

TUSLA REGULATORY INSPECTION REPORT

TUSLA Identifier:	TU2016KK001
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Name of service:	Ballyhale Montessori School
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Address of service:	Main Street Ballyhale Kilkenny R95X2X8
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Name Of registered provider:	Aimee Whittle
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Type of service registered:	Sessional	☒	Part-Time	☒	Drop-In	☐
	Full Day Care	☒	Childminding	☐	Temporary	☐

Date of Inspection:	18/07/2022
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Number of pre-school children present:	AM	14	PM	12
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Address of the Early Years Inspectorate:	Tusla Child and Family Agency Early Years Inspectorate Ely Hospital Ferrybank Wexford
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Inspection undertaken by:	E Mc Garry
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	This full day care service is located in a terraced house in the centre of Ballyhale village in County Kilkenny. The children attending are aged 1 to 6 years old. The service is open from Monday to Friday between 8.00am and 6.00pm. The service also provides a sessional service for 38 weeks of the year. The premises is a two-storey building. The premises consists of two early years rooms. The mighty shamrocks room is situated on the first floor. The mini shamrocks room is situated on the ground floor. There is a sleep room, toilets, a nappy changing area, and a kitchen. There is direct access to an outdoor play area situated to the rear of the property. The area is safe, suitable and secure.
Staffing	There were five staff including the manager on the premises on the day of inspection who were working directly with the children. All staff working directly with the early years children held at least a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework.
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 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 on Governance/ Health, Welfare and Development of Child and Safety. Inspections may also focus on other areas as required.

A sampling process was used to assess compliance under regulation 9 management and recruitment, regulation 10 policies and procedures, regulation 11 staff ratios, regulation 19 health, welfare and development of the child, regulation 23 safeguarding health, welfare and development of the child, and regulation 26 fire safety. As a result, the scope of the inspection included the two early years rooms and the outdoor area.

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 manager, 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.
- (5) Paragraph (4) shall apply-
- (a) on or after 31 December 2016 in respect of pre-school services registered on or before 30 June 2016, and
 - (b) on or after the date of registration in respect of all other pre-school services.
- (6) Paragraph (4) shall not apply before 1 September 2021 to a person who-
- (a) has signed a declaration on or before 30 June 2016 to the effect that he or she intends to retire from employment in a pre-school service before 1 September 2021, and
 - (b) is in possession of a letter from the Minister confirming that paragraph (4) shall not apply to him or her before that date.
- (6A) is inserted by S.I. No.632 of 2016 CHILD CARE ACT 1991 (EARLY YEARS SERVICES) (AMENDMENT) REGULATIONS 2016 which states; Regulation 9 of the Child Care Act 1991 (Early Years Services) Regulations (S.I. No. 221 of 2016) is amended - in paragraph (4), by the substitution of "paragraphs (5), (6) and (6A)" for "paragraphs (5) and (6)", and (b) by the insertion of the following paragraph after paragraph (6): "
- (6A) Paragraph (4) shall not apply to an employee of a registered provider where - (a) the registered provider receives funding for the employment of the employee pursuant to a scheme funded by the Minister and known as the Access and Inclusion Model, and (b) the employment of the employee is for the purpose of providing

support, pursuant to the scheme referred to in subparagraph (a), for a child attending the service to enable the child to participate in the programme known as the Early Childhood Care and Education (ECCE) funding Programme.”

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

- (a) the policies, procedures and statements of the service specified in Schedule 5;
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and
- (c) these Regulations.

Compliance information

(1)(a) (b)

The manager was the designated person in charge on the day of the inspection and remained in the service for the duration of the inspection.

(2)

Following a discussion with the manager and on review of documentation, it was established that there was one new member of staff employed since the last inspection on 21 September 2020. All staff files were compliant on review at the last inspection and were not examined. The file of the new staff member was reviewed on the day of inspection.

(a)(b)

There were two written and validated references available on file from past employers for the new member of staff.

(c)

There was Garda vetting available on file in the service for the new member of staff.

(d)

Police vetting was not required for the new staff member as they had not worked in a state other than Ireland for a period of longer than six consecutive months.

(4)

The new staff member working directly with the early years children held at least a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework.

	(6)(a) Not applicable as the new staff member working directly with children had not signed a declaration on or before 30 June 2016 that stated he or she intended to retire from employment in an early years service before 1 September 2021. (b) Not applicable, as no staff member had applied for a qualification exemption. (6A) There were no staff members employed under the Access and Inclusion Model.
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Part III – Management and Staff

Regulation 10 - Policies, procedures etc. of pre-school service

A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.

Compliance information	There were written policies, procedures and statements, as specified in Schedule 5, available for the service. The policies reviewed for this inspection were the policy on the administration of medication, the risk management policy and the policy on managing infection control in the service. These policies and procedures were specific to the setting. The policy on infection control had been amended with reference to the ongoing management of COVID-19.
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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.
- (4) Subject to paragraph (5), where a registered provider contemporaneously provides-
 - (a) a sessional pre-school service, and
 - (b) a full day care service or a part-time day care service, or both,

the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).

- (5) Paragraphs (2) to (4) shall not apply before 1 September 2016 in respect of IMEB accredited services.
- (6) A registered provider of a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 3 of Schedule 6 opposite a particular reference number 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.
- (7) A registered provider of an overnight pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 4 of Schedule 6 opposite a particular reference number in column (1) 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,
 - (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.
- (9) In assessing compliance with the adult: child ratios specified in Schedule 6, unpaid workers and, where applicable, the person referred to in Regulation 24(2), shall not be taken into account.

Compliance information	(1)(2) There was an adequate number of staff working with the children at all times during the duration of the inspection. (3)(4) At 10.20am All the children were playing in the outdoor area. There were 4 children aged 1 to 2 years and 10 children aged 3 to 6 years in the care of 3 staff. Mini Shamrocks At 2.00pm There were 5 children aged 1 to 2 years in the care of two staff
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Mighty Shamrocks.

At 2.06pm

There were 7 children aged 3 to 6 years in the care of 1 staff.

(8)(a)

There were at least two staff on the premises at all times during the period of inspection.

(b)(c)

Not applicable.

(8)

The manager remained in the service for the duration of the inspection.

Part V - Care of Child in Pre-school Service**Regulation 19 - Health, welfare and development of child**

(1) A registered provider shall, in providing a pre-school service, ensure that-

(a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and

(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.

(2) A registered provider shall ensure that no corporal punishment is inflicted on a pre-school child whilst attending the service.

(3) A registered provider shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful are carried out in respect of a pre-school child whilst attending the service.

(4) A registered provider shall ensure that a pre-school child shall not be-

(a) permitted access to the internet,

(b) photographed, or

(c) recorded

while attending the pre-school service other than in accordance with the terms of the consent of a parent or guardian given in the form specified in the service's policy on the use of the internet and photographic and recording devices.

Compliance information

Basic needs of the children:

The findings of the inspection were evidenced through direct observation, review of documentation and discussion with staff on the day of inspection.

- The service had a healthy eating policy. Parents provided all snacks for the children. Staff who spoke to the inspector said that breakfast was offered to the children who are in receipt of full day care on arrival to the service.
- At 12.00pm children in the mighty shamrocks room were observed getting their dinner after their morning play in the outdoor area. Children were seated at the table and served dinners which had been provided by their parents. Children were observed to enjoy a variety of meals which the staff reheated for them. For example, one child had meat, vegetables and pasta. The children were given water to drink. Children were encouraged to get their own drinks from the cool dispenser situated on the door of the fridge in the early years room.
- Staff were observed to sit with the children during mealtimes and engage them in conversation. There was lots of conversation concerning the recent all Ireland hurling final that the county team had played in.
- Nappy changing was attended to on a regular basis. The procedure for correct nappy changing was displayed in the area.
- Tables were cleaned with detergent and paper towels.
- The children sat at appropriate level tables in child sized chairs.
- The sleep room was situated on the ground floor of the service adjacent to the mini shamrocks room.
- There were rest areas provided in each of the early years rooms. The rest area in the mighty shamrocks was noted to be cosy and comfortable for the children to relax in. There was child sized seating, soft mats and a good selection of books for the children to look at while they were relaxing.

SUPPORTING RELATIONSHIPS AROUND CHILDREN:

- Staff were observed to interact with the children when they were in the outdoor area on the day of inspection. Staff played games with the children. One staff member was observed to take out a large soft mat for the children to rest on in the outdoor area. Children were observed sitting on the staff members lap and relaxing in the warm weather.
- The staff were observed to work well as a team. Transitions were handled well. Children in the mighty shamrocks room were observed when they were brought from the outdoor area. They were helped to wash their hands and seated at tables to wait for their dinner to be served. Staff spoke to them and engaged them in conversation to ensure they were occupied while waiting for their food.
- Staff were observed helping the children to settle to sleep in their cots after their dinner. Staff were observed to be attentive and considerate to the children in their care. One child who was observed to be slow to settle in their cot was held and comforted for a long period of time by a staff member. The child was observed later to have settled and was observed sleeping soundly in their cot later, on the day of inspection.
- Another child who was settling in was given one to one attention by a staff member as they explored their new surroundings in the service.

PHYSICAL AND MATERIAL ENVIRONMENT:

- The mini shamrocks room was a large room with openable windows allowing light and air into the room. The room was well supplied with good quality toys and equipment for the children to play with. There was a soft mat on the floor and a large ball pool for the younger children to enjoy.
- The mighty shamrocks room was well supplied with a supply of toys stored in easily accessible shelves in the room. For example, there were small world toys, art equipment, magnetic bricks, plastic building bricks and small cars and trucks.
- Children in the outdoor area directly beside the wobbler room were observed on the day of inspection.

There was a sheltered area which had been developed since the last inspection. The area was shaded on the morning of inspection. It was a particularly warm day.

The area was covered in a soft ground covering to prevent injury to the children. The area was well resourced with seating, a jungle gym with a climbing wall, a swing and a slide. There was a mud kitchen and a supply of ride on toys.

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 external door was secured to prevent children from exiting unsupervised and to prevent unauthorised people gaining access to the service.
- The service was accessed through the front door which opens directly on to the path on the side of the road. The front door was secured by a turn lock. Access was gained to the service by ringing the bell.
- All cleaning agents were stored on shelves which were inaccessible to children.
- Children had sunscreen applied before outdoor play by their parents. Staff also had consent from parents to apply more sunscreen to the children if required.

INFECTION CONTROL:

- The service had an infection control policy. Staff who spoke to the inspector were aware of infection control measures that were in place in the service to prevent and reduce the risk of cross infection. For example, cleaning schedules were maintained daily. The service was clean and well maintained

- The nappy changing facilities on the ground floor were well organised and clean. There was a sink for handwashing located directly beside the unit. The room was well ventilated with an openable window beside the changing unit.
- All toilets had access to warm thermostatically controlled water, liquid soap, disposable hand towels and bins.
- Tables were cleaned and disinfected prior to mealtimes.
- The standard of hygiene in the service on the day of inspection was observed by the inspector to be high. Children were observed washing their hands before eating, after toileting and after messy play. Staff were observed frequently washing their hands.

ADMINISTRATION OF MEDICATION:

- The service had an administration of medication policy. The policy was reviewed by the inspector and was found to be in line with best practice guidelines for the safe administration of medication in an early years setting.
- A previous record of medication that had been administered in the service was reviewed by the inspector on the computer application in use in the service. It was clearly documented and the administration was verified and signed by two staff members.

SAFE SLEEP

- The service had a safe sleep policy. Staff who spoke to the inspector demonstrated that they understood the importance of adhering to safe sleep guidelines.
- There was documentary evidence in the service that the sleeping babies colour, position and breathing were observed to be physically checked and recorded every ten minutes as per safe sleep guidelines.

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.
- (3) A registered provider shall ensure that a record referred to in paragraph (2) is retained for a period of 5 years after its creation
- (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)

There was a record of fire drills that had taken place in the service. The last fire drill was recorded as having taken place on 15 June 2022.

(b)

The annual record of the number, type and maintenance of the firefighting equipment was carried out in the service on 15 June 2022. The annual maintenance of the smoke alarm in the premises was carried out on 11 April 2022.

(4)

There was a notice of the procedures to be followed in the event of fire displayed in a conspicuous position in the entrance door to the service.