

# Early Years Inspectorate Regulatory Report

## Pre School

**TUSLA Identifier:** TU2019DY006

**Name of Service:** The Nest Santry Ltd

**Address of Service:** Unit 10c, Santry Hall Industrial Estate, Dublin 9, Co. Dublin

**Eircode:** D09 CK15

**Name of Registered Provider:** Colm Bowers

**Service type:** Full Day, Part Time, Sessional

**Date of Inspection:** 26/04/2023

<b>No of pre-school children:</b>	<b>AM</b>	41	<b>PM</b>	32

<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, 2 <sup>nd</sup> Floor, Brunel Building, Heuston South Quarter, Kilmainham, Dublin 8
<b>Inspection undertaken by:</b>	E. Finnegan Hayes
<b>Title:</b>	Early Years Inspector

### Authority to Inspect

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

Conditions if applicable

Not applicable.

### Description of service

The Nest Santry is a privately operated service located in an industrial estate in North Dublin. The service offers full time, part-time and sessional care, and education to children from 0 to 6 years of age from 7:30am-6:15pm Monday to Friday. The service is comprised of four care rooms, Baby room, Tweeny room, Toddler room and Montessori room, a cot room, a kitchen, and a staff room. The service participates in the Early Childhood Care and Education (ECCE) scheme. A large outdoor area is located to the rear of the service

### Staffing

The registered provider employs 13 staff including a manager and assistant manager, 9 childcare staff, a cook and a cleaner. An area manager arrived during the inspection and was present for the duration of the inspection. The registered provider does not work in the 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

The inspection focused on an examination of compliance under regulations 9 (1)(2)(a)(b)(c)(d)(4), 11(1)(3), 19(1)(a), 23, 25(1)(2)(a)(b), 26(1)(a)(b)(4) and 29(e).

A sampling process was used to assess compliance under the following:

- Regulation 19- Health, welfare and development of the child
- Regulation 23- Safeguarding Health, Safety and Welfare of Child
- Regulation 25- First aid
- Regulation 26- Fire safety
- Regulation 29- Premises

As a result, the scope of the inspection included the Tweenie and Toddler rooms. Regulation 9 Management and Recruitment was assessed in relation to all staff and Regulation 11 Staffing Levels was assessed across all of the rooms.

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 area manager, 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.

(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 designated person in charge and a named person to deputise when required.
  - (b) The person in charge was present when the inspector arrived in the service and remained in the service for the duration of the inspection.
  - (c) A clear management structure was evident in the service and staff were familiar with the structure.
- (2) A review of the roster and discussion with management and staff established that 3 staff had commenced employment since the last inspection.

The files of these staff were reviewed along with the file of the area manager who was working in the care rooms on the day of inspection and a cover staff who arrived from another branch of the service. A qualification which was outstanding from the previous inspection was also reviewed.

(a) Six written and verified references were available from a past employer in relation to 4 staff members.

(b) Four written and verified references were available from a source other than a past employer in relation to 3 staff members.

(c) Garda vetting disclosures were available in relation to 5 staff members.

(d) Police vetting was available for 5 staff members who had lived outside of Ireland for a period of more than 6 months.

(4) Evidence was available to show that 6 staff members who worked directly with the children held 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. This included the outstanding qualification from the previous 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.*

*(3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 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) therefore at that reference number is satisfied.*

#### Non-Compliance Information

(1) The registered provider did not ensure an adequate number of staff were working directly with the children at all times. When the inspector arrived in the service at 9:39am 8 staff were on the premises including the manager and assistant manager and were caring for 41 children. The area manager arrived at 10:30 to provide additional cover for breaks. There was no additional staff available to cover nappy changes and support the staff member in the baby room with moving children to cots for example;

- Nappy changing took place in the Tweenie room from 11-11:30am. During this time one staff member was observed caring for 9 children aged 1-2years. The children were observed fighting and crying at times and the staff member struggled to meet the needs of all the children.
- A child from the Tweenie room was sleeping in the cot room between 10:40am-11:30am. Sleep checks were not completed due to inadequate staffing.
- At 11:31am the staff in the baby room was observed trying to tend to a crying child while holding a sleeping child on her lap. Another child was observed sleeping in a bouncer. The staff advised there was no cover staff to allow her to put the children into their cots for sleep.

The needs of all the children were not adequately met on the day of inspection due to an inadequate number of staff.

Another staff member arrived from another branch at 12:50pm to cover breaks following a concern raised by the inspector regarding the lack of staff to meet the needs of the children.

(2) Ratios were not maintained throughout the inspection for example:

- Between 11-11:30am one staff member was caring for 9 children aged 1-2years in the Tweenie room while nappy changing was ongoing.
- Between 12:30-2pm one staff member was caring for 12 children who were sleeping in the Toddler room. No additional staff were available during this time to offer support if needed.

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

#### Corrective and Preventive Action

(1) The manager or assistant manager will provide cover in rooms as needed to maintain the ratio

(2) The manager or assistant manager will provide cover in rooms as needed to maintain the ratio.

#### Supporting documentation submitted

No supporting documentation submitted.

### Summary Comment

Additional information to address this non-compliance was sought from the provider on 01/06/2023 however no response was received. The registered provider must ensure that the minimum adult to child ratios are maintained at all times. The corrective action taken will be assessed at the next 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

#### Compliance Information

(1)(a)

##### Basic Needs:

- A healthy eating policy was in place in the service. The menu for the day included cereal for breakfast, a selection of fruit for snack, shepherd's pie for dinner, scones for afternoon snack and Vegetable soup and bread for tea. Alternatives were offered where required in line with dietary preferences or allergies and additional food was observed to be available in the Tweenie room had anyone required it.
- Mealtimes were a relaxed occasion. Staff in the Tweenie room were observed sitting chatting with the children while they ate and offered help where required.
- Nappy changing was done on a set schedule 3 times per day and as needed to ensure the child's comfort.
- A daily routine was displayed in the care rooms which provided consistency for the children.

##### Supporting Relationships around Children:

- Staff were supportive and respectful in their interactions with the children. They were observed to use low tones and speak to children calmly.
- Staff were knowledgeable about the children and their individual preferences and care needs.
- Family wall displays were present in the care rooms supporting the children's sense of identity and belonging and highlighting the link between home and creche for the children.

##### The Physical and Material environment:

- Child sized tables and chairs allowed the children to eat and engage in tabletop activities comfortably.
- Toys and materials were stored on low shelves which allowed children to access them independently.
- The outdoor area had a synthetic grass surface which allowed use in inclement weather. A range of equipment and materials were available which supported a range of play experiences for example there was a playhouse, swing and slide for the younger children, a seesaw, and a number of coloured tyres. This range of equipment supported the children gross motor development.

## Non-Compliance Information

(1)(a)

1. Consideration was not given to the needs of the children in the baby room when allocating staff cover for nappy changes for example the area manager who would not be well known to the children was placed in the baby room to cover nappies. The two children present were observed to be very upset when their carer left the room and continued to cry for a period of 10minutes. Staff acknowledged that the children get upset when unfamiliar people are in the room.
2. A number of toys in the Tweenie room were observed to be not working or broken which limited their use and play value for example some battery-operated toys were not working, the piano on a ship toy was pressed into the unit that housed it and a shape sorter did not have the additional pieces required for sorting. Battery operated toys not working was noted as a non-compliance on the previous inspection.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

1. A staff member who was known to the children was allocated to cover the room on the day. Only staff members who are known to the babies will be used to cover the room when needed.
2. Management have reviewed the toys in the Tweenie room. Old or broken toys have been removed, batteries have been replaced where needed and new toys provided. Weekly checks are being carried out to ensure toys are appropriate and in working order.

### Supporting documentation submitted

Documentation in relation to above has been reviewed by the Inspectorate.

## Summary Comment

The registered provider has addressed the non-compliance under Regulation 19.

## 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 service entrance was secured with a video bell to allow staff to assess visitors before allowing access. Staff were observed to attend the door when allowing access. This prevented unauthorised persons entering the service.
- A lock was fitted to the gate in the garden which prevented unauthorised persons accessing the area while also preventing children from leaving the area unsupervised.
- Storage rooms were observed to be secured to prevent children accessing unsafe materials.
- Finger pinch protectors were fitted on doors to prevent injury to the children.
- The nappy changing units used in the service appeared sturdy and safe for changing children.
- Cleaning equipment and sprays were stored on high shelves in the care rooms and sanitary areas out of reach of the children.
- Blind cords were out of reach of children or appropriately secured to prevent injury to the children.
- Flexes were appropriately secured in the care rooms.

##### Infection Control:

- Childrens hands were observed to be washed frequently throughout the day for example after activities and before mealtimes.
- Tables were observed to be cleaned regularly throughout the day for example after activities and before mealtimes.
- Gloves and aprons were observed to be available and used during nappy changing.

##### Fire Safety:

- Emergency exits were clearly marked.
- Emergency evacuation plans were visible throughout the service and staff were knowledgeable of the procedure for evacuation in the event of a fire emergency.

### Non-Compliance Information

#### General Safety:

1. Staff had not carried out a garden risk assessment in line with the service policy. A garden risk assessment displayed by the back door of the service was dated December 2022. Staff advised they do not complete risk assessment daily before bringing children to the garden and were unsure of who's role it was to update the risk assessment paperwork.

#### Infection Control:

2. Handwashing was not completed consistently by all staff during the nappy changing process. The service policy states that handwashing should occur before and after nappy changing. Staff were not observed to wash their hands before nappy changing while handwashing following a nappy change was inconsistent among staff.
3. Low beds used by the Toddler room were stacked with linen on while blankets were folded and stacked in a pile on top of the beds. This practice posed a risk of cross contamination. Linen should be stored in individual containers.
4. The beds in the toddler room were not placed 50cms apart during sleep time; limited space was available between each bed, and some were touching in places. This posed a risk of cross infection and made it difficult for staff to navigate the room to complete sleep checks.
5. Nappy changing bins which were not pedal operated were present in both nappy changing areas. Pedal operated bins are required for disposal of nappies and associated items.
6. A bottle of soap was observed in the sink of the montessori sanitary area. Due to the small size of the sink, there was no space to store the bottle which presented an issue while handwashing. A soap dispenser was fitted to the wall but was empty on the day of inspection.

#### Administration of Medication:

7. A health care plan did not adequately reflect the medication to be given to a child in the event of a medical emergency. For example, an auto adrenal injector was available on the premises for a child however this was not detailed in the health care plan displayed in the room and the carers never mentioned it when asked about the plan in the event of an allergic reaction. The medication was also observed to be out of date contrary to the service policy.
8. An antibiotic was observed in the service fridge which had been dispensed on the 30.01.2023 contrary to the service policy which states that medicines will be returned to the parents or disposed of as required.

### Safe Sleep:

9. Sleep checks were not completed routinely within the service in line with the service policy which states that sleeping children will be checked every 10 minutes and that this information will be recorded. The following was observed;
  - A child from the Tweenie room was asleep when they arrived in the service at 10:40am and were placed directly into a cot. Due to staffing the child was not checked while sleeping between 10:40am and 11:30am when the child woke.
  - Sleep checks in the Toddler room were not recorded between 11:55am and 12:30pm. Staff explained that the records would be kept from 12:30pm when all the children were asleep.
  - No sleep checks were recorded for the children in the baby room and a record for one child available on a software application which recorded the time they fell asleep incorrectly and noted the child's place of sleep as a cot. The child was observed asleep in a swinging chair from 12:22-1:17pm.
10. Three children in the baby room were observed sleeping in equipment other than a cot or low bed on the morning of inspection. One child was asleep in a swinging chair, one in a bouncer and another was asleep in a staff members arms. Bouncer chairs are prohibited for use by sleeping children in services.
11. An ambient temperature was not maintained in the toddler room while 12 children were sleeping. The temperature recorded was 20.7°C at 1:17pm. Temperatures within a sleep room should be maintained between 16-20°C.
12. The Toddler room was observed to be dark during sleep time which may hinder staff in monitoring the children's pallor while sleeping. Lighting in sleep rooms should allow staff to see the children face colour.

### Fire Safety:

13. Attendance records were not maintained on the day of inspection which posed a safety risk in the event of a fire emergency. Attendance sheets are kept in the staff room and completed ordinarily by the management team as children enter and exit the building. However, on the day of inspection the attendance records were not maintained and did not reflect the children in the service. A software application is also in use however this does not record the time of arrival and departure of the children so is not adequate to ensure the required records are kept.

### Action submitted by the Registered Provider

### Corrective & Preventive Action

### General Safety:

1. Garden risk assessments are completed every day. Staff have been retrained. Management will carry out regular checks to ensure the risk assessment is completed daily.

### **Infection Control:**

2. The nappy changing policy has been reviewed and staff have been retrained on same. Visual aids have been implemented to support implementation of the nappy changing policy. Staff will be retrained annually, and management will conduct spot checks to ensure the policy is being followed.
3. Individual boxes for the storage of bedding have been provided. Staff have been updated on removing bedding after sleep time. Staff will be instructed and supervised when storing bedding.
4. Beds in the Toddler room have been spaced out to ensure 50cm gap between them. Management will carry out regular checks to ensure beds/cots are an appropriate distance from each other.
5. Pedal operated bins have been provided in the nappy changing areas.
6. Hand soap dispensers will be used to ensure easy access for the children.

### **Administration of Medication:**

7. The health care plan has been reviewed with the child's parents and updated. When receiving a health care plan from parents' management will ensure all emergency requirements are detailed.
8. Antibiotic has been returned to the parent and staff have been retrained in the medication policy. Management will ensure that medication is returned to the parents each day.

### **Safe Sleep:**

9. Staff have been retrained on the safe sleep policy. Checks of sleeping children will now begin when the child falls asleep and continue until they wake up. Management will carry out spot checks to ensure sleep checks are being completed and recorded.
10. Staff have been instructed not to use the swing or bouncer for sleep. Sleep times have been amended to ensure the younger children do not become over tired.
11. Temperatures in the Toddler room are monitored from the morning time to ensure the room stays cool. This continues throughout sleep time when the windows are left open to maintain the temperature. Management will monitor the temperature 3 times daily a new thermometer.

### **Fire Safety:**

12. The roll book is updated as children enter and leave the service.

### **Supporting documentation submitted**

Documentation in relation to above has been reviewed by the Inspectorate.

### Summary Comment

The registered provider has addressed the non-compliance under Regulation 23.

### 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

(2)(a)(b) Two suitably equipment first aid boxes were stored in the hall of the service This ensured first aid supplies were accessible for use at all times.

### Non-Compliance Information

(1) A review of the roster and conversation with staff showed that a staff member trained in First Aid Response (FAR) was not always present in the service and available to the children during the opening hours. For example, on the day of inspection one FAR trained staff member was rostered to work 7:15-4:15 while the other FAR trained staff member was absent. The area manager who is not based in the centre but was present on the day of inspection and trained in FAR advised the inspector that she would remain in the centre until 5pm or 5:30pm.

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

#### Corrective and Preventive Action

FAR training has been booked for another staff member.

#### Supporting documentation submitted

Documentation in relation to above has been reviewed by the Inspectorate.

### Summary Comment

The registered provider has addressed the non-compliance under Regulation 25.

### 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.
- (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) The records available showed that fire drills are held monthly. The most recent fire drill took place on 19<sup>th</sup> April 2023.
- (b) A record was available detailing the number, type and maintenance of the firefighting equipment and smoke alarm system in the premises. Records showed that the most recent service of the firefighting equipment occurred on the 10<sup>th</sup> June 2022 while the most recent service of the smoke alarms occurred on 26<sup>th</sup> January 2023.
- (4) A notice of the procedures to be followed in the event of a fire was conspicuously displayed in the service in the care rooms and the entrance hall.

### Part VII - Premises and Space Requirements

#### Regulation 29 - Premises

- A registered provider shall ensure that the premises of the service are-
- (e) equipped with adequate and suitable sanitary facilities.

#### Compliance Information

- (e)
- The service was observed to have a sufficient amount of suitable sanitary facilities for the children attending. For example, three sinks and three child sized toilets were available for 22 toilet trained children in attendance on the day.