

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2019FL004
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Name of Service:	Little Brightstars Montessori Ltd
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Address of Service:	Main Street, Ballyboughal, Co. Dublin
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Eircode:	A41 X903
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Name of Registered Provider:	Mark Ennis
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Service type:	Full Day, Sessional
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Date of Inspection:	25/01/2024
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Date of Regulatory Compliance Meeting:	07/03/2024
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No of pre-school children:	AM	14	PM	3
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Address of the Early Years Inspectorate:	180-189 Lakeshore Drive, Airside Business Park, Swords, Co Dublin K67 Y5C6
Inspection undertaken by:	AM Coyle
Title:	Early Years Inspector

Authority to Inspect

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

Conditions if applicable	N/A
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Description of service

Little Brightstars Montessori Ltd was established in 2019 as a privately owned early years' service. The service was taken over by the current registered provider in 2022. The service is located on the first floor of a play and activity centre in the village of Ballyboughal, North Co Dublin in a large care room which can be divided into 2 rooms if required. Entry to the service is gained through a main entrance porch which leads into a soft play area and coffee dock on the ground floor and by then accessing a staircase which leads to the first floor where the preschool room is located. The service is registered to provide full day, part time and sessional preschool care and education to children aged from 2 to 6 years from 07:30 am to 6pm Monday to Friday with the majority of children attending the service from 9am to 12:30 pm with no pre-school child attending for longer than 5 hours. The service participates in the Early Childhood Care and Education (ECCE) scheme. School aged childcare for children up to 12 years of age is also provided in the service.

Staffing

The service employs 6 staff members including the operations manager of the play and activity centre, 5 staff members work directly with the children. One staff member was employed in the service to reduce the adult to child ratio and if necessary to work with a child with additional needs, a post which is funded by the minister as part of the Access and Inclusion Model scheme. The registered provider does not work directly with the children attending 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

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child/ safety/ premises and facilities. The inspection may also focus on other areas as required.

A sampling process was used to assess compliance under regulation 15 – Record of pre-school child.

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

On 9th November 2023 the service was registered with a condition under Part V (20) (2) (3) Child Care Act 1991 Early Years Regulations 2016 which stated that the registered provider must ensure that each child in the service has daily access to a safe, secure, and suitable onsite outdoor play area.

A regulatory compliance meeting was convened on 07/03/2024 to discuss the non-compliances found at inspection and actions to be taken to address the non-compliances. A timeframe for submission of outstanding documentation was agreed.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the person in charge, staff and children who were present on the day of the inspection.

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

Non-Compliance Information

(1) The registered provider failed to notify the Early Years Inspectorate of a change in circumstances in relation to the following as per the schedule 4 form for Notification of change in circumstances.

- The name of the designated person in charge of this service did not correlate to the name detailed on the National register.

The non compliances identified in (1) was identified at the last inspection of the service on the 25/04/2023. The registered provider provided written assurances in the corrective and preventative actions that procedures had been put in place to prevent a recurrence of the noncompliance however these were insufficient to ensure that the non-compliance did not re-occur.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

- (1) E.P. to be Operational Support = PIC to be transferred over to O.H. (L6) and Deputy to be T.G. (L8)

Preventive Action

- (1) Succession Plan in place to ensure PIC transfers are done prior to changes being made and mitigate against any unforeseen changes but having the deputy in place as a safety net.

Supporting documentation submitted

None

Summary Comment

A change in circumstances request was submitted to registration office in relation to the new person in charge which has been approved.

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.

Compliance Information

(1)(a) The deputy person in charge was the designated person in charge of the service.

(b) The deputy person in charge was present and in charge of the service when the inspector arrived unannounced on the morning of the inspection.

The files for 6 staff members including the operations manager for the play and activity centre were reviewed, 5 staff members work directly with the children attending the service.

(2) (a)&(b) Two validated written references were available for 4 staff members whose files were reviewed.

(c) Garda vetting disclosures were available for the 6 staff members whose files were reviewed.

(d) International police vetting was available for 1 staff member who resided outside of the Irish jurisdiction for longer than 6 consecutive months as an adult.

(4) Documentary evidence was available to confirm that 2 staff members whose files were reviewed and who work directly with the children in the service held an appropriate childcare qualification at Level 5 or higher on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

Non-Compliance Information

(2) (a)&(b) Two validated written references were not available for 2 staff members whose files were reviewed.

(3) Following a review of the staff files it was apparent that the following information was not available for staff members who worked directly with the children in advance of them commencing employment in the service:

Two validated written references were not obtained for 2 staff members.

Garda vetting procedures had not been completed for 4 staff members.

(4) Documentary evidence was not available to confirm that 3 staff members whose files were reviewed and who work directly with the children in the service held an appropriate childcare qualification at Level 5 or higher on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

The non compliances identified in (2)(a)(b) & (4) were identified at the last inspection of the service on the 25/04/2023 The registered provider provided written assurances in the corrective and preventative actions that procedures had been put in place to prevent a recurrence of the noncompliance however these were insufficient to ensure that the non-compliance did not re-occur.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

(2) (a)&(b)

Validated references attached.

Three adults in the service are all students currently working towards their qualifications and do not work with the children directly but support existing colleagues to support the 19 children availing of the service. Operations manager has started the recruitment process for a fix term contract employee until June to cover the hours of the

Ecce morning sessions 9-12.30pm until staff member returns from statutory leave. Hope to have an appointment made by March end and started in the service once Garda Vet process and ref checks completed.

(3) Colleagues are supervised by Level 8 and Level 6 qualified educators and are never unsupervised with children, maintaining compliance with Regulation 11 ratios.

(4) Written assurances will be given once clarity is obtained regarding compliance with ratios and the ability of colleagues to assist qualified childhood educators.

Preventive Action

Ensure no student educators are left unattended in room with children, and we remain in ratio with child to qualified educator. References all checked prior to start date going forward.

No staff member will be employed or allowed access to a pre-school child prior to having all recruitment procedures in place including Garda vetting.

Supporting documentation submitted

Two validated written references

Summary Comment

The registered provider has stated that 3 adults who were present in the service without qualifications are students on work experience placement and therefore do not require evidence of qualification. Unqualified adults must not be allowed to have unsupervised access to children at any time during the hours of operation.

The inspectorate accepts that the non-compliances identified under regulation 9 (2)(a)(b)(3) & (4) have been addressed.

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) On the day of inspection there was an adequate number of staff members working directly with the children attending the service.
- (2) The adult to child ratio was correct in the service when the inspector arrived unannounced and remained so throughout the inspection.

The following adult to child ratios were observed during the inspection:

- In the Preschool room there were 14 children aged 2 years 10 months to 4 years 7 months being cared for by 4 staff members, 2 staff members had evidence of a childcare qualification on file whilst 2 staff members did not have any evidence of having a childcare qualification on file. One of the 4 staff members was employed to reduce the adult to child ratio, and to work directly with a child with additional needs, when necessary, as part of the Access and Inclusion Model scheme.

- (8)(a) The registered provider ensured that 2 adults were present 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.*

Compliance Information

(1) A sampling process was used in relation to the children's records. Ten registration forms were reviewed and four registration forms were found to be appropriately completed with the required information as specified in sub-sections (a) to (i) in this regulation.

Non-Compliance Information

(1) The following information was not maintained in writing for 6 of the 10 sampled registration forms:
(i) Written parental consent for appropriate medical treatment in the event of an emergency.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

(1) (i) Booked ordered and in place once delivered – will place a periodical check on the compliance of this,

Preventive Action

Booked ordered and in place once delivered – will place a periodical check on the compliance of this.

Supporting documentation submitted

Photograph of children's registration forms completed.

Summary Comment

The evidence submitted by the registered provider in relation to regulation 15 – record of pre-school child has been reviewed and accepted

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.

(j) details of any medication administered to a pre-school child attending the service with signed parental consent;

Compliance Information

(1)(a) Information including each staff member’s experience and training records were maintained within the staff files for 5 of the staff files that were reviewed on the premises.

Non-Compliance Information

(1)(a) Information including each staff member’s experience and training records was not maintained within 1 of the staff files that was reviewed on the premises.

(j) Medication of administration forms were not available in the service to record medication administered to children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

(1)(a) CV for staff member attached.

Preventive Action

Periodical checks on all staff files quarterly by PIC.

Supporting documentation submitted

Photograph of medication administration book.

Summary Comment

The evidence submitted by the registered provider in relation to regulation 16 – Record in relation to pre-school service has been reviewed and accepted

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) The following observations are examples of how each child's learning, development and well-being was facilitated within the service:

Basic needs:

- On arrival, the children attending the preschool were engaged in play-based activities in the service. The staff members present joined in with the children's play, used welcoming facial expressions and warm vocal tones and showed an interest in what each child was doing.
- The children brought their lunch with them from home. There was a relaxed and sociable atmosphere at snack time, with children chatting among themselves and the staff members contributing to the conversations. The children who attended the service on a part time basis were provided with an opportunity to eat a snack after the children attending on a sessional basis had left.
- The children were accompanied to the sanitary facilities on the ground floor of the service by one of the staff members when they needed to use the bathroom. A nappy changing area was located directly off the care room to facilitate the children who required to have their nappies changed while attending the service. Children's independence was supported in relation to putting on their coats before going outdoors and placing their lunch boxes in their bags when lunchtime was over.

- Transitions throughout the morning were well signposted by staff through the use of verbal prompts which the children responded well to. The layout of the care rooms supported the free unrestricted movement of the children. The children were well supported to move around their play environment choosing what they wanted to play with.
- The staff members were observed to be calm and responsive with the children and used a combination of distraction techniques and negotiation to address minor issues that arose.

Supporting relationships around children:

- The staff members engaged warmly and positively with the children throughout the inspection and displayed that they knew the children well, recognising their individual interests and preferences.
- The children's photographs were on display in the care room, this support children's wellbeing by feeling valued and appreciated and assists in maintaining links between the service and home.
- The staff members were observed taking the opportunities to interact with parents at collection time and update them on their children's day in the service.

Physical and material environment:

- In the care room resources were easily available and accessible on low level shelving. The children demonstrated familiarity with navigating their environment to access the toys and play resources they chose to play with.
- The care room was bright and welcoming with a variety of well-resourced interest areas. The children were observed to play in pairs and small groups together throughout the inspection. Interest areas included home areas with a wide variety of play resources including cooking utensils, crockery, dolls house, dolls with baby care materials, shopping accessories, dress up and hair care resources all of which facilitated the children to extend their imaginary play. Additionally, a construction bench with play materials, transport toys, arts and crafts materials and a variety of tabletop materials were provided for the children to play with.
- A range of books were provided alongside the 2 rest areas in the service supported the children's language development. The children used the reading material independently and enjoyed stories that were read by the staff members.

Part V - Care of Child in Pre-school Service

Regulation 20 – Facilities for rest and play

(1) Subject to this regulation, a registered provider shall ensure that-

(b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

(2) A registered provider-

(a) of a full day care service, a part-time day care service, a sessional preschool service or a childminding service that is registered for the first time on or after 30 June 2016, or

shall ensure that a suitable, safe, and secure outdoor space to which the preschool children attending the service have access on a daily basis is provided on the premises.

Compliance Information

(1)(b) Two rest areas comprising of floor mats and large cushions were available in addition to a low sized couch and floor mat for the children to take a break from activities throughout the day.

(2)(a) A temporary outdoor area located in the car park to the front of the play and activity centre was provided for the children to use. The area is surrounded by portable fencing and the inspector was informed that area is assembled on Monday morning and taken down on Friday evening. The area is covered with absorbent matting, 2 ride-on toys were provided in addition to 3 small wall-mounted blackboards and a small portable see saw. The manager of the play and activity centre stated that the establishment of a permanent outdoor play area has not yet commenced as it continues to be the subject of legal proceedings.

Part VI - Safety

Regulation 23 - Safeguarding health, safety, and welfare of child

A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.

Compliance Information

General Safety:

- The entrance doors were secured to prevent the children from exiting unsupervised and to restrict unauthorised persons from gaining access to the service. Entry to the service is through a main entrance porch on the ground floor where low-level magnetic gates are released by staff members to facilitate entry. The care room on the first floor is accessed by using a combination door lock.

- The water temperature in the hot taps did not exceed the recommended maximum water temperature of 43°C. This reduced the risk of scalding for the children in attendance.
- Play materials and equipment provided in the care room were observed to be safe and suitable for the age range and developmental stage of the children present.

Infection Control:

- Thermostatically controlled warm water, liquid soap and paper hand towels were provided to support effective hand hygiene in the sanitary accommodation and at the wash hand basins in the care rooms in the service.
- The children were facilitated to wash their hands before eating and after using the toilet.
- The children's packed lunches, supplied from home, were refrigerated on arrival to the service which reduced the risk of bacteria growth in perishable food items.

Administration of Medication:

- No child was observed having medication administered on the day of inspection.

Fire Safety:

- Documentary evidence was available to confirm that fire drills are completed on a monthly basis in the service.

Non-Compliance Information

General Safety:

1. In the preschool room a cupboard which contained disinfectant and surface cleaner was unlocked and therefore accessible to the children. Surface cleaner was also accessible to the children on the countertop adjacent to the sink. This noncompliance was identified at the last 2 inspections of the service and the registered provider stated in the corrective and preventative action plan submitted to the Early Years Inspectorate that all cleaning products would be stored on high shelves out of reach of the children.
2. There were 2 gaps present in the portable perimeter fencing in the outdoor play area which a child could attempt to exit through unsupervised.

Action submitted by the Registered Provider

Corrective Action

General Safety:

1. Cupboards have been cleared of any cleaning chemicals and new latches installed. All COSHH protocols in place and chemicals stored out of reach to children.

- Fencing to the joined with catch, link chain and latch to prevent these being separated thus any children escaping. Staff members position will be situated at the corners to monitor children at all times.

Preventive Action

General Safety:

Operations Manager will be carrying out weekly checks on play area & cupboards.

Supporting documentation submitted

Photographs indicating locks have been placed on the cupboards.

Photograph showing that the fencing in the outdoor area is secure.

Summary Comment

The registered provider submitted photographic evidence indicating that the noncompliance's observed on inspection have been addressed. The noncompliance's under regulation 23 - Safeguarding health, safety, and welfare of child has been addressed.

Part VI - Safety

Regulation 24 - Checking in and out and record of attendance

- (1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.*
- (3) A registered provider shall ensure that-*
- (a) no person other than-*
 - (i) pre-school child attending the service,*
 - (ii) a person dropping or collecting such a child,*
 - (iii) an employee, or*
 - (iv) an unpaid worker, can enter the premises without his or her entry being approved by an employee, and*
 - (b) a daily record in writing is kept of the entry on the premises of any such person.*

Non-Compliance Information

(3)(a)(b)

1. A system was not in place to ensure that no person other than the children and their parents or guardians, employees, approved students, or authorised visitors could enter the service. A visitor's book was not maintained in the service.
2. The service did not maintain accurate details of all children in attendance during the inspection, on the inspector's arrival in the service at 09:50am none of the 14 children present were signed into the attendance register.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

(3)(a)(b)

1. Corridors access to be controlled by buzzer and CCTV – to be installed by 31-03-2024- Visitor sheet to be placed by doorway and all unauthorised people to be checked in by staff member and accompanied.
2. Signing in and out process is well maintained and up to date to and be conducted in real time and not retrospective of children arriving.

Preventive Action

The children's attendance register is to be completed on the children's arrival at the service.

Summary Comment

The evidence submitted by the registered provider in relation to regulation 24 - Checking in and out and record of attendance has been reviewed and accepted.

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) One staff member had evidence of completing a paediatric first aid course on file and was present in the service on the day of inspection.

(2)(a) and (b) The first aid box was suitably equipped and safely stored in a readily accessible position in the care room, out of the reach of children.

Non-Compliance Information

(1) A person trained in first aid including first aid responder (FAR) training was not always immediately available to the children attending the pre-school service as evidenced in the staff roster. One staff member only had in date FAR certification, this staff member was on leave from the service on the week of January 22nd, 2024.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

(1) Bounce N Beyond Colleagues with FAR training to be in building during opening hours of the creche and provide support. One adult in the service has FAR also and will provide extra first aid cover in the event of any injuries.

Preventive Action

A person within date FAR training will always be available in the service.

Supporting documentation submitted

FAR certification for 3 adults who are present in the service.

Summary Comment

First aid responder certification has been received for 3 adults who are present in the service. The regulatory requirement for regulation 25 first aid has been addressed.

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 fire fighting 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) A record was maintained of fire drills which had been completed in the service. The last fire drill was recorded as having taken place on 16/01/2024.

(4) The fire evacuation procedure was displayed in the care rooms in the service which contained details in relation to the procedure to be conducted in the event of a fire.

Non-Compliance Information

(b) A record was not available of the number, type and maintenance of the firefighting equipment and smoke alarms in the premises.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Fire inspection reports and alarms and emergency lights for building all checked and compliant.

Supporting documentation submitted

Maintenance certificates for the smoke alarms and the firefighting equipment

Summary Comment

The maintenance certificates for both the smoke alarms and the fire extinguishers have been received. The regulatory requirement for regulation 26 - Fire safety measures has been addressed.