

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2019DL004		
<b>Name of Service:</b>	The Learning Tree		
<b>Address of Service:</b>	Kilconnell, Glebe, Kilmacrennan, Co. Donegal		
<b>Eircode:</b>	F92XE39		
<b>Name of Registered Provider:</b>	Sarahmarie Almond		
<b>Service type:</b>	Full Day, Sessional		
<b>Date of Inspection:</b>	08/06/2023		
<b>No of pre-school children:</b>	AM	21	PM -
<b>Address of the Early Years Inspectorate:</b>	Donegal Early Years Inspectorate, St. Conal's Campus, Letterkenny, Co. Donegal. F95 XK94		
<b>Inspection undertaken by:</b>	L Mc Glynn		
<b>Title:</b>	Early Years Inspector		
<b>Authority to Inspect</b>			
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		

### Description of service

The Learning Tree is a privately owned and operated preschool service offering full day and sessional care to children aged 2-6 years. The service operates Monday to Friday from 8.00am to 6.00pm with a sessional service from 9.15am to 12.15pm each day. Located within the small town of Kilmacrenan, the service operates from a single story detached one room building with adjacent sanitary facilities. A large outdoor area is located to the rear and side of the premises. The service is also registered to provide school age care.

### Staffing

The service employs a total of eight staff members including the registered provider who is on site on a daily basis and provides relief cover in the care room. There were four staff members present on the day of inspection, three of which were working directly with the children. All staff have obtained an appropriate qualification in Early Childhood Care and Education.

### 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. The inspections may also focus on other areas as required. The inspection focused on an examination of compliance under regulations 9, 11, 19, 23, and 28.

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 was issued to the registered provider on 09 June 2023 as a Garda Vetting disclosure was not available in respect of one staff member.

### 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) There was a named designated person in charge and a person to deputise in their absence in the service.
  - (b) The deputy person in charge was present on the inspectors arrival to the service and remained there throughout the inspection. The registered provider confirmed that the named person in charge or the named deputy is present at all times during the operation of the service.
- (2) The vetting documents for the eight staff members, including the registered provider were reviewed on this inspection.
- (a) Two written and validated references from a past employer, in particular the most recent past employer were on file for seven staff members
  - (b) One reference from a source other than a past employer was on file for one staff member who had no previous employment.
  - (c) Vetting disclosures from the National Vetting Bureau of the Garda Síochána were available for seven staff members.
  - (d) International police vetting was available for one member of staff who had resided outside of the jurisdiction for period of longer than 6 months as an adult.
- (4) There was evidence of completion of the required major award in Early Childhood Care and Education at QQI Level 5 or equivalent available for the eight staff members.

### Non-Compliance Information

- (2) (a) A vetting disclosure from the National Vetting Bureau of the Garda Síochána was not available in respect of one staff member who had started work in the service the week of the inspection.

An immediate action notice was issued to the registered provider following the inspection instructing that the staff member should not have access to or contact with children until the vetting disclosure has been received and reviewed. The registered provider replied by return confirming adherence to the direction given.

(d) International police vetting from the relevant state was not available for one staff member whose employment record indicated that they had resided outside of the jurisdiction for period of longer than 6 months as an adult.

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

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

(2) (a) Employees who do not have Garda vetting documentation will not be allowed work directly with the children until the disclosure has been received.

(d) Anyone who has worked internationally will not be able to start work until they have provided police vetting paperwork.

#### **Supporting documentation submitted**

No supporting documentation submitted.

### Summary Comment

As the registered provider did not submit evidence to demonstrate that regulatory compliance had been achieved, this regulation will remain outstanding and will be reviewed on 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.*

#### Compliance Information

(1) An adequate number of adults were working directly with the pre-school children attending the service throughout the inspection.

(2) On the day of inspection, the minimum adult/child ratio was maintained. There were a total of three adults working directly with 21 children aged 2-6 years. There were 12 children attending the sessional service and 9 attending the full day care service.

### 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

Childrens basic care needs were tended to by staff in a prompt, efficient and caring manner. Regular meals and snacks were served to children by way of breakfast, an afternoon snack and a main hot meal and an evening snack. Children brought a mid-morning snack from home and the lunches observed on the day included healthy items such as sandwiches, fruit, crackers and yogurt. A two-week menu plan was in operation for the preparation and planning of meals and snacks in the service and a review of same indicated that a variety of foods were served to children throughout the day. There was also adequate variety in the main meals to cater for children's individual likes and preferences.

All the children attending the service were independent when using the toilet and staff provided support by way of accompanying children inside the building for toileting when playing outside. Childrens hands were washed prior to meals and provisions were in place to prevent children’s clothes becoming soiled by way of aprons for messy and water play. Clean changes of clothes were stored in the service for use when required.

A low level bench and fabric cushions provided a quiet space for children to relax during the day and floor mats were available if children required sleep. A meditation exercise was facilitated with some children on the day of inspection to support children to take time out of the busy play environment. Children appeared to respond well to this and engaged with the activity.

There was a positive, caring atmosphere in the service throughout the inspection and staff were responsive to the individual needs of children. It was evident from their interactions that staff had a good understanding of the children attending and were warm, caring and supportive in their engagement. Staff were regularly heard engaging children in social conversation, using their home and family life as a means of drawing the child into meaningful interaction. Transitions were managed in a manner that provided children with time to move slowly into the next activity with five-minute timers used as a visual aid. Staff supported children through minor disagreements and responded in a positive way to negative behaviours by getting down to the child’s level, using clear instructions and acknowledging the feelings and frustrations of the children. The service ensured parents were informed of their child’s progress in the setting and their general well-being through conversation at drop off and collection and the use of a digital application.

Children had access to both an indoor learning space and an outdoor area on the day of inspection. The indoor environment was laid out in a manner that provided a range of developmentally challenging and enriching experiences for children. Materials were arranged into areas of interest that provided opportunities for a wide range of activities. Toys and materials that promoted areas of development including fine motor, cognitive and language development were all readily available to children on low level open shelving units. Some of the interest areas in the room included a kitchen area/home corner, a farm area, small-world play settings, a dress-up area with an assortment of costumes and a well-equipped arts and crafts area. A good variety of construction, science and numeracy resources in addition to jigsaws and manipulative toys were also readily available. In line with the current theme of moving to school, a role play area was set up with a desk, a school jumper and a range of images from the local primary school to support children’s transition in the coming months. Staff informed the inspector that the role play area was changed regularly in line with the interests of children and upcoming events or occasions.

A large outdoor play area ran from the rear of the premises along one side and was enclosed by wooden fencing and a concrete wall which provided a secure area for the children's use. The ground surfacing was divided by areas of concrete and natural grass. A large Perspex roof sheltered one area to the rear of the building allowing for play opportunities in all weathers and a supply of all weather outdoor clothing was available for each child. The play equipment was arranged to provide areas of interest and individual play spaces for children. The sheltered area housed play equipment such as art, drawing and painting materials, a water tray, bikes and ride on trikes, child height tables with puzzles and jigsaws. The larger area housed play equipment to provide for gross motor development such as a large clay mound with a tunnel underneath and secure upstanding tyres. The area also contained a mud kitchen, planting areas, a construction/digging area, wooden seating and balancing equipment. There was ample space within the outdoor area for children to engage in physical play and develop their mobility. A large outdoor sports field was situated adjacent to the early years' service, which children attending the service use occasionally.

### 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 following measures were noted on the day of inspection to safeguard the health, safety and welfare of children and to ensure that the environment of the service was safe.

- The main entrance to the premises was secured with a bell system alerting staff to the arrival of parents or visitors. The mechanism in place for entry and exit from the building prevents children from exiting the service unsupervised and restricts unauthorised persons from gaining access to the service.
- Toys and equipment appeared in good condition, appropriate for the age group of children attending the service and free from obvious hazards. Staff completed a risk assessment on the outdoor play area to remove hazards that have presented overnight, this was documented and noted to be maintained up to date.

- Cleaning equipment and materials were stored in a secure area. Cleaning schedules were available to view and contained details on each of the areas within the preschool rooms and sanitary accommodation to be cleaned, the frequency of cleaning and the method used.
- The emergency exit doors were unobstructed throughout the inspection.

### Infection Control:

- Thermostatically controlled warm water, liquid soap and paper towels were available in all wash hand basins accessible to children. Children were observed washing their hands at appropriate intervals including on return from outdoor play, prior to eating and after using the toilet.
- Ventilation was provided in the room and in the sanitary accommodation by way of openable windows. Mechanical ventilation was also operational in the sanitary accommodation.
- The kitchen was inaccessible to children and there was a fridge in the service for the safe storage of perishable food items.
- The service was visibly clean and staff were observed carrying out routine cleaning after children's snack.

### Administration of Medication:

- The service maintained a record of medication given to children which included signed parental consent, details of the medication given and a staff signature. The service was in the process of moving to using a digital application to maintain these records and on review it was noted that there was no opportunity on the application for a parent's signature to confirm they had been informed of the dose and time the medication was administered. It was agreed that this would be added to the digital application.

### Non-Compliance Information

#### General Safety:

1. The boundary of the outdoor play area was overgrown with nettles protruding from the fencing posing a risk of injury to a child.

#### Infection Control:

2. There were swing bins provided for the disposal of waste in all areas of the service. Foot pedal operated bins are required in all areas within a preschool service.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

1. The overgrown nettles have been trimmed and cut back. In future, the service will ensure that overgrown nettles will be cut back.

##### Infection Control:

2. The bins have been replaced with foot pedal operated bins.

#### Supporting documentation submitted

No supporting documentation submitted.

#### Summary Comment

The response submitted by the registered provider has been accepted as meeting the requirements of the regulation.

### Part VI - Safety

#### Regulation 28 - Insurance

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

#### Compliance Information

A certificate of insurance was available to view which demonstrated that the service was insured to provide a full day care service for up to 50 children with an expiry date of 27 March 2024.