Compliance Information

- (c) The nappy changing area off the Baby Senior room was poorly ventilated as there was an odour of nappies and the vent was observed to be dusty.
- (d) The paint work on the walls and around the back of the sink of the Baby Senior room was not maintained and was noted to be worn in different areas.
- Shelving in some of the rooms was stained and worn.

Action submitted by the Registered Provider

- (c) The ventilation system in nappy changing area off the Baby Senior room will be upgraded in January 2024.
- (d) Paint work on the walls and around the back of the sink of the Baby Senior room has been completed.
- Shelving in some of the rooms was stained and worn.

Summary Comment

The actions as stated by the registered provider meet the regulatory requirements of regulation 29 and will be reviewed on the next inspection of the service.