

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2024DY006		
<b>Name of Service:</b>	The Diverseminds Academy		
<b>Address of Service:</b>	60/61 Manor Street, Stoneybatter, Dublin 7, Co. Dublin		
<b>Eircode:</b>	D07 CY53		
<b>Name of Registered Provider:</b>	Jigna Rokadia		
<b>Service type:</b>	Full Day, Part Time, Sessional		
<b>Date of Inspection:</b>	12/12/2024		
<b>No of pre-school children:</b>	AM	14	PM 6
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Child and Family Agency, Unit 4&5 Nexus Building Block 6A, Blanchardstown Corporate Park, Dublin 15		
<b>Inspection undertaken by:</b>	Á Dunne		
<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 Diverseminds academy operates an early years' service from the ground floor of a two-storey premises in Dublin 7. It provides full day, part time and sessional care to children aged between 2 to 6 years. The service offers a sessional service to children availing of the Early Education and Childhood Care (ECCE) scheme from 9.30am to 12.30am Monday to Friday, and a full day care service for children from 8.00am to 6.00pm, Monday to Friday, for a maximum of 44 children. In the service, there are two care rooms - the Bright Moon room and the Shining Star room, an enclosed outdoor area situated to the side of the building, sanitary facilities for children and staff, a service kitchen for the preparation of meals, and an administration office. There is a school age service operating upstairs in the premises.

### Staffing

The registered provider works in the service and employs four staff, two early years childcare staff who work directly with the early years children and two staff who help to prepare food for the early years' children and work with school age children.

### 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 announced 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.

The inspection focused on an examination of compliance under regulations as follows:

Regulation 9 Management and recruitment (1)(a)(b)(c)(2)(a)(b)(c)(d), (4)

Regulation 11 Staffing Levels (1)(2)(3)(8)(a)(c)

Regulation 19 Health Welfare and Development of Child (1)(a)

However, on inspection additional non-compliances which posed a risk were identified under Regulation 23 Safeguarding Health, Safety and Welfare of child. These findings are outlined within the relevant regulation within this report.

The scope of the inspection was the two care rooms - Bright Moon room and Shining Stars room.

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings. Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

## Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, staff and children who were present on the day of the inspection.

### Part III – Management and Staff

#### Regulation 9 – Management and recruitment

*(1) A registered provider shall ensure that-*

- (a) the service has a designated person in charge and a named person who is able to deputise as required,*
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and*
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.*

*(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-*

- (a) consideration of references from the person’s past employers, if any, and in particular the most recent employer, if any,*
  - (b) consideration of references from reputable sources in the case of a person who has no past employers,*
  - (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and*
  - (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.*
- (4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.*

#### Compliance Information

- (1)
- (a) The service had a designated person in charge and a named person to deputise as required.
  - (b) The person in charge was on the premises when the inspector arrived and was present for the duration of the inspection.
  - (c) There was evidence of a clear management structure in place and staff were aware of specific roles and responsibilities.
- (2) The files of the Registered provider, two early years childcare staff and two support staff who prepare the food for the early years’ service, were reviewed.

- (a) Two validated written references were available for the four adults from past employers and one validated reference was available for one adult from a past employer.
- (b) One validated written reference was available for one adult from a source other than a past employer.
- (c) Garda vetting disclosures had been obtained for the five adults employed within the service. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
- (d) Police vetting for five adults who had resided outside of the state for six months or more as an adult was available for inspection.
- (4) Three adults employed within the service to provide direct care to the early years children had evidence to confirm they held a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications.

### 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.*
- (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.*
- (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 at all times, there was an adequate number of adults working directly with the children attending the pre-school service. There were three adults working with 14 children in the morning and two adults were working with six children in the afternoon.

(2)(3) The correct adult/child ratio was maintained in the service throughout the inspection at all times, as follows:

	Bright Moon Room	No. of Adults present	Shining Stars Room	No. of Adults present	Total
No. of Children aged 2 years to 3 years (Morning)	5	1	9	1	14 Children to 2 Adults
No. of Children aged 2 years 8 months to 5 years (Afternoon)	0	0	6	2	6 Children to 2 Adults

The registered provider was available to offer support in the rooms when required for example, for nappy changes and to cover breaks.

(8)(a) The registered provider ensured two adults were present on the premises during the operation of the early years' 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

(1)(a)

##### Basic Needs

- For children attending full day care or part time care, the service provided meals as follows; breakfast when required by the children between 8.30am and 9.00am, followed by snack, from 10am to 10.30am , a hot meal at 12.30pm, served in the Bright moon room for all children present, prepared by the service but supplied by an external catering company, afternoon tea at 3.15pm served in the Shining stars room for all children present. Additional and alternative food was available at mealtimes for children if needed. Children attending on a sessional basis brought their lunch from home. Children had drinks of water available at all times and milk at mealtimes.
- Practices such as nappy changing and toileting were observed to be timely and pleasant experiences for the children.
- The staff interacted with the children in a respectful, warm and patient manner.
- The children spent time in the outdoor area and had the opportunity to play with toys and equipment to support full-body movement and activities.
- Children were dressed appropriately for their outdoor play. Staff assisted children with their coats, hats, and scarfs before leaving the care rooms.

##### Supporting relationships with children

- Parents and guardians had the opportunity to speak with staff at drop off and collection and discuss their child's day and activities undertaken. Additional information such as food eaten and nappy changes were recorded by staff in the Bright moon room in a daily log and shared with parents at collection.

##### Physical and Material environment

- Rest areas had soft matting, and cushions, and books, with suitable low beds available for children that required sleep.

- Low level tables, chairs where available for mealtimes and tabletop activities.
- The outdoor area was available to the side of the service and was surfaced with an artificial grass surface. The play materials available to the children included slide, balance beam, cars diggers and a sensory clay digging pit with supporting equipment.

### Non-Compliance Information

#### Basic Needs:

1. Between 12.50pm and 1pm, three children from the Bright moon and Shining Stars rooms, having lunch in the Bright moon room, were not given assistance and support at lunch time due to staff becoming distracted on the arrival of parents into the care room to collect their children.

#### Physical and Material Environment:

2. Due to the large size of the Shining Stars room the materials and equipment available did not encourage the children to play together and create opportunities of play. Spaces for children need to be in smaller defined areas to invite the children to choose materials, play together rather than run.

#### Programme of Activities:

3. During the inspection, the inspector observed the children part take in adult led activities with equipment placed on tables for the children to part take in. Areas of interest and layout of play equipment were not organised to promote independent choices of play for the children and for child led play.

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

#### Corrective

##### 1. Basic Needs:

To facilitate smooth transition between changes of sessions at 1.00pm, the drop off and collection policy has been reviewed and updated. The service has introduced a new drop off and collection arrangement. Parents and guardians are encouraged to drop off children to and collect children from the reception area outside the Bright Moon classroom. An updated policy has been emailed to parents and shared with the educators. One staff member manages the handover and the second staff attends and supports other children in the classroom. The manager and the relief educator attend and support remaining children in the classroom.

### 2. Physical and Material environment

The physical learning environment of Shining Stars room was immediately reviewed. The room has been partitioned using shelves and tables to reduce the size of the room. The learning corners in the Shining Star rooms have been rearranged to create integrated learning environments. The manager and educators are working on the learning environment to promote high quality learning and play experiences to children. The service has submitted an application to a quality improvement organisation for support which has been approved.

### 3. Programme of activities:

The issue was discussed with staff at one-to-one meeting. Relevant staff member has acknowledged the importance of child led play and providing choices to children. The manager has shared valuable resources on child led play. Aistear Siolta Practice Guide- Guidelines for Good Practice for learning through play highlighting the role of an educator as the adult in the play and a LINC blog on the importance of playful experiences in the early years.

#### Preventive Action:

##### 1. Basic Needs:

The transition will be monitored on a regular basis by the management. A relief educator has been scheduled to work as an extra support to manage the transitions more smoothly. The key educator manages the handover and the manager along with the relief educator support children. The recruitment of an additional staff for extra support is under process

##### 2. Physical and Material Environment:

Management has booked training for educators on “Reorganise & Revitalise: Creating an inspiring classroom environment in your setting “and Siolta Awareness Workshops. The learning environment will be reviewed and evaluated at team meetings using the Aistear Siolta Practice Guide. Work in collaboration with the quality improvement support organisation to promote high quality play opportunities and create enrich learning environment. Extra shelving units will be ordered shortly for the purpose of partition of the room.

##### 3. Programme of Activities

Staff will undertake additional online training on “An introduction to the rights of the child in early learning and care”. The manager will mentor and support educators in facilitating child led play and organise training if any of the staff member needs extra training.

### Supporting documentation submitted

1. Updated Drop off and collection Policy.
2. Photographic evidence but no evidence submitted for better start Quality application or invoice for training confirmation.
3. Evidence of training course booked

### Summary Comment

Under Regulation 19, the non-compliances outlined above have been addressed.

### 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.*

### Non-Compliance Information

#### General Safety:

1. Staff did not ensure that the door from the outdoor area into the Shining Stars care room was open and accessible to ensure ease of entry on their return to the care room, during or after outdoor play, leading to a risk of delay in the event of an emergency.
2. In the Shining stars room, between 11.20am and 11.30am, children were not supervised while playing in the art and craft area. As a result, the following was observed.
  - The children were not assisted when playing with the glitter and paint, which created a potential slip risk when spilled on the floor.
  - A child was observed running with a scissors which increased the potential risk of injury to the child or others.
3. In the Shining stars room, grapes which were present in a child's lunch were not quartered or halved, posing a risk of choking. It is acknowledged that the registered provider cut the grapes in halves, following intervention by the inspector.

4. The record of attendance for the service did not accurately reflect number of the children in the care rooms, contemporaneous accurate record of attendance must be maintained to support the safe evacuation of children in an emergency. For example.
  - In the Shining stars room, four children, who left the service at the end of the ECCE session at 12.30pm were not marked as absent until 2.10pm and one child who left the service at 2.15pm was not marked as absent up to 3.17pm.
  - When the record of attendance was updated, the times were not noted accurately for one child who left at 12.53pm but was noted as leaving at 12.40pm in the attendance book.
  - At 12.30pm, when the children attending part time or full-time care from the Shining stars room, moved to the Bright moon room, it was observed that the attendance books for both rooms were not available to staff as they were in the outdoor area since outdoor play time. This reduced the effective evacuation in the event of an emergency as there was no access to the record of attendance while back inside in the care rooms.
5. The door of the kitchen of the service was open during the inspection, making the kitchen accessible to the children, leading to a risk of injury.

### Infection Control:

6. Thermostatically controlled warm water was not available in the sanitary facilities leading to a risk of injury, as follows:

Sanitary facility for Shining Star room	Temperature recorded	Time
Wash hand basin 1	49.1 °C	1.09pm
Wash hand basin 2	49.7 °C	

which exceeds the recommended water temperature of 43 ° C maximum

7. Children lunches which were brought from home were not refrigerated to prevent spoiling of perishable items.
8. Mechanical ventilation did not appear to be functioning in the nappy changing sanitary facility, leading to poor infection control.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

##### Corrective Action:

1. Management has addressed the health and safety issue with the team. A new keypad has been installed in the outdoor area for quick and easy access to the indoor area. All members of the team have been informed of the access code.
2. The art corner was immediately reviewed by the management. Art materials not suitable for children's development level were removed from the art corner and stored out of children's reach. The manager has addressed the issue with the team and discussed the importance of effective adult supervision in the use of art and craft materials like glitter, glues and scissors.
3. Other uncut vegetables/fruits are served to children. Staffs have agreed to be extra vigilant while serving fruits and vegetables sent from home. The manager or any other member of the team chops whole grapes brought from home into halves or quarters depending upon the size of the grapes and the age of the child. The manager and other staff members check the children's lunch boxes before putting them in the fridge. If any food item is not safe for children to consume, it is addressed immediately. Parents have been reminded to chop grapes lengthwise into halves or quarters according to the age of the child. Policies and Procedures of the service has been emailed to parents.
4. The manager has discussed the importance of correct sign in and sign out of children for fire safety and other safety reasons. The Outdoor play policy has been updated to highlight the importance of bringing back the class register to the classroom when returning from outdoor play.
5. A written memo was circulated among the team with the instruction to keep the kitchen door closed at all times. The memo was signed by the members of the team to confirm that they understand the importance of having the kitchen door for children's health and safety. The display of the notice to keep the kitchen door closed at all times has been changed to make the notice more visible and clearer. The manager checks the kitchen door at regular intervals to ensure it is kept closed at all times.

##### Preventive Action:

1. Management will continue to assess the use of the keypad when outdoor area is used.
2. Art & craft materials like glitter and scissors will be used only under the strict supervision of the educator(s). The art corner will be reviewed by the management on a continuous basis. The manager will do spot checks to ensure art and craft materials are safely used.

3. Healthy eating policy has been updated to include the safe practice for chopping grapes and other fruits and vegetables. The Manager and staff will rigorously monitor snack brought by children from home. Future new staff members will be trained on this at the induction stage.
4. The manager will so spot checks to ensure class registers are accurately completed and class registers are not left in the outdoor area. Future new staff members will be trained on signing children in and out in a timely manner.
5. The manager will continue to check the kitchen door at regular intervals and also remind the team. Future new team members will be trained on this at the induction stage.

### **Infection Control:**

#### **Corrective Action:**

6. Water temperature is now checked and recorded three times a day at 8.30am, 12.30pm and 4.30pm to ensure the correct water temperature at all times. Water temperature record sheet has been amended accordingly. Staff have been instructed to inform the manager know if they feel the water temperature has gone high.
7. In one-to-one meeting, management has addressed the issue with the team and a box labelled with “Children’s lunches for refrigeration” have been introduced in Bright Moon and Shining Stars room. A written reminder has been put on the wall closer to children’s belongings to remind the team to put children’s perishable snacks brought from home in the fridge. Every morning the manager confirms with the staff if children’s perishable snack brought from home have been refrigerated.
8. A new ventilation fan has been installed in the nappy changing area.

#### **Preventive Action:**

6. A new water thermostat has been ordered from Waveform Electrical Wholesale to ensure consistent water temperature. It will be installed as soon as it is delivered.
7. New team members will be trained on this at the induction stage to ensure the correct storage of children’s perishable snack. The manager will conduct spot checks to ensure perishable food items sent by parents are stored in the fridge.
8. In future, if the ventilation fan stops working at any time, measures will be taken to fix or replace it immediately.

## Supporting documentation submitted

### General Safety:

1. Invoice for installation of lock on door submitted, Photographic Evidence submitted
2. Photographic Evidence
3. Healthy eating Policy
4. Outdoor Play Policy
5. Photographic evidence

### Infection Control:

6. Water temperature Record, receipt of purchase water thermostat.
7. Photographic evidence
8. Invoice for works, Photographic Evidence.

## Summary Comment

Under Regulation 23, the non-compliances outlined above have been addressed.