

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2016KY006
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Name of Service:	Benin Casa Montessori School
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Address of Service:	Ballyvelly House, Ballyvelly, Tralee, Co. Kerry
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Eircode:	V92 XF2R
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Name of Registered Provider:	Maria Mcgrath
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	22/02/2024
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No of pre-school children:	AM	47	PM	12
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Address of the Early Years Inspectorate:	13 Market Square, Mallow, Cork. P51 5DDY
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Inspection undertaken by:	E. Friel
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Title:	Early Years Inspector
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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	N/A
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Description of service

Benin Casa Montessori School is a private early years care and education facility offering a choice of full day, part-time and sessional services, providing both Montessori and Play based curricula. While the service is registered to open between the hours of 8.00 am to 6.30 pm, current opening hours are from 8.30 am until 4.30 pm, and children attending are aged from 2 years to 6 years of age. The Early Childhood Care and Education (ECCE) Scheme is facilitated between 9.00 am and 12.00 noon, 38 weeks of the year.

Benin Casa Montessori School is located in Ballyvelly, a rural area on the outskirts of Tralee Town in County Kerry. The service operates from purposefully converted buildings positioned within the courtyard of the registered provider's home. There are three care rooms namely: Ladybird, Garden and Rainbow and each care room has two children's sanitary areas, the Ladybird sanitary area is also fitted with a children's changing unit. All three care rooms have access to secure communal outdoor play areas and an enclosed outdoor classroom. There are two adult toilets available, and the car parking area is located at the rear of the buildings.

Staffing

There are eleven staff members currently employed in the service including the registered provider and three AIM Support Workers. In addition, three students were on placement on the day 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 child and safety. 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, assistant manager, person in charge, named persons, 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*
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.*

(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 ensured that there was a designated person in charge and named persons available to deputise. In addition, the assistant manager was available throughout the inspection process.
- (b) The assistant manager, designated person in charge and named persons were available while the early years children were present in the service.
- (c) There was a clear management structure in the service and staff were aware of their roles and responsibilities.
- (2) Fourteen recruitment files were reviewed; these included the eleven staff members and three students:
- (a) (b) There were fourteen validated references from past employers and fourteen validated references from sources other than past employers.
- (c) Garda vetting disclosures had been obtained for all fourteen adults. However, the service did not adhere to the re-vetting timeframes as 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.
- (d) International police vetting disclosures were available for five of the seven adults for whom they were required, who had resided outside of the State for a period of six consecutive months or longer as adults.
- (4) Qualification certificates on file, for each adult working directly with the children, indicated that eight adults had obtained a major award in Early Childhood Care and Education, ranging from levels 6 to level 8 on the National Framework of Qualifications.

In addition, three adults had a Letter of Eligibility to Practice from the Department of Children, Equality, Disability, Integration and Youth. The three students on placement, who were not in ratio, did not require qualifications.

Non-Compliance Information

- (2)
- (d) One adult was missing two international police vetting disclosures and the second adult was missing one international police vetting disclosure as evidenced by their curricula vitae, which indicated that the two adults had lived outside the State for six consecutive months or longer as adults.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The following statements were received from the deputy manager:

- (2)
- (d) One international police vetting disclosure is now on file for adult one and an application for the second disclosure has been made. The second adult was not out of State for 6 consecutive months or more as an adult and has provided evidence which has been added to their recruitment file. Management will ensure in the future that any gaps in curriculum vitae are fully completed before commencement of employment.

Supporting documentation submitted

- (2)
- (d) The following documents were received in the office of the early years inspectorate; One international police vetting disclosure, evidence of application for a second disclosure and copies of proof of residency in Ireland which confirmed that international police vetting was not required for the second adult.

Summary Comment

The evidence submitted by the registered provider has adequately addressed the non-compliances under Regulation 9 (2) (d).

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) The registered provider ensured that there were an adequate number of adults working directly with the children at all times.

(2) The adult/child ratios were met.

Room	am	Pm
Garden (2 years 11 months to 4 years old)	15 children were supervised by 3 staff members. 1 student on placement.	In the afternoon from 1.30 pm, the 3 rooms came together, there were 12 children supervised by 2 staff members in the Garden care room.
Rainbow (3 years – 4 years old)	13 children were supervised by 3 staff members. 1 student on placement.	
Ladybirds (4 years - 5 years old)	19 children were supervised by 3 staff members. 1 student on placement.	

(8)

(a) Staff rosters were available to evidence that there were at least two adults on the premises at all times.

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.*

(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-
(c) an authorised person.

(4) A registered provider shall ensure that a record in writing referred to in paragraph (1) is retained for a period of 2 years from the date on which the child to whom it relates ceases to attend the service.

Compliance Information

- (1) A sample of fifteen Records of the pre-school children attending the service were reviewed. These were found to contain the required particulars of (a) – (i) above.
- (3) The records of the pre-school children were available for review by the inspector.
- (4) The assistant manager was aware that records of the pre-school children are retained for a period of two years, from the date on which the child to whom the record relates ceases to attend the service.

Part IV – Information and Records

Regulation 16 – Record in relation to pre-school service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult: child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

Compliance Information

- (a) The name, position, qualifications and experience of the registered provider, assistant manager, person in charge and all employees and students were available from the staff and student recruitment files.
- (b) Details of the class of service and the age profile of children for which the service is registered to provide services were available from the Tusla Registration Certificate visible on the wall in the office.
- (c), (d), (e) & (f) Details of the adult: child ratios in the service; the type of care or programme provided in the service; the facilities available and the opening hours and fees were available in documents sent to the parents/guardians at the beginning of the year.
- (g) The policies, procedures and statements the service is required to maintain in accordance with Regulation 10 were available on soft copy in the office.
- (h) Details of attendance by each pre-school child, and the adults working with the children on a daily basis, were noted to be recorded in the record keeping journals available in each care room.

- (i) Details of staff rosters, on a daily basis, were each care available in each care room.
- (j) Staff stated that no medication had been administered to a pre-school child attending the service.
Administration of Medication forms were available, should they be required.
- (k) A sample of twelve accident/incident forms involving early years children attending the service in the Garden Care room were reviewed, these were found to contain the necessary particulars including the child's name, date of birth, details of the accident/incident, care administered and the signatures of staff and parents/guardians.

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:

- The service promoted mindful and healthy eating, and this was reflected on the day of inspection. The children were observed giving thanks for the food their parents/parents had prepared, which was served at regular intervals throughout the day. Children were observed eating snack at 10.30 am in the Garden care room which consisted of bite sized pieces of fruit, filled sandwiches, yogurt and cheese. Various hot lunches were observed at 1.30 pm including spaghetti bolognese, scrambled egg, chicken and carrots and potatoes. Alternative food was available, if required.
- Water was accessible at all times from individual bottles and cutlery and crockery were available if required.
- Children were given sufficient time to eat, and one child was observed sitting eating long after the others had moved on to different activities.
- Children in the Rainbow and Garden care rooms were observed accessing the toilets independently, staff were nearby to provide reminders to wash hands. Staff stated that there were no children in nappies.
- The inspector observed that independence in all care rooms was encouraged and supported. Children were observed putting on their waterproofs, jackets, hats and scarves for outdoor play.

One child was also observed using a child sized dustpan and brush to sweep the floor. Staff were nearby to provide assistance, if required.

- All care rooms were fitted with rest/quiet areas with soft furnishings including large square and oblong cushions and bean bags. Each area was large and bright with a rug on the floor, and age and stage appropriate books were available from nearby shelving.
- Staff were observed supporting children to engage positively with each other and to help find solutions to minor issues particularly around turn taking during activities. An example included one child waiting for a glue stick who was gently informed that they would need to wait their turn and was then distracted by the member of staff until the glue stick was available.

SUPPORTING CHILDREN'S RELATIONSHIPS:

- The inspector observed staff, in all care rooms, sitting with children at tables and on individual mats on the floor. They engaged the children in social conversation and when required were heard questioning and discussing equipment which helped extend the children's activities.
- Staff members in the Garden care room demonstrated warmth and sensitivity with a child transitioning into the service who got upset when they spilled their yogurt at snack time. The staff member, on hearing the child was crying, went over bent down to the child's level and asked gently if she could help. The staff member was observed to be patient and kind and helped the child to wash their hands when requested.
- Children demonstrated a sense of pride in their achievements and were heard calling staff members to share their accomplishments. Examples included staff readily acknowledging a tall tower a child had built and also praising a child for washing their hands independently.
- Team work in each room was observed with staff engaging warmly with each other discussing the mornings events and activities.
- Staff stated informal care room meetings take place daily and weekly. These were documented and examples were presented to the inspector which included the planning of themes and activities. Staff meetings were stated as taking place each term with topics discussed including training, resources, planning and cleaning.
- Communication with parents was observed at drop off and collection with staff in all care rooms observed chatting with parents at the doors at collection time. Staff stated that they also use emails and phone calls to discuss issues and exchange information.

PHYSICAL AND MATERIAL ENVIRONMENT:

- Each room had a range of Play-based and Montessori equipment that offered opportunities to enhance the learning needs of the children across all developmental areas. These included practical life activities for example, buttering bread and squeezing oranges helping to develop motor control and independence. Building blocks and puzzles were available providing opportunities for cognitive development.
- Play materials and resources were observed to be stored on low-level shelving which was easily accessible and offered choice while promoting independence.
- Wooden tables and chairs, appropriate to the age and stage of the children in the care rooms, were provided for the children to sit on and carry out activities.
- Individual mats were available, in all care rooms, for each child to sit on the floor and work on their own.
- The walls were decorated with themed artwork including individual children’s solar systems in the Ladybird room, jobs lists with children’s photographs attached, family trees with pictures of the children and their families and birthday balloons with each child’s photograph and month of birth.
- There were three secure outdoor areas in use on the day of inspection: The outdoor classroom, mud kitchen area, and the digging area. The outdoor classroom offered a range of appropriate equipment including a flower shop with a till and pails with fresh flowers including roses and tulips providing opportunities for imaginary and role play. In addition, blackboards and chalk offered opportunities for mark making and construction materials including shapes and blocks were available for cognitive development. The mud kitchen area had two large wooden kitchens in which a number of children were happily carrying out pretend play with metal bowls and utensils. The children in the digging area were busily engaged in sensory play with a mud pie in a large pot adding natural ingredients while others were running around with their friends enhancing their gross motor skills. All of the children were observed playing in the outdoor area on the day of inspection.

PROGRAMME OF ACTIVITIES:

- The inspector observed that the children’s language development was supported through one to one and group discussions, songs, poems and storytelling in both English and Irish. Examples of the songs “Good morning to you”, “Thank you poem”, and storytelling including “The Comet” about the solar system which has been part of the children’s recent curriculum.

- Activities were child led and the children had the opportunity to exercise choice in relation to engaging in activities.
- Children were facilitated to make own choice in selecting equipment and sharing was promoted with many children working collaboratively both indoors and outdoors.

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 doors of the care rooms were fitted with number key pads ensuring that no unauthorised adult could enter any of the rooms. Electronic switches, located on the frame of each main internal exit door, were inaccessible by the children ensuring that no child could leave the building unsupervised.
- The assistant manager's office door was closed preventing children from accessing an unsafe area.
- Window openings were out of reach of the children, ensuring that no child could exit through them.
- Handrails were provided, from the main exit doors in the Ladybird care room, aiding children to safely navigate from the care room to the courtyard.
- All indoor and outdoor resources and toys were observed to be in good condition and well maintained.
- Storage units were anchored to the walls in all care rooms.
- Flexes from the fridge and humidifier were stored out of reach of the children in the Ladybird care room.
- Cleaning agents for each care room were located in a high cupboard, inaccessible by the children, in the sanitary area of each care room.
- New metal fencing, gates and railings had been installed, since the last inspection, which enhanced the safety of the outdoor play areas and prevented children from accessing unsafe areas such as the car park.

Infection Control:

- Each child had access to a cubby house to store their belongings, boot rack where they could store their boots off the ground, and an individually labelled hook to hang their coats, helping to prevent the transmission of infection.

- A child in the Garden care room was observed accessing a tissue and disposing of it in a pedal operated bin.
- All wash hand basins in use in the sanitary areas, by the adults and children, were supplied with thermostatically controlled hot water ranging from 30.4°C to 37.4°C, dispensing soap, paper towels and pedal operated bins to dispose of paper waste.
- Children were observed washing their hands before snack, after toileting and coming in from the outdoor play areas.
- Disinfection checklists of the communal areas, care rooms and bathrooms were observed to be completed in the Garden Care room.
- The air vents in all of the sanitary areas were observed to be free of dust aiding the circulation of fresh air in these areas.

Administration of Medication:

- Anti-febrile medication was available and stored in its original container. It was located in a high cupboard in the Rainbow sanitary area which was inaccessible to the children.

Safe Sleep:

- All care rooms had rest/quiet areas where the children could sit away from noisy activities.

Fire Safety:

- Emergency fire exits were observed to be unobstructed.
- All fire doors had thumb twist cylinders or push bars which were fitted with alarms, thus alerting adults should a child attempt to leave any of the care rooms unsupervised.
- Firefighting equipment was secured to the walls, ensuring that it would not tip or fall on a child.
- A fire assembly point was located in the courtyard a suitable distance from the care rooms.

Outing:

- The assistant manager stated that the children do not go on outings.

Non-Compliance Information

General Safety:

- (1) Garda vetting was available for all fourteen adults. However, one vetting disclosure was not dated within the previous three years in adherence with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.
- (2) The inspector observed a hanging aerial wire, accessible to the children, in the outdoor mud kitchen area, posing a safety risk should the children come into contact with it.

(3) A water hose pipe, which was hanging down from a hook in coils, in the mud kitchen area, represented a tripping hazard for the children as it was located on the ground directly in front of one of the entrance/exit gates to the area.

Infection Control:

(4) A rubbish bin in operation at the sink in the Ladybird care room, with several pieces of used blue roll inside, was not lidded or pedal operated. This did not ensure that hygiene levels could be maintained for the children or adults using the bin.

(5) The inspector observed children in the Garden care room taking perishable food out of their bags which had been stored in the reception area of the building. In conversation, a staff member stated that perishable food is not currently stored in the fridge in the reception area posing a risk of the food spoiling from being left for long periods at room temperature.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

- (1) A Garda vetting application was submitted following the inspection. A database of Garda vetting expiry dates has been created in the service to ensure a timely application is made in the future.
- (2) (3) Both the aerial wire and water hose were removed from wall of the outdoor mud kitchen area. A risk assessment will be carried out in all areas before the children are allowed in the outdoor areas.

Infection Control:

- (4) The bin in the Ladybird room was removed and replaced with a pedal operated bin. The floor manager will ensure that all broken equipment is removed and replaced in order to prevent the spread of infection.
- (5) Staff, in all rooms, have been reminded that perishable food must be stored in the fridges provided.

Supporting documentation submitted

The following documentation and photographic evidence were received in the office of the inspectorate.

General Safety:

- (1) Proof of receipt of an application for Garda vetting.
- (2) & (3) Photographs of the aerial wire and water hose removed from the outdoor mud kitchen area.

Infection Control:

- (4) & (5) Photographs of the new bin and perishable food stored in the fridge of the Garden care room.

Summary Comment

The non-compliances found under Regulation 23 on inspection have been addressed.

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) Certificates were on file to evidence that the registered provider had ensured that at least three staff members had First Aid Responder (FAR) training completed.

(2)

(a) (b) The suitably equipped first aid box, located in the Garden care room, was easily accessible to the staff, stored in a cupboard above the adult sink. It was accessible at all times while the early years children were present.

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.

(2) The record referred to in paragraph (1) shall be open to inspection by-
(c) an authorised person.

(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) Written records of regular monthly fire drills were available; the last fire drill was recorded on 22 January 2024.
- (b) A written record was available detailing the number, type and maintenance of firefighting equipment and the smoke alarms. The maintenance certificate for the firefighting equipment was dated 6 August 2023 and the smoke alarm certificate was dated 19 December 2023.
- (2)
- (c) The firefighting and smoke alarm certificates were open to review by the inspector.
- (4) Details of the fire evacuation procedures were available in the reception area of the Rainbow care room.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

An insurance certificate was available which stated that the service is insured for 50 full day care children. The expiry date of the certificate was noted as 27 March 2024 and included details of public liability, and fire and theft.