

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2024FL009
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<b>Name of Service:</b>	First Steps Academy Creche & Montessori Limited
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<b>Address of Service:</b>	Royal Canal Crescent, Rathborne Park, Rathborne, Dublin 15
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<b>Eircode:</b>	D15CHX5
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<b>Name of Registered Provider:</b>	Shirley Flannery
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<b>Service type:</b>	Full Day
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<b>Date of Inspection:</b>	04/12/2024
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<b>No of pre-school children:</b>	AM	37	PM	30
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Floor 7 Brunel Building, Heuston South Quarter, St. John's Road West, Kilmainham, Dublin 8
<b>Inspection undertaken by:</b>	E. Finnegan Hayes & C. Harte
<b>Title:</b>	Early Years Inspectors

### Authority to Inspect

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

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

First Steps Academy Creche & Montessori Ltd. Is a privately owned service located in a purposely adapted building in a residential area in Dublin 15 and is one of three services opened by the registered provider. The service is registered to provide care and education to a maximum of 63 children; 57 of whom can attend on a full day care basis. The service operates from 8am-6pm Monday to Friday and offers eligible children the Early Childhood Care and Education (ECCE) scheme from 9am-12pm daily 38 weeks of the year in line with the programme rules.

### Staffing

The registered provider employs eleven staff to work in the service including the service manager; all of whom were present on the day of the inspection. The service general manager who works across a number of services owned by the registered provider was also present on the day of inspection to support the staff. 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

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

The inspection focused on an examination of compliance under

Regulation 9 Management and Recruitment

Regulation 11 staffing levels

Regulation 19 Health, Welfare and Development of the child

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

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 4 December 2024 in relation to concerns under Regulation 23 Safeguarding the Health, Safety and Welfare of Child. A response which adequately addressed the concerns was received on 5 December 2024. Further details are available under regulation 23 below.

## Acknowledgments

The inspectors wish to acknowledge the cooperation of the general 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.

(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) (b) The registered provider ensured there was a designated person in charge and a named person to deputise as required. Both the person in charge and the deputy were on the premises when the inspectors arrived in the service.
  - (c) The service had a clear management structure with clear roles and responsibilities.
- (2) A review of the service roster and conversation with management confirmed there are eleven staff members currently employed in the service including the service manager. The files of all eleven staff were reviewed.

The file of the general manager who was rostered to work in the service and present on the day of the inspection was also reviewed.

- (a) Ten written and verified references were available from a past employer in relation to five staff members.
  - (b) Fourteen written and verified references were available from a source other than a past employer in relation to nine staff members.
  - (c) Garda vetting disclosures had been obtained for all twelve staff members. The service had also adhered to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years.
  - (d) Police vetting was available for twelve staff members who had resided in a country other than Ireland for a period of more than 6 months as an adult.
- (3) A review of the staff files showed that the checks required under (2) above had been completed in advance of the employment start date for nine staff members.
- (4) Evidence was available to show that twelve 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.

### Non-Compliance Information

(3) A review of the staff files showed that the checks required under (2) above had not been completed in advance of the employment start date for three staff members, for example;

- Police vetting was dated after the start date of one staff member.
- Five references in relation to the three staff members were verified after the start date of the staff members.

The checks required must be completed prior to the start date of the staff members to ensure they are suitable to work directly with children.

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

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

(3) We have amended our recruitment policy to make sure we carry on all the checks before the start date of any staff. Management have received training based on our updated policy.

#### **Supporting documentation submitted**

Recruitment policy reviewed.

## Summary Comment

The corrective and preventive actions submitted by the registered provider are sufficient to address the non-compliance under Regulation 9.

## 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) The registered provider ensured that an adequate number of staff were working directly with the children in the service. On the day of inspection eight staff were working directly with the 37 children present. Four additional staff were present to offer support in the rooms as required and cover breaks.

(2) The registered provider ensured that ratios were maintained at all times. The following was observed;

- In the Boo Boo Bears room two adults were caring for six children aged 1-1.5 years old.
- In the Snuggle Bears room two adults were caring for six children aged 1.5-2.5 years old.
- In the Cub Bears room two adults were caring for twelve children aged 2.5-3 years old.
- In the Buddy Bears room two adults were caring for sixteen children aged 3.5-4 years old.

Additional staff were provided to maintain ratios during staff breaktimes.

### 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:

- The service provided all food to the children in line with their healthy eating policy and a four-week menu. The menu includes three meals and two snacks per day; breakfast serviced up to 9am, fruit snack at 10am, dinner at 11:30am followed by tea at 3pm. The hot meal is provided by an external catering company and refrigerated on site. Staff advised that additional portions of dinner would be available if needed.
- Water was available to the children in individually labelled beakers.
- Nappy changing was done on a set schedule and as required to ensure the children's comfort.
- Children were free to move and engage in a variety of play experiences without restriction.
- Staff supported children to maintain their nasal hygiene helping them to clean their noses as needed.

##### Physical and Material Environment

- Child sized tables and chairs and low-level shelving in all care rooms allowed children to access materials freely and promoted independence.
- The care rooms were divided into designated play area and materials were grouped to encourage a range of play experiences.
- Cosy areas were present in all rooms offering a quiet comfortable area for children to rest and take a break from activities during the day.
- Photographs were used to support children to store and identify their own belongings and a family photo wall supported the children's sense of identity and belonging.
- The outdoor space provided an area for gross motor play. The area is fitted with synthetic grass flooring and a range of play materials were available including; two slides, a seesaw, balance beams, tunnel and small climbing frame.

### Supporting relationships:

- Staff ensured a relaxed atmosphere in the service. They were kind, caring and respectful in their interactions with the children.
- Staff engaged with children throughout the day playing with them and sitting with them during mealtimes. This provided opportunities to support children’s learning and development.
- Minor disagreements were handled promptly and sensitively. Children were supported to use their words to problem solve and staff were observed to model appropriate responses to conflict for the children.
- Information was recorded and shared with parents on a daily basis. Staff were observed to record details about each child including meals, nappy changes, and sleep. This promoted a strong relationship between staff and parents.

### Non-Compliance Information

1. Adequate sleep equipment in line with the “Guidance for the Early Learning and Care sector on sleep provision for children under 24 months” was not used for two children aged under two years old on the day of inspection. The following was observed;

- The children were observed to sleep on low level stackable beds which did provide adequate support or comfort for children of this age.
- Individual sleep care plans completed in conjunction with the children’s parents which detailed the developmental rationale for moving the children from cots were not available.
- Risk assessment which detailed the potential risks for children both in the cot and if moved to a low-level bed were not available for review.

It is acknowledged that the service had ample cots available for the children to sleep in on the day of inspection.

2. The sleep needs of two children aged 12-13 months in the Boo Boo bears room were not observed to be met on the day of inspection. Between 10:52am and 11:24am two children were observed crying, yawning and rubbing their eyes, one child was observed putting their head down on a cushion in the cosy area at 11:24am and staff acknowledged the two children were tired. At 11:27am one child had dosed off in the cosy area when a staff members called them by name and told them they will have dinner and then they can go to sleep. At 11:55am the children were brought to the cot room for naptime. Staff advised one of the children had been put into a cot in the care room at 9am and did not sleep however there was no record of this in the child’s parental communication record.

3. Children of this age often require a nap in the morning time and staff should be responsive to the children's sleep cues to ensure their needs are met in a timely manner.
4. An alternative hot meal was not available or provided to a child aged 15 months old who refused the meal offered. Staff advised alternative hot meals are not available when children refuse to eat the meal provided but that children are given crackers or rice cakes instead. The child was provided with one dry cracker to eat. An alternative meal should be provided to ensure that children receive adequate food and nutrition to maintain energy levels and support development.
5. Children were not provided with props to facilitate and extend their play experiences, for example props were not available for use with a kitchen in the outdoor area while in the Buddy bears room did not have supporting equipment for the easel such as paint, paper, or chalk. Props and supporting equipment allow children to engage in spontaneous, interest-based play experiences and extends their learning.

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

#### Corrective and Preventive Action

1. The children that were sleeping in non-suitable floor beds for their age, are back in the cots as we always have a staff member with them. Stackable beds are now removed from the service. The service have created individuals sleep care plans that parents will complete and share with us so we can accommodate their sleep needs better. Risk assessments are in place now so parents will sign them before moving the children from cot to floor mat. Management have received training in safe sleep guidance and policy was reviewed.
2. Individuals sleep care plans have been created that parents will complete and share with us so we can accommodate their sleep needs better and we are training the staff to identify children's needs and act according to it. Staff and management have received training in safe sleep guidance and policy was reviewed.
3. We arranged for an additional alternative food option alongside our regular menu to accommodate those who decline the hot meal offered. Staff and management have received training in healthy eating guidance and the policy was reviewed.
4. The outdoor area has now been enhanced with new kitchen toys, and the Buddy Bears room has been equipped with the necessary supporting equipment. Staff and management have received training in outdoor play and interest-based play guidance. Policy was reviewed.

#### Supporting documentation submitted

Documentation and images in relation to above were reviewed.

### Summary Comment

The corrective and preventive actions submitted by the registered provider are sufficient to address 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.*

### Non-Compliance Information

#### Infection Control:

1. Appropriate infection control practices were not used in relation to the bedding used by children in the Cub Bears room. The sleep mats were observed to be stacked with the sheets on and the sheets were observed to be touching each other which posed a risk of cross contamination. Staff advised that the sheets had been used the previous day.

#### Safe Sleep:

2. An ambient sleep temperature was not maintained in the Snuggle Bears room where children aged 1.5-2.5 years old were sleeping. The temperature was recorded to be 23°C at 12:40pm on the inspector's calibrated thermometer. The thermometer in the care room registered the temperature as 21.2°C

#### Fire Safety:

3. Two designated fire exits; one in the Boo Boo bears room and one in the adjacent cot room used by children from the Boo Boo Bears room were observed to be blocked by cots between 11:54am and 12:25pm. At 12:25pm the cot in the care room was moved from in front of the fire exit door but the other door remained blocked. This would have impeded the safe evacuation of children in the Boo Boo Bears room in the event of a fire emergency. An immediate action notice was issued to the registered provider on the day of the inspection.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### Infection Control:

1. The service now has a system to store the sheets and blankets individually in waterproof zip wallets. Staff and management have created a system to avoid cross contamination and get trained in infection control.

**Safe Sleep:**

2. New thermometers were purchased to provide more accurate and detailed temperature information. Staff and management have received training in safe sleep guidance and policy was reviewed.

**Fire Safety:**

3. The staff received training of Fire Safety in accordance with regulation 23, so they all remember the importance of not blocking the fire exit to ensure the kids and staff safety in the event of a fire or emergency. The staff will ensure that less cots are in the cot room during sleep times so the fire exit is not blocked by a cot and is fully compliant with Regulations 23. Head Office will meet to ensure the Cot Room has more facilities for the staff to be in full compliance with Regulation 23. The staff received training of Fire Safety in accordance with regulation 23, so they all remember the importance of not blocking the fire exit to ensure the kids and staff safety in the event of a fire or emergency.

**Supporting documentation submitted**

**Infection Control:**

A photo of the sheets stored individually, and a staff training log was reviewed.

**Safe Sleep:**

An invoice for new thermometer reviewed.

**Fire Safety:**

Images of new cot layouts reviewed.

**Summary Comment**

The corrective and preventive actions submitted by the registered provider are sufficient to address the non-compliance under Regulation 23.