

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2016CC023
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<b>Name of Service:</b>	Rainbow Montessori School
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<b>Address of Service:</b>	Main Street, Ballinacurra, Midleton, Co Cork
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<b>Eircode:</b>	P25 E9P7
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<b>Name of Registered Provider:</b>	Niamh Fogarty
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	06/03/2025
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<b>No of pre-school children:</b>	AM	63	PM	24
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate Administration Building St Mary's Health Campus Gurranabraher Cork T23 X440
<b>Inspection undertaken by:</b>	D Prendergast
<b>Title:</b>	Early Years Inspector

### 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>	N/A
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### Description of service

Rainbow Montessori School is a full day care setting, that also provides sessional and part time care. It is registered to cater for children aged 2 to 6 years, along with school age care. Three daily sessional services are accommodated from 9.00am to 12.00pm, in conjunction with the Early Childhood Care and Education (ECCE) Scheme. Daily hours of operation are from 8.15am to 4.00pm.

Located in the village of Ballinacurra in Co Cork, the early years service includes two separate buildings. The original building consists of the Talented Turtles room. The Bright Butterflies room and the Busy Bees room are located in the adjacent building. Children's sanitary facilities are available adjoining the care rooms and two staff sanitary facilities are also provided; one in the main building and the second in a separate, adjacent building. The children have the use of two outdoor play areas on site, one of which includes an outdoor classroom.

### Staffing

There are 14 adults employed at the childcare facility and each is involved in the care of the children who attend. This includes the registered provider, who is available to provide cover as needed and three adults employed under the Access and Inclusion Model (AIM) support scheme. Three students were undertaking work placements at the setting.

### 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.

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 inspector wishes 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) The registered provider had assigned a person in charge to oversee the operation of the early years service, along with a named deputy. The roles of both adults were identified in writing.
  - (b) The person in charge was on duty at the setting when the inspector arrived and remained available throughout the inspection period. The registered provider arrived within a few minutes and was present for most of the inspection. A review of the staff roster indicated that the service was operated with either the person in charge, the registered provider or a deputy present.
- (2) Recruitment records in relation to the 14 adults who worked at the service were assessed for compliance. The three student files were also reviewed.
- (a) There were 21 written and validated references on file from past employers.
  - (b) Thirteen written and validated references had been provided by sources other than past employers.

- (c) Garda vetting disclosures had been obtained for 16 adults. However, evidence was unavailable to demonstrate that the service adhered to the re-vetting timeframes outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under Regulation 23 of this report. Garda vetting was not required for one of the students.
- (d) Police vetting was deemed to be required for three of the adults and copies of the relevant documents were maintained for two of these adults. Evidence on file indicated that the third adult had liaised with the relevant Embassy and was unable to obtain police vetting. This was due to the requirement for the adult to present in person as a current resident of the country, in order to obtain the police vetting.
- (4) Documentary evidence was available to demonstrate that 13 of the adults had attained a major award in Early Childhood Care and Education, as listed on the National Framework of Qualifications, or as recognised by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY). One of the adults held a Letter of Qualification Recognition. Qualifications were not required in respect of the three students.

### 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) Throughout the period of inspection, it was noted that an adequate number of adults worked with the children who attended the service.
- (2) The adult child ratios during the day of inspection met the requirements of the regulations as follows:
- In the morning, there were 63 children aged 2 ½ to 5 years, in attendance across the 3 care rooms. Nine adults were working directly with these children. Three students were not included in the adult child ratios.
- During the afternoon, there were 24 children aged 2½ to 5 years in attendance, with 4 adults involved in their direct care. In addition, the person in charge was present and the registered provider was also available for

part of the afternoon.

- (8)
- (a) There were at least two adults available on the premises throughout the duration of the inspection, and at all times in accordance with the staff roster.

### 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

(1)(a)

##### Basic needs:

- It was noted that the mid-morning snack was accommodated on a rolling basis from approximately 9.30am and the lunch meal was observed shortly after 2.00pm. In addition, the registered provider advised the inspector that breakfast was served at 8.00am daily, that a second snack was facilitated at midday and that the evening snack was available at 3.30pm. The timing of meal breaks therefore ensured that there were no gaps longer than two to three hours in between the children finishing one meal and receiving the next.
- The children had access to drinking water, should they become thirsty outside of the allocated mealtimes.
- Tissue boxes were appropriately placed around the care rooms, which allowed the children to attend to their own personal hygiene.
- During conversation, a staff member advised that children who required nappy changing were attended to during each sessional service and according to their individual needs. Toilet trained children were noted to use the adjacent, easily accessible sanitary facilities in an independent manner.
- The garden outdoor play area was well utilised at the time of inspection, with children from all three care rooms afforded opportunities to play here at various intervals throughout the day.

##### Supporting relationships:

- The adults demonstrated sensitivity, warmth and positive regard for the children in their care, as was evidenced through the use of positive language and encouragement.

- The children were observed to follow routine tasks such as mealtimes and transitions, with ease and appeared confident in their environment.
- The inspector was advised by the registered provider that regular communication among staff was ensured through the provision of monthly staff meetings. Written records to this effect were available. Some additional records were maintained in relation to staff supervision meetings.

### 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-*

*(b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.*

#### Compliance Information

- (1)
- (b) All three care rooms were furnished with cosy areas, which were available if a child needed time to relax, or opt out of scheduled activities. These spaces were furnished with cushioned seats or vinyl sofas, that were positioned next to book racks. Three stackable beds and linen were held in storage for children who may require sleep while in attendance.

### 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 to the original building was maintained secure when not in use. This minimised the risk of unauthorised persons gaining access and also reduced the likelihood of a child exiting unsupervised. The door to the newer building was also found to be secured when not in use.
- First aid boxes were stored out of the children's reach.
- A restrictive opening device was in use on a low-level cupboard in the Busy Bees room. This reduced the risk of children gaining access to potentially harmful materials.

### Infection control:

- The children were noted to wash their hands before the mid-morning snack and after using the toilet facility.
- A combination of shelf, wall hook and trolley storage were used for the children's coats and bags.
- The Busy Bees room and the Bright Butterflies room were adequately ventilated through open windows, which allowed for the circulation of fresh air.
- Cleaning, which included hoovering and sanitising table surfaces, was observed to be carried out while the children played outdoors.

### Administration of medication:

- The administration of medication to a child was not observed on the day of inspection.
- The medication stored at the service was noted to be maintained out of reach of the children, was in-date and was labelled.

### Safe sleep:

- None of the children were noted to sleep over the course of the inspection.

### Fire safety:

- Fire exit signage was illuminated.

### Outing:

- The inspector was advised that outings were not conducted as part of the programme of activities.

### Non-Compliance Information

#### General safety:

1. The Garda vetting disclosure available for one of the adults was not dated within the previous three years, in adherence to the Early Years Inspectorate Regulatory Notice, 'EYI-RN12.3 Renewal of Garda Vetting'.
2. The water temperatures at four of the children's wash hand basins exceeded 43°C, which posed a risk of scalding. In the sanitary facility shared by the Bright Butterflies and the Busy Bees care rooms, temperature readings of 46.3°C, 45.9°C, 46°C and 47°C were taken. It was acknowledged that once alerted to this, the registered provider reduced the thermostat. However, the water temperatures of 13.4°C, 14°C, 14.9°C and 13.7°C subsequently recorded were too low to ensure effective handwashing. Warm running water was also unavailable at the wash hand basin in the second staff sanitary when initially checked. A water temperature of 14.8°C was recorded.

- The risk of unauthorised access was not prevented at the rear of the original building. It was possible to open the side gate from the exterior and this gate provided access to the door of the Talented Turtles room, which was observed to be unsecured at various times during the inspection.

### Infection control:

- Cloth towels were observed in towel holders or next to wash hand basins, in most of the sanitary facilities:
  - There were two towels in the staff sanitary facility adjoining the Talented Turtles room
  - One towel was observed in the second staff sanitary facility
  - A towel was noted in the accessible toilet facility
  - A towel and a tea towel were stored beside the wash hand basins in the Bright Butterflies/Busy Bees sanitary area. A child was subsequently observed to dry their hands on one of these towels.

The shared use of cloth towels increased the risk of cross infection.

### Administration of medication:

- The registered provider confirmed that training in administering specific medication had not been provided for staff. This posed a risk that medication may be administered incorrectly to a child. This was also at variance with the service's medication management policy, which stated that key staff will be trained in relation to the administration of medications that relate to specific medical conditions.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General safety:

- In her written reply, the registered provider stated that the staff member has been on leave and will not be returning to the service. It will be ensured that renewal dates are checked every September.
- The thermostat was checked by a plumber, while servicing the boiler. The temperature is now 39°C in the shared sanitary facility and 40°C in the staff toilet. As a preventive measure, the plumber will check the thermostat annually and the manager and staff will check the water daily, to prevent any increase in temperatures.
- The response advised that the side gate cannot be locked, as it is a fire exit. The door of the Talented Turtles classroom, which is also a fire exit door, is now locked from the outside and it is fitted with a portable bell. Staff members will have a key to access this door from the exterior. This entry and exit process will be in place going forward.

### Infection control:

- Hand dryers are used in the new building. Staff advised that they had used tea towels in the classroom and towels for cleaning up spills. Paper towels are always available and staff have provided assurances that they will only use these in future. Staff toilet facilities also have paper towels. The manager will do regular checks to ensure that towels are not used in future. Only hand dryers or paper towels will be used.

### Administration of medication:

- The written reply outlined that all staff have been shown how to administer the medication. Step by step instructions regarding the administration of the medication have also been displayed on the staff notice board in the relevant classroom. Going forward, when a child receives a diagnosis that requires medication, all staff on the premises will be shown how to administer same.

### Supporting documentation submitted

#### General safety:

- The statement from the registered provider is accepted as evidence.
- A copy of the invoice from the plumber.
- Photographic evidence.

#### Infection Control:

- The statement from the registered provider is accepted as evidence.

#### Administration of medication:

- The statement from the registered provider is accepted as evidence.

### Summary Comment

The response and partial evidence submitted by the registered provider are accepted in meeting the regulatory requirements.

## 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.*

#### Compliance Information

(1) The available certification indicated that three of the adults who worked at the service had completed First Aid Responder (FAR) training. One of these adults was present throughout the hours of operation.

### Part VI - Safety

#### Regulation 28 - Insurance

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

#### Compliance Information

The insurance certificate indicated that adequate cover was in place for the full day care service, with an expiry date of 27 March 2025.

### Part VII - Premises and Space Requirements

#### Regulation 30 - Minimum space requirements

*(4) 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 clear floor space applicable for the duration of the sessional preschool service in respect of the children attending that service shall be the floor space specified in paragraph (3).*

#### Compliance Information

(4) The required clear floor space was available to cater for the age range and number of children, who attended the following care rooms on the morning of the inspection:

Room name and age range of children	Available clear floor space (as per the Fit for Purpose inspection on 3 April 2023)	Number of children in attendance	Category of service attended by children
Talented Turtles (2 ½ - 5 years)	90.21m <sup>2</sup>	30	ECCE sessional, as part of Full Day Care
Busy Bees (2 ½ - 4 years)	36m <sup>2</sup>	16	ECCE sessional
Bright Butterflies (3 - 5 years)	35.02m <sup>2</sup>	17	ECCE sessional

### Non-Compliance Information

(4) While it was acknowledged that there was sufficient space in the Busy Bees rooms to accommodate the 16 children, aged 2 ½ to 4 years present on the morning of the inspection, a staff member stated that the maximum number of children that attended this room at any one time was 21. This exceeded the 19 children approved to attend the care room, as per the available space requirements. The person in charge subsequently outlined that 21 referred to the number of children enrolled to attend the room. However, a sample review of 4 weeks attendance records demonstrated that 20 children had attended the Busy Bees room on 4<sup>th</sup> and 5<sup>th</sup> February 2025. This issue was also found at the previous inspection on 7 June 2023, in relation to the Bright Butterflies room. The CAPA response at the time outlined that some of the children present were not due to attend, but had been facilitated because of the bank holiday. It also stated that a staff meeting was held, to ensure that this did not reoccur and that a reminder letter was sent to parents. However, this remained an issue.

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

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

The written reply from the registered provider stated that this has been discussed with the classroom teachers. Letters have been sent to the parents of the children who attend part time, advising that if they miss a day it cannot be made up. There are 21 children enrolled in the classroom and this number is balanced out between part time and full time care. The manager will monitor this, to ensure the requirement is adhered to.

#### **Supporting documentation submitted**

The statement from the registered provider is accepted as evidence.

### Summary Comment

Based on the statement from the registered provider, regulatory compliance is determined to have been met.