

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2016CC023
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Name of Service:	Rainbow Montessori School
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Address of Service:	Main Street, Ballinacurra, Midleton, Co. Cork
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Eircode:	P25 E9P7
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Name of Registered Provider:	Niamh Fogarty
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	07/06/2023
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No of pre-school children:	AM	64	PM	21
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Address of the Early Years Inspectorate:	Early Years Inspectorate Administration Building St Mary's Health Campus Gurranabraher Cork
Inspection undertaken by:	D Prendergast
Title:	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).

Conditions if applicable	Not Applicable
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Description of service

Rainbow Montessori School is registered to cater for children aged two to six years. The service initially operated part time hours, however, following a recent Fit for Purpose inspection on 3 April 2023, it was approved to provide full day care for children in this age range. The Early Childhood Care and Education (ECCE) Scheme is facilitated from 9.00am to 12.00pm, each Monday through to Friday and the setting is open from 8.15am to 4.00pm daily.

The early years service is situated in the village of Ballinacurra in east Cork. The premises consists of three care rooms; the Talented Turtles, located on the ground floor of the main building and the Bright Butterflies and the Busy Bees rooms, which are both located in the newly registered, single storey building, to the rear. There is an outdoor classroom and an outdoor play area accessible alongside the new building and a second, sheltered outdoor space is located beside the main building. Children’s sanitary facilities are available adjoining the care rooms and there are two staff sanitary facilities provided; one in the main building and a second in a separate adjacent building.

Staffing

The service employs 11 adults, 10 of whom work directly with the children who attend. This includes the registered provider, a relief staff member and one adult employed under the Access and Inclusion Model (AIM) Support Scheme. One adult provides administration support and is not involved in the direct care of the children. In addition, there were two adults undertaking work experience at the time of inspection.

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 the child and safety. The inspections may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 11, 15, 19, 22, 23 and 25; however, on inspection, additional non-compliance which posed significant risk was identified under Regulation 30. These findings are outlined within the relevant regulation 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 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) A designated person in charge had been appointed to the early years setting, along with a deputy, who could deputise as required.
 - (b) When the inspection commenced, the registered provider was working at the service and was available throughout. The named person in charge was also present.
- (2) The registered provider confirmed that four adults had commenced working at the service since the previous inspection was carried out on 11 September 2020. This included two adults undertaking work experience. Therefore, recruitment records in relation to these adults were reviewed, along with the qualifications of all of the staff who worked with the children.
- (a) Of the eight required written and validated references, five had been obtained from past employers.

- (b) One of the required written and validated references on file was from a source other than a previous employer.
 - (c) Garda vetting was on file for all four of the adults.
 - (d) Police vetting was not required for three of the four adults.
- (4) A relevant award in Early Childhood Care and Education, as listed on the National Framework of Qualifications, was held by nine of the adults who were employed to work directly with the children. Qualifications were not required in respect of the two adults undertaking work experience or the staff member in the role of administration support.

Non-Compliance Information

- (2)
- (a)(b)
Two written and validated references were unavailable in respect of one staff member.
- (d)
The required police vetting was not on file for a staff member, who had lived in another State for more than six consecutive months, as an adult.
- (4)
Evidence was unavailable to demonstrate that the award held by one of the staff members met the minimum requirement of a level 5 award in Early Childhood Care and Education, as listed on the National Framework of Qualifications.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (2)
- (a)(b)
Two references for the employee are now in place. The administration support worker will ensure that all references are on file from each employee's start date.
- (d)
The police vetting has been applied for and will be forwarded as soon as it is returned. This employee does not work with the children and will remain working remotely from September. Administration support will carefully read all C.V.'s before employees start, to ensure that the requirement for police vetting will not be missed in future.

(4)

An application has been submitted to the DCEDIY to have the staff member's qualification verified. In future, it will be ensured that all qualifications are recognised by the DCEDIY.

Supporting documentation submitted

(2)

(a)(b)

Two written and validated references.

(d)

Correspondence was forwarded to evidence that the police vetting has been applied for.

(4)

A letter of Qualification Recognition from the Department of Children, Equality, Disability, Integration and Youth was forwarded.

Summary Comment

Parts (2)(a)(b) and (4) have been addressed. The police vetting remains outstanding. This will be reviewed at the next inspection.

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) At all times during the inspection period, an adequate number of adults were observed to be available to the children.

(2) The registered provider ensured that the requirements of the regulation were adhered to. The rooms were in operation as follows:

Time	Room Name and Age Range of Children	Number of Children Present	Number of Adults Present
9.52am	Talented Turtles (2 ½ - 5 years)	24	3
9.57am	Bright Butterflies (2 years and 4 months – 4 ½ years)	22	2
10.07am	Busy Bees (3 – 5 years)	18	2

The two adults undertaking work experience were not included in the adult child ratios.

At 1.29pm in the afternoon, there was a total of 21 children, aged 2 years and 4 months to 5 years attending the Talented Turtles room, with 4 adults available.

- (8)
- (a) A minimum of two adults were consistently available on the premises throughout the inspection process and review of the staff roster also confirmed this practice.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

Compliance Information

- (1) It was established that a total of 75 children were enrolled at the service. A sample of 18 children's registration forms were assessed and included the requirements listed from (a) through to (i).

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:

- The facilitation of meals was appropriately timed to meet the children's needs. The registered provider stated that breakfast was usually accommodated at 8.30am. This was followed by a rolling snack time, from approximately 9.45am, which was observed in practice in the care rooms. This allowed the children to choose when they wished to have their snack. A second snack was served shortly after midday and lunch took place at 1.15pm. The inspector was also advised that children remaining after 2.30pm were offered an additional meal break as required.
- The children's independent use of the toilet facilities was encouraged and supported by the adults. A nappy changing facility was available for any child who required nappy changing.
- Within the care rooms, boxes of tissues were stored at the children's level, which supported them to attend to their own personal hygiene.
- The adults encouraged the children to interact positively with one another by modelling kind behaviour, for example, by speaking in low tones of voice, acknowledging the children's interests and through welcoming children's participation during circle time activities.
- Cosy areas were provided in the care rooms, to meet the children's need for rest and relaxation.
- All of the children were accommodated to engage in active play and movement, in the main outdoor play environment, at the front of the new building.

Physical and material environment:

- In each of the care rooms, the play and learning resources were readily available to the children, which allowed them to select and explore items according to their interests.
- The low set shelving units displayed a range of materials, which supported key developmental areas. For example:

- The broad variety of Montessori equipment provided opportunities for the development of practical life skills, cognition and literacy and numeracy skills.
- Books encouraged language development
- Art and craft materials supported creativity and mark making
- Connectable shapes and jigsaws promoted fine motor skills
- Since the Fit for Purpose inspection, the main outdoor area in front of the new building had been further developed to include artificial grass and a range of equipment to enhance the children’s gross motor development, such as climbing frames, slides, a tunnel and seesaws. Exploration through the senses was encouraged through the availability of water play and a sand tray with digging toys.
- The outdoor classroom beside the new building was furnished with child sized tables and chairs for table top activities and included a selection of materials similar to those within the main care rooms, such as connectable shapes, jigsaws, dressing frames, painting supplies, a sand tray and large chalk boards.
- A sheltered outdoor space was also provided adjoining the Talented Turtles room and was noted to include play kitchens, a water tray, a supply of books and an art easel.

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

- Food provision for the children’s meals was shared between the service and the children’s parents or guardians; breakfast and the midday snack were supplied by the service, while the remaining snacks and lunch meal were provided by parents or guardians.
- The midday snack consisted of buttered crackers with cheese and water to drink.
- At lunch time, examples of the snacks provided for the children who attended part time care included sandwiches, rice cakes, cheese and fruit such as apples and strawberries. The children who remained at the setting for full day care had hot meals, such as chicken fajitas with peppers and pasta with vegetables.
- Drinking water was freely available to the children at all times, including during outdoor play.
- The inspector was informed that one of the children had a dietary requirement and that this was managed through ensuring that the snacks offered by the service did not contain the relevant ingredient.
- The registered provider confirmed that the children were free to retrieve snacks from their lunchboxes, if they became hungry outside of the allocated mealtimes. It was noted that rice cakes were also offered to the children during the main lunch meal.

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 entrance doors to both buildings were maintained secure when not in use, which minimised the risk of unauthorised access to the care rooms and reduced the risk of a child exiting while unsupervised.
- There were no trailing flexes or cables accessible to the children.
- Visibility markings were available on the glass panelled door in the Busy Bees room, which reduced the risk of a collision injury.
- All examined equipment and materials were well maintained and free from pinch points.

Infection Control:

- Adequate handwashing facilities were available; wash hand basins were supplied with warm running water and liquid soap. Disposable paper towelling, electric hand dryers, or both were in place for hygienic hand drying and foot pedal operated bins were also provided.
- Handwashing was observed to take place following outdoor play in the Talented Turtles room and before the lunch meal.
- The Bright Butterflies room and the Busy Bees room were supplied with a source of natural ventilation, through openable windows.
- All care rooms appeared clean and well maintained.

Administration of Medication:

- The administration of medication was not observed at the time of inspection.
- The inspector was informed that none of the children who attended had been prescribed medication.

Safe Sleep:

- None of the children were noted to sleep when the inspection took place.

Fire Safety:

- There were no fire safety concerns noted.

Outings:

- The inspector was advised that outings were not undertaken.

Non-Compliance Information

General Safety:

1. The outdoor play area in front of the new building was not adequately secured to prevent access by unauthorised persons or the unsupervised exit of a child. A small, free standing wooden partition had been placed in front of an area of low wall, however, this could be easily moved and the wall was of a height that could allow a child to exit, or an unauthorised person to enter. In addition, the wooden trellis that had been installed on top of another section of low wall, following the Fit for Purpose inspection, was insufficiently robust to prevent unauthorised access or to prevent a child from exiting.
2. A selection of ride on toys, seesaws and buggies were piled together at the side of the building, adjacent to the entrance door to the Busy Bees room, which created potential trip hazards for the children. It was acknowledged that a free-standing partition had been placed in front of this general area to deter the children from entering during outdoor play. However, the partition was moveable and the area was used by children and staff to re-enter the care room following outdoor play.

Infection Control:

3. One of the children's toilets in the new building was used to store a number of items, which posed a risk of cross infection. These included a Hoover, a mop bucket, a guitar case, an unlidded container with artwork and folders and a clothes rail with cloth storage bags. A second clothes rail was also stored in the main sanitary area.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. A new fence will be erected over the summer holidays. Completion of same by the builder is awaited. Staff will ensure that all of the site is safe and secure at all times, through having the new fence in place that is of sufficient height and strength.
2. There is now a storage unit in place at the back wall of the premises, to store the equipment.

Infection Control:

3. The toilet was cleared out on day of inspection. All staff have been reminded not to use this area as a storage area.

Supporting documentation submitted

General Safety:

1. Photographs of the wooden panel in place to secure the area of low wall and photographs of the new wooden fencing in the second area.
2. Photographs of the storage unit and general area were submitted as evidence.

Infection Control:

3. Photographic evidence to demonstrate that the sanitary area is no longer used for storage.

Summary Comment

The response from the registered provider was accepted in meeting the requirements of the regulation.

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) One of the adults had recently completed First Aid Responder (FAR) training and the relevant certification was awaited. Correspondence from the course facilitator was available to confirm that said adult had undertaken the training and that the certificate would be issued in due course.

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).

Non-Compliance Information

(4) During the operation of the sessional service, there was inadequate space available in the Bright Butterflies room for the 22 children who were in attendance. It was noted that 9 of the 22 children were accommodated in the adjacent outdoor classroom for part of the session, however, at the recent Fit for Purpose inspection on 3 April 2023, the Bright Butterflies room was measured at 35.02m² and was therefore approved to cater for no more than 19 children attending the sessional service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Some of the children who attended on the day were not due to attend, but because of the bank holiday and closing an extra day, parents sent their children in. A staff meeting was held, to ensure that this does not happen again. A letter has been sent to parents to remind them of same.

Supporting documentation submitted

The statement from the registered provider is accepted as evidence.

Summary Comment

The non-compliance identified under this regulation has been adequately addressed.