

TUSLA REGULATORY INSPECTION REPORT

TUSLA Identifier:	TU2015RN001
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Name of service:	Pear Tree playschool
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Address of service:	7 Warren Drive Boyle Co Roscommon
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Name Of registered provider:	Aisling Archer
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Type of service registered:	Sessional	☐	Part-Time	☐	Drop-In	☐
	Full Day Care	☐	Childminding	☒	Temporary	☐

Date of Inspection:	29/09/2022
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Number of pre-school children present:	AM	4	PM	n/a
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Address of the Early Years Inspectorate:	Early Year's Inspectorate, TUSLA, Child and Family Agency, Government Buildings, Convent Road, Roscommon, Co. Roscommon.
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Inspection undertaken by:	A. Kennedy
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	Not applicable
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Description of Service	The pear tree play school was established in 2015 as a private childminding service catering for children from 2 to 6 years. The hours of operation are from 09:30 to 13:00hrs Monday to Friday. The service does not operate during the summer. The service is operated from a playroom within the childminders residential dwelling with a separate entrance to the rear of the registered provider's home. The children's sanitary accommodation is on the ground floor and separate adult sanitary accommodation is provided on the first floor of the premises. A large enclosed outdoor play area is provided to the rear of the premises.
Staffing	The registered provider works directly with the children and there is an emergency person within close proximity if an emergency arose. The registered provider advised on the day that there is no relief person available therefore, the service would close if the registered provider was not able to work.
Methodology	Tusla's Early Years Inspectorate (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 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. 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 service on 30/09/2022 in relation to the temperature of the water in excess of the recommended safe temperature. The registered provider responded to the immediate action notice on 04/10/2022 with a corrective action in place to address the concern. This was assessed by the Early Years Inspectorate and deemed to meet the regulatory requirement under Regulation 23. A referral was sent to Better start to obtain support towards compliance with Regulation 19.
Acknowledgments	The inspector wishes to acknowledge the cooperation of the registered provider, the emergency person 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,
- (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 registered provider is the person in charge and it was advised that in her absence the service would close.
- (b) The registered provider was on the premises for the duration of the inspection and from assessment of the records the registered provider is on the premises at all times.
- (2)(a)(b)(c)(d)
- The registered provider advised that there have been no staff changes since the last inspection of the service on 20/11/2019.
- (2)(d) The registered provider advised that she had reapplied for garda vetting for herself and the emergency person. It is acknowledged the completed vetting documentation was submitted to the Office of the Early Years Inspectorate on 14/11/2022.
- (4) The registered provider holds a relevant qualification in Early Childhood Care and Education.

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.
- (8) Without prejudice to paragraphs (2) to (7)-
- (b) A childminder shall ensure that a second person familiar with the operation of the service and in a position to provide assistance to the childminder in operating the service is, at all times, within close distance of the service and available to attend the service to assist the childminder in the event of an emergency, and
- (c) A registered provider of a sessional pre-school service shall ensure that, where the person in charge operates the service single-handedly, a second person familiar with the operation of the service and in a position to provide assistance to the person in charge in operating the service is, at all times, within close distance of the service and available to attend the service to assist the person in charge in the event of an emergency.

Compliance information

- (1) There was one adult caring for four children on the day of the inspection.
- (8)
- (b) An emergency person was on the premises on the day of the inspection and advised that they are available to assist in event of an emergency at all times during the hours of operation.
- (c) The registered provider advised that the emergency person is within close proximity of the service at all times and in a position to provide assistance if required.

Part III – Management and Staff

Regulation 12 - Childminders

- (1) A childminder shall ensure that-
- (a) there are no more than 5 pre-school children in his or her care at any given time, including his or her own pre-school children,
 - (b) subject to paragraph (2), there are no more than 2 children under the age of 15 months in his or her care at any given time, including his or her own pre-school children, and
 - (c) there is a working telephone on the premises.

Compliance information

- (1)
- (a) The childminder had no more than five children attending at any time as evident from reviewing the attendance records.
 - (b) All children attending were between 3 and 4 years old.
 - (c) A phone was on the premises.

Part IV – Information and Records

Regulation 18 – Copy of Act etc.

A registered provider shall ensure that a copy of Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Regulations is kept on the premises and the said copies shall be open to inspection on the premises by-

- (a) a parent or guardian of a child attending or proposing to attend the service,
- (b) an employee, unpaid worker or contractor, and
- (c) an authorised person.

Non compliance information	A copy of Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Regulations was not available or open to inspection on the premises by a parent, or guardian, an employee, unpaid worker or contractor or an authorised person.
Corrective & preventive action submitted by the registered provider	The registered provider submitted a written response to state Corrective Action A copy of the Childcare Act 1991 and the Early Years Regulations have been placed on the parents and guardians bulletin board for display. Preventive Action The registered provider submitted a written response to state that this documentation will be available on the premises at all times. <u>Supporting documentation submitted</u> Photographic evidence was submitted of the Childcare Act and Regulations.
Summary comment	The Early Years Inspector has reviewed the corrective and preventive actions and evidence submitted and deems it to meet compliance under Regulation 18. This will be reviewed on next inspection of the 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
- (b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

Compliance information

Basic needs of children

- Hand washing was carried out regularly in the setting independently by the children with gentle reminders from the adult after toileting, prior to consuming snack and after outdoor play.
- The children sat at low tables for their morning snack accompanied by the adult.
- Adequate tables and chairs were provided for the children.
- The children consumed a healthy lunch at 11.10am supplied by the parents consisting of sandwiches, crackers, rice cakes, rolls of various fillings, a selection of fruits and vegetables to include dried mango, carrots, cherry tomatoes, celery, grapes and blueberries. Water and juice were provided as drinks.
- The snack time was unhurried and the children were encouraged to be independent. Much conversation was noted between the adult and the children during this period.
- There was a cosy area within the preschool room with a selection of cushions and a mat for the children to rest or opt out of activities if they so wished.
- Children were encouraged by the adult to do things for themselves and be self-caring around their toileting needs.
- The children enjoyed freedom of movement within the playroom and within the outdoor area on the day of the inspection and the registered provider advised much of the time is spent in the outdoor area on a daily basis.
- Aprons were provided for messy play activities.

PHYSICAL AND MATERIAL ENVIRONMENT

- There was a wide variety of play equipment and materials to stimulate each area of a child's development.
- Play resources included multi-sensory mediums and open-ended play resources e.g., wooden blocks, play dough and arts and crafts materials.
- Messy play opportunities were provided with the provision of sand, water, play dough and paint.
- The furniture provided in the service was low level and appropriate for the children attending.

Non compliance information	Physical and material environment The indoor environment did not have clearly defined interest areas to provide the children with a sense of order and enable them to find and retrieve materials in the play areas. Many items included a wooden garage, a play castle and a wooden train set were stored on the floor which could prove a tripping hazard. There were numerous items for tabletops activities, arts and crafts materials and construction blocks stored on shelves not accessible by the children. The dress up items were stored in a large basket on the floor in the preschool room which could prove difficult for the child to access.
Corrective & preventive action submitted by the registered provider	<u>Corrective action</u> The registered provider submitted a written response to state the classroom has been rearranged to define the areas of play. The blocks have been removed from the shelves and the wooden train is stored in a custom-made container. The wooden garage is stored at the perimeter of the wall to prevent tripping. The castle has been stored away in a specific container beside wooden train. The shelves have been cleared with one puzzle per shelf so that children can see it clearly from the front and access it easily. The arts and crafts materials have been moved to the windowsill beside a worktable so that children can choose and access with ease. The costumes have been hung up on a dress up rail and the accessories such as hats and helmets are stored in a small plastic basket under the costumes for clear visibility and easy access. <u>Preventive action</u> To prevent this the wooden toys, puzzles and costumes will be rotated on a six-week interval to avoid overcrowding of shelves and baskets and avoid lack of storage and a small drawer unit will be purchased for small art and crafts items and paper. <u>Supporting documentation submitted</u> Photographic evidence has been submitted of • The relocated wooden garage • The wooden train track stored in a storage table • The relocated arts and crafts materials • The dress up rail and basket for accessories • The jigsaws/puzzles on the shelves • The food accessories and home accessories on a shelving unit
Summary comment	The Early Years Inspector has reviewed the corrective and preventive actions and evidence submitted and deems it to meet compliance under Regulation 19. This will be reviewed on next inspection of the service.

Part VI – Safety

Regulation 23 - Safeguarding health, safety and welfare of child

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

Compliance information

General safety:

The following measures were in place in the service to safeguard the health, safety and welfare of the children attending:

Infection Control

Regular hand washing by the adult and children was observed. The adult prompted the children to wash their hands before eating and following toileting and after outdoor play. Sanitizer was provided at the entrance lobby. Adequate liquid soap, warm water and paper towels were available in the sanitary unit. Handwashing signage was provided at the sink in the sanitary areas to remind children to wash their hands. Tabletops were wiped clean before and after snack breaks. A refrigerator was used for the storage of perishable foods within the preschool room.

General safety

A wooden gate was appropriately secured upon arrival to the service to prevent a child gaining access unsupervised and unauthorised persons gaining access to the preschool. The children were actively supervised at all times whilst playing in the preschool room and in the outdoor area. Toys and play equipment were non-toxic.

The waste bins both indoors and outdoors were inaccessible to the children. No hot drinks are consumed by the adult within the service during the hours of operation.

Administration of medication

There was no medication observed to be administered to a child during the inspection. The adult demonstrated through discussion with the inspector that they were aware of the correct procedures for the storage and administration of medicines.

Fire safety

The emergency exits were observed to be free from obstruction at all times during the inspection.

Non compliance information

General safety:

1. The water temperature in the children's sanitary area was 50.9°C which is in excess of the recommended safe temperature of maximum 43° C.
2. It was observed that one child was wearing amber bead jewellery which poses a potential choking/inhalation hazard.
3. Two wooden steps on the ladder leading to the wooden playhouse in the outdoor area were chipped and worn and could pose a potential safety concern.
4. A ladder was stored against the back wall of the outdoor area which could pose risk of injury to a child.
5. There were low level branches from three trees which could pose a risk of injury to a preschool child.
6. There was a lath of wood positioned between two branches on one of the trees which could pose risk of injury to a child.
7. A wall mounted canopy over the quiet area in the preschool room was not adequately secured to the wall and could pose risk of injury to a child.
8. Numerous materials and equipment were stored on the floor in the preschool room to include a play garage and wooden train track, a play castle and baskets of materials to include food and play accessories which could pose a tripping hazard.
9. It was observed on the day of inspection three children were consuming food which included whole grapes, whole cherry tomatoes and whole walnuts. These foods could pose a risk of choking.
10. There was evidence of rust and chipped paint on a wheelbarrow in the outdoor area which could pose risk of injury to a child.
11. Restrictive opening devices were not provided on the windows of the preschool room which could pose a safety concern.

Infection control:

12. The paintwork from the legs of a child sized metal chair and desk were chipped and worn and could pose difficult to effectively clean.
13. Only one of four windows was openable which limited ventilation in the preschool room with the other three windows locked. As an infection control measure the room must be adequately ventilated throughout the duration of the session.

	Fire safety 14. An electric storage heater was stored in a wooden storage box in the preschool room which could pose a fire hazard. 15. The children access the sanitary accommodation via the kitchen and it was observed that this space was not maintained in an orderly condition with much laundry evident on the kitchen table and on the floor which could prove an obstruction in event of an evacuation.
Corrective & preventive action submitted by the registered provider	Corrective Action The registered provider submitted a written response to state 1. The temperature of the water was addressed on receipt of the immediate action notice and evidence was sent to the office of the Early years inspectorate on 04/10/2022. 2. The Parent was notified on the day of inspection and removed amber bead necklace from child. It has not been worn since. 3. The entire wooden ladder and frame was replaced with a new version to ensure all steps safe. 4. The Ladder was removed immediately on the morning and moved to an enclosed garage out of harm's way. 5. One tree was cut down completely and the other two trees have been cut back extensively to avoid risk of injury. 6. The tree in question has been cut down completely and removed. 7. The canopy has been repositioned in a more central manner on the wall by moving the dresser slightly to the right and removing old nail with a new and stronger screw to carry weight of canopy evenly. 8. The materials on the floor are now stored on specific white small shelf in home area. The garage is store up against the wall in a corner as too heavy for the children to lift down if stored on shelf. The wooden train track in stored in a basin inside a small table and accessible to children. The wooden castle stored inside small table as well in a separate basin beside wooden train track. 9. Parents were notified on the Pear Tree Playschool whatsapp that they must cut Grapes and cherry tomatoes as to avoid choking. All nuts have been banned as they pose a choking hazard. 10. The wheelbarrow was removed, and a new wheelbarrow purchased. 11. Window restrictors purchased at professional window and doors company and fitted on two windows which will secure safety. Infection control 12. Metal paint purchased, and legs of chair and table will be sanded and painted in deep green. 13. Two windows opening out to back garden have restrictors fitted on and windows can be kept open safely for adequate ventilation during the session

Fire safety

14. The storage heater has been removed, and underground floor heating adjusted for an extra hour every morning to keep room at a constant temperature of 22 degrees until 1.00pm.
15. Laundry put in laundry press in kitchen out of sight and floor clear at all times.

Preventative Action

1. Temperature taken daily and recorded am and boiler checked regularly in our utility room to ensure temperature remains constant.
2. Parents will be notified in the future prior to the service starting in September regarding amber jewellery necklace as a choking hazard and not to be worn at all. This will be added to our welcome package letter.
3. A deep inspection of outdoor furniture to be checked on a monthly basis to avoid potential safety.
4. I will physically remove the ladder on my morning risk assessment and place in my domestic garage before session starts at 9.30am
5. The remaining two trees will be checked on a monthly basis to avoid potential safety.
6. removed completely
7. Check nails and fixtures in room on a morning inside risk assessment.
8. Rotate large wooden toys to avoid overcrowding and lack of storage. Encourage children in a positive and fun manner to return play food and accessories to shelf in home area.
9. Notify parents and guardians at the start of year in September about adequately cutting grapes and tomatoes for adequate swallowing and safety. Inform parents that there are no nuts allowed in preschool/childminding service to avoid choking hazards. Remind parents on preschool whatsapp to cut fruit to avoid choking hazard.
10. To prevent rust of outdoor equipment in weather elements I will store the wheelbarrow in the garage after session is finished at 1.00pm.
11. I will check windows in the daily morning risk assessment.

Infection control

12. I will check the paintwork and standard of equipment regularly on a quarterly basis.
13. I will check that adequate ventilation is in place with daily morning checks of the two windows.

Fire safety

14. Heating system changed to avoid fire hazard.
15. Check every morning that kitchen is tidy and clean and attractive as children have view of kitchen on the way to access the toilet.

	<u>Supporting documentation submitted</u> Photographic evidence was submitted of 1. The temperature of the water reduced to 38°C and a copy of the daily record of the water temperature. 3. The ladder removed 3-6. A copy of the outdoor checklist. 4. The trimmed branches on two trees. 7. The relocated canopy. 8. Relocated play items in the preschool room to prevent risk of tripping and a copy of the indoor checklist. 9. The message sent to parents. 10. A new wheelbarrow 11. Window restrictors fitted on windows in preschool room 12. The paint purchased for the table and chair 13. Open windows in the preschool room 14. The removed storage heater from the preschool room. 15. evidence of storage of laundry in a dedicated press
Summary comment	The Early Years Inspector has reviewed the corrective and preventive actions and evidence submitted and deems it to meet compliance under Regulation 23. These will be reviewed on next inspection of the service.

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.	
Non compliance information	(1) The registered providers first aid responder training had expired since August 2021. Evidence was provided of training due to be completed on 24/09, 1/10 and 08/10/2022. (2) The first aid box was not stored in a visible location and was inappropriately stocked with no medium and large wound dressings. It was advised on the day to remove the burns dressing and store separately to prevent risk of cross contamination.
Corrective & Preventive Action submitted by the Registered Provider	<u>Corrective action</u> The registered provider submitted a written response to advise that (1) Evidence of the first aid training was submitted to the office of the Early Years Inspectorate on 14/11/2022. (2) The first aid bag has been moved from an enclosed press to a new visible location on the open shelves with a clear first aid sign. Medium and large wound dressings purchased and placed in first aid bag. Burns dressing removed and stored separately as advised. <u>Preventive action</u> As this is a domestic dwelling and the family tend to use first aid bag, I have purchased band aids and wound dressings separately for family to prevent this shortage reoccurring again. <u>Supporting documentation submitted</u> Photographic evidence was submitted of the relocated first aid bag with a first aid sign to ensure it is visible and the first aid certification for the registered provider.
Summary comment	The Early Years Inspector has reviewed the corrective and preventive actions and evidence submitted and deems it to meet compliance under Regulation 25. This will be reviewed on next inspection of the service.

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.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,
 - (b) an employee, and
 - (c) an authorised person.
- (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	(4) The notice of the procedures to be followed in event of a fire was on display in the preschool room.
Non compliance information	(1)(a) The record of fire drills was not available for inspection. (b) The record of the number, type and maintenance of the firefighting equipment and smoke alarms was not available. (2)(a)(b)(c) The records referred to above were not available to a parent or guardian, an employee or authorised person.
Corrective & Preventive Action submitted by the Registered Provider	<u>Corrective and preventive action</u> The registered provider submitted a written response to state (1)(a) and (b) The record of fire drills is located and placed on bulletin board for view by parents, guardians, employees or authorised persons. The record of the number and type of firefighting equipment and smoke alarms is located and placed on the bulletin board for parents, guardians' employees and authorised persons. A fire equipment company were contracted to service the existing fire extinguisher and provide an additional extinguisher and signage. <u>Preventive action</u> To be more organized and as soon as fire drill is completed on a monthly basis return sheet to bulletin board. Check that record of maintained equipment is on bulletin boards as well. Keep maintained records filed away. <u>Supporting documentation submitted</u> A copy of the fire drills conducted on the premises. A service record of the fire extinguisher and fire alarm system.
Summary Comment	The Early Years Inspector has reviewed the corrective and preventive actions and evidence submitted and deems it to meet compliance under Regulation 26. This will be reviewed on next inspection of the service.

Part VI – Safety

Regulation 28 – Insurance

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

Non compliance information	A copy of the insurance cover was not available for inspection.
Corrective & preventive action submitted by the registered provider	<u>Corrective action</u> The registered provider advised in a written response that a copy of the insurance was submitted to the Office of the Early Years Inspectorate subsequent to the inspection on 14/11/2022. <u>Preventative action</u> The registered provider will ensure the insurance cover is available for future inspections. <u>Supporting documentation submitted</u> A copy of the service insurance
Summary comment	The Early Years Inspector has reviewed the corrective and preventive action and evidence submitted and deems it to meet compliance under Regulation 28. This will be reviewed on next inspection of the service.

Part IX - Inspection and Enforcement

Regulation 33 – Furnishing of information to agency

A registered provider shall furnish the Agency with such information as the Agency may reasonably require for the purpose of enforcing and executing these Regulations and the information shall be in such form, if any, as may be specified by the Agency.

Non compliance information	The Early Years Inspector had requested a copy of the fire drills conducted on the premises, the service record of the smoke alarm and the fire extinguishers to be submitted to the Office of the Early Years Inspectorate subsequent to the inspection. The registered provider did not furnish this information prior to issue of the report.
Corrective & preventive action submitted by the registered provider	<u>Corrective action</u> The registered provider submitted a written response to state a copy of the fire drills, the service record of the smoke alarm and the fire extinguishers have been submitted to the Office of the Early Years Inspectorate subsequent to the issue of the report. <u>Preventive action</u> Keep records on bulletin board at all times to prevent this from reoccurring again and have information ready for inspection. <u>Supporting documentation submitted</u> A copy of the fire drills, the service record of the smoke alarm and the extinguisher.
Summary comment	The Early Years Inspector has reviewed the corrective and preventive actions and evidence submitted and deems it to meet compliance under Regulation 33.