

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DL014
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Name of Service:	Bomany Nursery & Montessori School
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Address of Service:	Bomany, Letterkenny, Co. Donegal
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Eircode:	F92 P983
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Name of Registered Provider:	Pallavi Srivastava, Ritesh Srivastava
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Service type:	Full Day, Part Time, Sessional
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Date(s) of Inspection:	27/02/2025
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No of pre-school children:	AM	50	PM	28
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Address of the Early Years Inspectorate:	Donegal Early Years Inspectorate, St. Conal's Campus, Letterkenny, Co. Donegal. F92 TD92
Inspection undertaken by:	L McGlynn and L Costello
Title:	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).

Conditions if applicable	Not applicable
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Description of service

Bomany Nursery & Montessori School is a privately owned and operated pre-school service located in a rural setting on the outskirts of Letterkenny. The service has recently been taken over by new management and is registered to provide a full day, part-time and sessional care to children aged 0 - 6 years. The service is also registered to provide school age care. The hours of operation are from 8.00am to 5.30pm with the sessional service operating from 9.00am to 12.00md.

The service operates from two adjacent buildings located on an elevated site in a residential setting. There are four care rooms, namely Montessori 1, Montessori 2, Montessori 3 and the toddler/wobbler room. The toddler/wobbler room is a single physical space but is operated as two separate areas, with a low fence partitioning the area into distinct play zones for babies and toddlers/wobblers. There is a kitchen on site and other facilities include storage areas, a staff room and sanitary accommodation for both staff and children.

There are four outdoor areas available which feature a variety of surface types including paving, natural grass, artificial grass and soft pour surfaces. The outdoor spaces have been sub-divided into distinct areas for use by different groups of children at any one time.

Staffing

There are two registered providers in the service, one of which was present on the day of inspection. It was confirmed that both registered providers intend to be in the service on a daily basis however they do not work directly with the preschool children. The registered provider on site on the day of inspection confirmed that there are 14 adults working in the service. There are 12 staff working directly with the children. One of the staff members is employed under the Access and Inclusion model (AIM). There is one staff member working in the kitchen and one person working in the service on educational placement.

Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/safety. The inspection may also focus on other areas as required.

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

This unannounced inspection was carried out in response to notification of incident received by the Early Years Inspectorate whereby two children left the service unsupervised on 20 February 2025.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, 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.

(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) The service had a named person in charge and two named persons to deputise when required.

(b) The person in charge was currently on leave. Both the named deputy persons in charge were on the premises when the inspectors arrived. A review of the staff roster indicated that either of the named deputies were rostered to be on the premises during the hours of operation.

(c) The registered provider confirmed that there was a management structure in operation. Staff can report to their room leader or, directly to the registered provider. When discussed with the inspectors, staff demonstrated clear understanding of their role within the service and the reporting structure as described by the registered provider.

(2) The employment records of all 16 staff members were reviewed on this inspection and the following was deemed to meet the requirements of the regulation.

(a) Two references from past employers, in particular the most recent past employer was on file for five staff members. One past employer reference was on file for an additional five staff members

(b) In cases where there no past employers, two references from a source other than a past employer was accepted for two staff members. A second reference form a source other than a past employer was also accepted for six staff members.

(c) Garda vetting disclosures had been obtained for the 16 staff. However, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under regulation 23 of this report.

(d) International police vetting from the relevant state was available for five staff members.

(4) Documentary evidence was presented to demonstrate that nine staff members had obtained 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

(2) (a) (b)

1. On the day of inspection, there were no references on file for two staff members.
2. Two of the references on file for one staff member and the second reference for another staff member were from a source other than a past employer. Both staff members have previous employment listed on their employment records therefore references are required from their past employers.
3. Three of the references on file for two staff members were not validated by management.

- (d) International police vetting from the relevant states was not available for one staff member whose employment record demonstrated that they had lived outside of the jurisdiction for extended periods of time.
- (3) The procedures specified in paragraph (2) were not always carried out prior to staff members being appointed and having accesses to children attending the service.
- (4) It could not be determined from the information provided that three staff members working directly with the children had obtained 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.
- (7) (a) (b) (c)
1. The registered provider did not ensure that all employees were appropriately inducted, supervised and provided with relevant training and information in relation to the operation of the service including the policies and procedures. The service did not have a policy on staff supervision, recruitment or training to ensure the staff members received regular support and supervision relevant to their role, the policies in operation in the service and the requirements of these regulations.
 2. Contrary to the staff handbook which states '*staff meetings will take place on a regular basis*', there was one record of a staff meeting having taken place in November 2024 and no other record of a meeting with staff until the days following the incident on 20 February 2025.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (2) (a) (b)
1. Have maintained the staff file for the two persons.
 2. One of the staff members has resigned and no longer works in the service.
 3. The references have been validated.
- (d) Police Vetting has been obtained.
- (3) Will have all documents checked and stored in file for all future hiring. Going forward making sure all evidence and validation will be done before/at time any new staff join our service.
- (4) One of the staff members has resigned and no longer works in the service. Remaining qualifications submitted.
- (7) (a) (b) (c)
1. All new staff will be given enough time for induction training and read through the policies. Also, will get them signed the policy and procedure review document. Evidence of signed policy and procedure review by new staff.
 2. We will make sure staff meetings happen every 4-5 weeks going forward.

Supporting documentation submitted

Documentation was submitted to evidence compliance.

Summary Comment

The actions taken by the registered provider address seven of the eight non-compliances identified. The findings documented at point 2. Under Regulation (9) (2) (a) (b) remains non-compliant as the evidence submitted by the registered provider did not meet the requirements of the regulation.

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

The following policies were reviewed and were deemed to be compliant.

- (k) Policy on authorisation to collect children.
- (r) Risk management policy.

Non-Compliance Information

The following policies were not in place for the service as required under this regulation.

- (j) Accidents and incidents.
- (u) Supervision policy.
- (t) Staff training policy.
- (q) Recruitment policy

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

We have got all mentioned policies. Started a new process to review policies by each employee every 6 months.

Submitting here policy review checklist and status of a few staff as evidence.

Planning to review all policies in couple of months now. Asked all employees to write down the points while reviewing and will update the policies accordingly. Going forward all staff need to complete review of policies in every 6 month and sign the review checklist.

Supporting documentation submitted

A copy of the policies was submitted with a signed checklist from staff members.

Summary Comment

The inspectors have reviewed the actions and evidence submitted. The non-compliance identified under Regulation 10 have been adequately addressed.

Part III – Management and Staff

Regulation 11 - Staffing levels

(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.

(2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.

Compliance Information

- (1) On the day of inspection there were an adequate number of adults working directly with the children in the service.
- (2) The required minimum adult to child ratio was met. On the morning of inspection, there were 50 children being cared for by 9 staff members in four care rooms.
 - In Montessori 1, three adults cared for 14 children aged 3-5 years. One of the adults in this room was employed under the Access and Inclusion model (AIM).
 - In Montessori 2, one adult cared for eight children aged 3-4 years.
 - In the toddler/wobbler area, three adults cared for 11 children aged 1-2 years and in the baby area, one adult cared for three children aged 1 year.
 - In Montessori 3, two adults cared for 14 children aged 3-5 years.

There was one additional adult in the toddler/wobbler area working in the service on educational placement.

Part IV – Information and Records

Regulation 16 – Record in relation to pre-school service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

(a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;

(c) details of the adult:child ratios in the service;

(h) details of attendance by each pre-school child on a daily basis;

(i) details of staff rosters on a daily basis;

(k) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance Information

(c) Details of adult child ratios were maintained in the service on the staff sign in record.

(h) Staff maintained records of children’s attendance electrically with staff observed signing children in and out on arrival and departure.

(i) A staff roster was available for the week of inspection and the previous week.

(k) Staff members maintained accident and incident records which documented the details of accidents, injuries and incidents involving children.

Non-Compliance Information

(1)

(a) A record of qualifications and experience was not available for three staff members working in the service.

(k)

1. The service’s risk management document detailed that a full risk assessment would be completed following an accident or incident. An incident occurred on 20 February 2025 whereby two children left the service unsupervised via an unsecured gate opening on the perimeter of the premises. A documented risk assessment had not been undertaken to identify all risks and implement control measures to reduce the likelihood of a recurrence of a similar incident. This was at variance with the service’s risk management document. The provider verbally confirmed that refurbishments had been completed on the premises to enhance security and further prevent children from exiting unsupervised.

2. The risk management document and the services policy on outdoor play state that a daily risk assessment would be carried out of the outdoor area. There was no mechanism in place prior to the incident for staff to document a risk assessment of the area prior to children having access. Following the incident, two of the care rooms were piloting the use of a documented risk assessment to be carried out on the outdoor play areas prior to children's use each day, however this was not in use in all care rooms.

3. The services policy on a missing child stated, '*an accident/incident form will be completed and appropriately signed*' following incidents where a child goes missing from the service. The service had maintained an e-record of the incident which occurred on 20 February 2025 on a digital application, and it was possible to establish that the parents had viewed the report. However, the parents had not signed the record which is in conflict with the requirements of the policy.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1) (a) CV Submitted. Will keep updated all records for all staff.

(k)

1. Documented all investigation assessment and signed by all room leaders.
2. Daily Risk Checklist for outdoors have been placed for all rooms now. Daily outdoor check list will be maintained in each room.
3. A physical copy of signed Incidents document has been obtained by parents. Going forward we will make sure all incident assessment is documented in details and all forms are being signed by parents.

Supporting documentation submitted

Documentation was submitted to evidence compliance.

Summary Comment

The inspectors have reviewed the actions and evidence submitted. The non-compliances identified under Regulation 16 (1) (a) (k) have been adequately addressed. The practice will be subject to review on the next inspection.

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:

- On the day of inspection, the premises was appropriately secured to prevent the children from exiting unsupervised. The mechanisms securing the gates on the perimeter fencing had been replaced following the incident and were now spring loaded to ensure they were robust enough to prevent children being able to open them.
- The service had upgraded the closing mechanisms on the gates and added an additional gate at the rear of the premises to reinforce the security of the perimeter. The registered provider spoke with the inspectors about plans to change the existing fencing and replace it with higher level boundary fencing.
- Internal doors were secured to prevent children accessing unsafe areas and store cupboards containing hazardous objects and materials were secured with keys placed out of children's reach. All cleaning products used in the service were securely stored so as to be inaccessible to the pre-school children.
- The play equipment and play materials both indoors and outdoors in use on the day were noted to be in good repair and did not pose a risk of injury. Shelving units consisted of open low- level units. These had stable bases and did not pose a risk of being toppled and causing injury.
- Window cord blinds were appropriately secured. Cables for electrical appliances were appropriately secured to prevent the risk of accident or injury to children.

Non-Compliance Information

General Safety:

1. Garda vetting was available for one staff member. However, the vetting disclosure was not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.
2. There was collection of standing water in the outdoor garden area which posed a risk of injury to children.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Garda vetting for staff who's vetting was expired has been done.
2. For a temporary measure, we put a big foam mat to prevent water collection and advised all staff not to allow children over the water collection area.

Supporting documentation submitted

General Safety:

An image and documentation were submitted.

Summary Comment

The inspectors have reviewed the actions and evidence submitted. The non-compliances identified under Regulation 23 have been adequately addressed.

Part VI - Safety

Regulation 25 - First aid

(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.

(2) A registered provider shall ensure that a suitably equipped first aid box for children-

(a) is safely stored in an easily accessible and conspicuous position on the premises, and

(b) is available to the children attending the pre-school service at all times.

Compliance Information

- (1) There were five staff members with up-to-date training in first aid for children, at least one of which was rostered to be on the premises at all times.
- (2) (a) (b) A fully stocked first aid box with suitable equipment was available in the service and accessible, if required, for use with children.

Part VI - Safety

Regulation 27 – Supervision

A registered provider shall ensure that pre-school children attending the service are supervised at all times.

Compliance Information

On the day of the inspection the inspectors observed the staff members appropriately supervising the children both indoors and outdoors. The correct adult to child ratio was maintained in line with the requirements of the regulations. Staff were observed to supervise children mainly by sight, with the exception of occasions where children independently using the sanitary facilities. In these cases, staff remained close by and communicated verbally with the children. In discussion with inspectors, staff members spoke about the necessity of providing close supervision to all children, particularly when outdoors. Following the recent incident where two children had left the service unsupervised, staff were observed to strategically place themselves in areas where children were playing outdoors.

Non-Compliance Information

1. Contrary with the services policy on missing child which states that *'staff are deployed throughout the setting during the session ensuring that no child is left alone for any period without an adult being aware'* an incident occurred on 20 February 2025 whereby two children were playing in an outdoor area without adult supervision. As a result, the children exited the service unsupervised through and unsecured gate opening.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. No response submitted.

Supporting documentation submitted

1. No response submitted

Summary Comment

This regulation remains non-compliant as the registered provider's response did not contain any corrective actions to address the findings. This will be reviewed on the next inspection.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The registered provider ensured that the service was adequately insured to cover up to 62 children attending on a full day care basis. A written record demonstrated that the service was insured from 21 October 2024 to 27 March 2025.

Part VIII - Notifications and Complaints

Regulation 31 - Notification of incidents

A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:

- (a) the death of a pre-school child while attending the service, including the death of a child in hospital following his or her transfer to hospital from the service;*
- (b) the diagnosis of a pre-school child attending the service, an employee, unpaid worker, contractor or other person working in the service as suffering from an infectious disease within the meaning of the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981);*
- (c) an incident that occurs in the service and that results in the service being closed for any length of time;*
- (d) a serious injury to a pre-school child while attending the service that requires immediate medical treatment by a registered medical practitioner whether in a hospital or otherwise;*
- (e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.*

Compliance Information

There was evidence that the registered provider notified the Inspectorate within the required time frame of specific incidents that occurred in the service. For example, a notification was submitted in writing to the Inspectorate within three days of children leaving the service unsupervised.