

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2018FL510
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<b>Name of Service:</b>	First Steps Academy Crèche & Montessori Ltd.
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<b>Address of Service:</b>	The Hermitage, Balgriffin, Dublin 13, Co. Dublin
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<b>Eircode:</b>	D13 CXP7
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<b>Name of Registered Provider:</b>	Shirley Flannery
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date(s) of Inspection:</b>	31/08/2023
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<b>No of pre-school children:</b>	AM	57	PM	27
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, 180-189 Lakeshore Drive, Airsíde Business Park, Swords, Co. Dublin
<b>Inspection undertaken by:</b>	M. McDonnell and N. McEndoo
<b>Title:</b>	Early Years Inspectors

### Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

<b>Conditions if applicable</b>	Not applicable.
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### Description of service

First Steps Academy Crèche & Montessori Ltd. Is one of two services operated by the registered provider. The service provides care for children aged from 1 to 6 years old. The service operates from 8.00am to 6.00pm and provides a full day, part-time and sessional care. The service participates in the Early Childhood and Education Scheme (ECCE).

The service is located in a residential area on the ground floor of an apartment block in Dublin. There are six care rooms which consist of a Baby Bear room, a Snuggle room, a Cub room, a Teddy Bear room, Polar Bear room, a Buddy room and a separate cot room is available. The Buddy room is used in the morning for children attending an ECCE session and in the afternoon for children attending the registered school age care service. There is a garden area to the rear of the property, an onsite kitchen and sanitary facilities available for staff and children.

### Staffing

The registered provider does not work in the service. There are 13 staff members employed in the service, 11 who provide direct care under the support of 2 managers who work in a supernumerary capacity. On the day of inspection there were 3 staff who worked in the afternoon from the registered provider's other service.

### 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 inspections may also focus on other areas as required.

This inspection was unannounced and focused on an examination of compliance under Regulation 9; (1)(a)(b), (2)(a)(b)(c)(d), (4),(6A),(7), Regulation 11; (1), (2), Regulation 15, (1)(a) to (i),(3)(c), Regulation 19; (1)(a), Regulation 22, Regulation 23, and Regulation 25, (1)(2)(a)(b). The findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under;

Regulation 15- Record of pre-school child,

Regulation 19- Health, Welfare and Development of child,

Regulation 22-Food & Drink,

Regulation 23- Safeguarding Health, Safety and Welfare of Child,

Regulation 25- First Aid.

Sampling under Regulation 19, Regulation 22 and Regulation 23 included the Baby Bear, Cub and Snuggles room and did not include the Teddy Bear, Polar Bear and Buddy Rooms. Regulation 9 - Management and Recruitment was assessed in relation to all staff working in the service and Regulation 11- Staffing Levels were assessed in relation to all children in attendance.

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.

### Additional Information

An Immediate Action Notice (IAN) was issued on the day of inspection in relation to regulation 23 Safety. A response to the immediate action notice was received on the 1 September 2023.

### Acknowledgments

The inspectors wish to acknowledge the cooperation of the 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*
- (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.*

*(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.*

*(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.*

*(6A) is inserted by S.I. No.632 of 2016 CHILD CARE ACT 1991 (EARLY YEARS SERVICES) (AMENDMENT) REGULATIONS 2016 which states; Regulation 9 of the Child Care Act 1991 (Early Years Services) Regulations (S.I. No. 221 of 2016) is amended - in paragraph (4), by the substitution of “paragraphs (5), (6) and (6A)” for “paragraphs (5) and (6)”, and (b) by the insertion of the following paragraph after paragraph (6): “*

*(6A) Paragraph (4) shall not apply to an employee of a registered provider where - (a) the registered provider receives funding for the employment of the employee pursuant to a scheme funded by the Minister and known as the Access and Inclusion Model, and (b) the employment of the employee is for the purpose of providing support, pursuant to the scheme referred to in subparagraph (a), for a child attending the service to enable the child to participate in the programme known as the Early Childhood Care and Education (ECCE) funding Programme.”*

*(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:*

- (a) the policies, procedures and statements of the service specified in Schedule 5;*
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and*
- (c) these Regulations.*

## Compliance Information

(1) (a) On the inspectors’ unannounced arrival the person in charge of the service was available.

(b) A roster was available to demonstrate that the person in charge or designated deputy person in charge was available on the premises at all times.

(c) There was a clearly defined management structure in the service. A management structure was in place and displayed within the service on the main notice board which was visible to parents and visitors.

The inspectors assessed the staff files of the 13 staff who were rostered to work in the service and 3 staff who came from a neighbouring service in the afternoon. The registered provider’s file was also assessed.

(2) (a) Of the 34 references required, there were 30 written and validated references available from a past employer. Two written and validated references were available for 14 staff members.

(b) Of the 34 references required, there were 4 written references available from a source other than a past employer.

(c) A Garda vetting disclosure was available for the registered provider and all 16 staff members.

(d) A review of documentation demonstrated that either police vetting was not required or was available for staff who had lived in a jurisdiction other than the State for a period of more than 6 consecutive months as an adult.

(3) A review of the documentation demonstrated that the procedures outlined above had been carried out prior to the staff members commencing employment with the children.

(4) There was documentation to demonstrated that 16 staff members and the registered provider held a major award in Early Childhood Care and Education at or equivalent to a level 5 or above on the National Qualification Framework or a qualification deemed by the Minister to be equivalent.

(6A) The service had two staff members employed under the access and inclusion scheme.

(7) (a) Documentation evidence was available to demonstrate that there had been a staff induction programme. Staff who spoke with inspectors noted they had received training and this was reflected in an induction record maintained in the staff member's file.

## 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 was an adequate number of staff working with the children at all times.

(2) The following ratios were observed on the day of inspection.

- In the Baby Bear room there was 1 adult working with 5 children aged 1 – 2 years old.
- In the Cub room there were 2 adults working with 11 children aged 3 – 4 years old.
- In the Teddy Bear room there was 1 adult working with 5 children aged 1 – 2 years old.
- In the Snuggle room there was 1 adult working with 5 children aged 2 – 3 years old.
- In the Polar room there was 1 adult working with 9 children aged 2.5 – 4 years old on a sessional basis.
- In the Buddy room there were 2 adults working with 12 children aged 3 – 5 years old.

There were two management staff available, in a supernumerary capacity, to support break cover, nappy changing and provide assistance during sleep.

(8) A review of the rosters and sign in sheets demonstrated that there were two staff members available during the operational hours of the service.

### 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.*

#### Compliance Information

- (1) (a)-(e), (h)(i) The inspectors reviewed a random sample of 10 files of the 57 children who attended the service on the day of inspection. The files reviewed contained the information required.
- (3) (c) The inspector was able to review the files in the service on the day of inspection.

#### Non-Compliance Information

- (1)(g) The registered provider did not ensure that all information pertaining to a medical practitioner was available. On a review of the sample of 10 children's files information relating to the name and telephone number of the medical practitioner was missing from 2 files.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

The registered provider stated that some of the families have moved recently to Ireland and they have not yet registered with a medical practitioner. As a preventive action the registered provider stated that parents will be requested to provide this information. They will be asked to register with a medical practitioner prior to commencing their place with and to provide the service with their details.

### Summary Comment

The actions taken by the registered provider in the corrective and preventive action plan have addressed the non-compliance identified on inspection.

## 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*

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

*(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.*

### Compliance Information

(1) (a) The inspectors observed children's well-being, learning and development being facilitated.

- Children were given clear instructions when tasks and activities were changing in the Cubs Room. Throughout the morning of the inspection children were given information as to what was happening next, given time to transition and staff interacted with them in a playful way, for example when tidying up.
- Children were supported to be independent. In the Cubs room children were asked if they needed help putting on their coats, allowed choice on where they sat for snack and lunch and the room layout supported the children to choose their own activities.
- Children who did not require sleep in the Cubs room were facilitated with the opportunity to play in another room whilst their peers slept.

- All children attending the service were observed to take part in outdoor play. On occasion more than one group were given the opportunity to play in the garden area alongside their peers from other rooms in the service.
- There was a range of equipment in the outdoor area to support gross motor development. This included play equipment such as slides, climbing areas, tyres and balls.

(1) (b) The inspectors observed appropriate care practices during the inspection. The following was observed.

- Children's independence was supported in regard to toilet training. Staff spoke about the communication with parents throughout the training process. Staff reacted immediately when children showed signs of needing the toilet and children were provided with help.
- During nappy changing the staff member spoke and interacted positively with the children.
- Children were observed to be cuddled and comforted throughout the service as required.
- Children in the Baby Bears room had their faces and hands washed with individual cloths after eating.

### Non-Compliance Information

(1) (a)

1. The registered provider did not ensure that the play equipment available in the Baby Bears care room supported the children's age and stages of development. The following was observed.
  - There was no push-pull toys available to support children's gross motor development.
  - A limited supply of kitchen toys was available; however, no kitchen/home area was present in the room limiting the opportunity for imaginary role play.
  - There was no adult furniture in the Baby Bears room. When children were upset, staff had to sit with the child on their lap on the floor to provide care and attention.

(1) (b)

2. The inspector observed that children's needs were not met in a timely manner. A child in the Baby Bears room was observed to be wet after spilling water from a beaker on themselves during snack time at 10:35am. The child went unchanged until 11.40am. It is acknowledged that inspectors observed that children's nappies were changed both on a regular basis and as required, and noses were wiped when required.

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

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

(1)(a) 1. The registered provider stated that Push-Pull toys are available in the garden as there is more freedom of movement. Some of the pretend areas, including the kitchen, are shared and rotated between the rooms.

Teacher in the room asked us to remove the rocking chair as she preferred to be eye level with the kids. Ensure that all Boo Boo Bear staff know that there is a chair available for them but our preference would be to get down to the level of the child. Adult furniture is now available at all times. Push-Pull toys have been brought to Boo-boo Bears Room and make sure that they are always accessible for the kids.

(1)(b) 2. The registered provider stated that this was an isolated incident. The staff were spoken too about this. The registered provider will ensure that staff change wet clothes immediately when needed.

#### **Supporting documentation**

Staff meeting log attendance submitted.

#### **Summary Comment**

The actions taken by the registered provider in the corrective and preventive action plan have addressed the non-compliances identified on inspection.

### 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**

The registered provider ensured that adequate meals and snacks were offered to the children throughout the day. The children were offered a hot meal alongside breakfast, tea and two snacks whilst attending the service. On the day of inspection, the main meals were stew and mashed potato with an alternative option of chicken provided for children with dietary requirements. The tea was cheese, crackers and raisins and there was fruit for snacks. Water was available throughout the day in individually labelled containers that were accessible in each room to the children. A menu was available and food was provided from an external company who provided a variety of options to cater for children with differing dietary requirements and preferences. Staff spoken with in the rooms were aware of children's allergies and preferences and this was documented within the service. The registered provider's healthy eating policy supported a balanced and nutritious diet.

### 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:

- There was a secure entrance to support the access and exit of children and visitors. A keypad and fingerprint system was available on the external door. A visitor's log was in place and on review and discussion with staff, visitors were requested to sign in. A notice was also in place to remind parents not to allow unauthorised access to other people.
- Window restrictors were present on low level windows to prevent children from exiting, or unauthorised access.
- Children were provided with grapes as a snack and these were cut in half to avoid a risk of choking.
- Highchairs were suitably maintained with safety harnesses in place.
- Cleaning agents were stored in low presses with safety locks to prevent children from accessing them.
- Televisions were mounted securely to the wall.

##### Infection Control:

- The service was visually clean on the day of inspection. There were cleaning schedules in place and supernumerary staff were observed cleaning during the inspection.
- A fresh set of gloves and apron was worn during each nappy change, with both being removed and discarded at the same time as the wet or soiled nappies. Fresh gloves were applied when there was a need for cream to be applied to the child.

##### Fire Safety:

- There was a record of monthly fire drills that had taken place within the service. The drills had taken place at various times of the day and with different staff. Staff spoken with were aware of the fire evacuation procedure.

#### Non-Compliance Information

##### Safe Sleep:

1. The temperature of the room whilst children slept was not maintained between 16-20°C.
- At 1.10pm whilst 5 children aged 1-2 years old slept, the temperature of the cot room was 25.6°C. Actions taken by the staff on the day, which included opening the door and putting on a fan, did not reduce the temperature to the appropriate level. The temperature of the room was recorded as 25°C at 1.45pm.

- At 1.40 pm when 6 children aged 2-3 years old slept the temperature of the Cub room was 24.0°C. Actions taken by the staff on the day, which included opening the door, did not reduce the temperature to the appropriate level. The temperature of the room was recorded as 23°C at 1.55pm.
- At 1.15pm when 4 children aged 1-15months old slept the temperature of the Baby Bears sleep room was 21.7°C. Actions taken by the staff on the day, which included opening the window and door, did reduce the temperature to an acceptable level.

An immediate action was issued to the service on the day of inspection for the Cot and Cub room temperatures.

2. A contemporaneous note of the 10 minute sleep checks was not observed on the day to ensure an accurate record of a child's breathing, position and colour was maintained in the Cub room. At 1.35pm 10 minutes observations had not been recorded for the 5 children who were asleep. A staff informed the inspector they were unsure when the children had fallen asleep, however two had been asleep at 1.00pm.

3. The registered provider did not ensure attendance records supported safe evacuation in the event of a fire. At 12.00pm 2 children in the Teddy Bear room had not been recorded into the attendance book. Staff had informed the inspector that the attendance book was used in the event of a fire evacuation.

### Infection control:

4. The registered provider did not ensure there was appropriate distance between children when sleeping. The cots in the cot room were not positioned 50 cms apart whilst children slept. This was a non-compliance on the previous inspection completed on 7 April 2021.
5. The registered provider did not ensure the correct procedure for nappy changing to reduce the risk of infection. In the Baby Bears room the changing mat was not cleaned down or sanitised between nappy changes.
6. The registered provider did not ensure consistent handwashing was in place to reduce the spread of infection.
  - Prior to eating children were not observed to wash their hands in the Teddy Bear or Baby Bear room, or for snack in the Cubs room.
  - On returning from outdoor play children did not wash their hands in the Cubs room.
  - In the Baby Bear room staff did not complete handwashing before and after nappy changes. The children's hands were not washed after nappy changing, prior to returning to the care room.

- The registered provider did not ensure appropriate maintenance of equipment to reduce the possibility of infection. A corner of the soft play mat in the Baby Bears room was noted to be worn. The mat could not therefore be effectively cleaned.

### General safety:

- The registered provider did not ensure that a risk or injury was prevented and that preventive actions had been maintained. This was observed by the following:
  - A black plastic sheet was in use as a window cover in the Baby Bears cot room. This could pose as a suffocation risk to a child.
  - The registered provider had not ensured that visibility markings for children had been placed in the glass windows or doors of the Cub, Snuggle or Polar Bear rooms.

These had been a non-compliance in the inspection completed in April 2021. The corrective and preventive actions taken by the registered provider had not been sustained.

- A risk of injury was observed in relation to a flex was hanging from a shelf in the Baby Bears sleep room which was accessible to the child beneath. The matter was brought to the attention of the Deputy Person in Charge and rectified immediately.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### Safe Sleep

- An immediate action notice (IAN) was issued to the registered provider on the day of inspection in respect of the temperature of the cot room and the Cub room whilst children slept. The registered provider responded to the IAN the following day, 1 September 2023 with appropriate actions. The cots were moved into another room for sleep. Children will sleep in Polar Bears Room which will be kept between 16 and 20 degrees.
- A new staff member was present in the room at this time. This staff member was spoken to and retrained in our sleep policy. Make sure that staff follow our Policy and complete sleep checks. Spot checks will be carried out.

- A new staff member was present in the room at this time. This staff member was spoken to and retrained in our checking in and out policy. Make sure that staff follow the service policy and complete attendance books. Spot checks will be carried out.

### **Infection Control:**

- In the registered provider's response to the IAN the service have moved the cots to a bigger room and will ensure that they are placed 50 cms apart.
- The registered provider spoke with the staff regarding this and they were retrained regarding our infection control policy. Make sure that staff follows the Policy. Spot checks will be carried out.
- The registered provider has stated that staff were spoken to, to reinforce the importance of hand washing and asked to review the infection control policy. All staff will be reminded to follow the policy and procedures and spot checks will be carried out.
- This mat has been removed from the room and replaced with a new one. Regular maintenance checks will be carried out on all equipment.

### **General Safety:**

- The plastic in the window has been removed and non-toxic paint was used to make the room darker. We have ordered new window stickers. Make sure that the above corrective action stays in place.
- The inspectors observed that this issue was rectified whilst on inspection. We have already ordered Cable Winder for this matter. Make sure all the cable winders remain in place.

### **Supporting documentation submitted**

Photograph of the cots in the alternative room.

Photographs of appropriate temperatures

Photograph of cable not accessible

Photograph of painted window

### **Summary Comment**

The actions taken by the registered provider in the corrective and preventive action plan have addressed the non-compliances identified on inspection.

## Part VI - Safety

### Regulation 25 - First aid

*(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.*

*(2) A registered provider shall ensure that a suitably equipped first aid box for children-*

*(a) is safely stored in an easily accessible and conspicuous position on the premises, and*

*(b) is available to the children attending the pre-school service at all times.*

### Compliance Information

(1) The registered provider ensured that there was a staff member with certification in the First Aid Responder (FAR) training available at all times to the children attending the service. The roster demonstrated that there were two members of staff with FAR training available during the operational hours of the service. Two other staff members had paediatric first aid training.

(2)(a) & (b) Suitably equipped first aid boxes were easily accessible to adults and available on the premises.