

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2015DL014

Name of Service: Bomany Nursery & Montessori School

Address of Service: Bomany, Letterkenny, Co. Donegal

Eircode: F92 P983

Name of Registered Provider: Pallavi Srivastava, Ritesh Srivastava

Service type: Full Day, Part Time, Sessional

Date(s) of Inspection: 21/05/2025

No of pre-school children:	AM	48	PM	29

Address of the Early Years Inspectorate: Donegal Early Years Inspectorate,
St. Conal's Campus,
Letterkenny,
Co. Donegal.
F92 XK84

Inspection undertaken by: L Costello & N McEndoo

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

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, both were 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 a cleaner for 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 *unannounced* and focused on the area of *governance/ health, welfare and development of child and facilities*. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9, 10, 11, 16, 19, 27 and 32. however, on inspection additional non-compliance which posed a risk was identified under Regulation 23. These findings are outlined within the relevant regulations 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

This unannounced inspection was carried out in response to information received by the feedback and concerns team in the Early Years Inspectorate.

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)

There was a person in charge and person available to deputise as required.

(b)

The person in charge or deputy person in charge was available at all times when the service was in operation as evidenced by a sample review of rosters.

(c)

There is a clear line of management within the service with childcare workers, room leader's deputy person in charge and person in charge.

(2)

Following a discussion with the registered providers it was confirmed that one adult had been employed since the service last inspection on the 27th of February 2025. A second file that was outstanding from the last inspection on was also reviewed.

(a)

Two past employer references were available in respect of two adults in the service.

(c)

Garda vetting had been obtained for all staff members employed in the service. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years

(d)

International police vetting was available for one adult who had resided outside the state for a period of six consecutive months.

(7)

There was evidence that a newly appointed staff member had received an induction to include the policies and procedures of the organisation.

Non-Compliance Information

(2) (a) (b)

There was no second reference available for one adult and one reference on file for one adult was from a source other than a past employer where this adult had previous employment listed on their employment record.

(4)

One adult who did not hold a qualification in Early Childhood care and education at level 5 or above on the national qualification's framework was observed to be working directly with the preschool children on the day of inspection.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

In a written response the registered provider stated:

(2) (a) (b)

The second reference for the staff members have been obtained and verified.

We will obtain references for new employees prior to starting in the service.

(4)

This staff member will no longer work directly with the preschool children until they are qualified. A new staff member has been recruited.

Supporting documentation submitted

(2) (a) (b)

- Two references submitted to the Inspectorate.

(4)

- No evidence submitted.

Summary Comment

The corrective and preventive actions submitted by the registered provider adequately address the non-compliance found on inspection.

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

On the day of the inspection the following policies specified in schedule 5 were reviewed and deemed to be compliant:

- (b) Complaints policy.
- (e) Policy on managing behaviour.
- (j) Policy on accidents and incidents.
- (u) Supervision policy.

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

(2)

The adult child ratios were correct when the inspectors arrived unannounced to the service as follows:

- Toddler room: Three adults cared for 3 children aged 1-2 years and 11 children aged 2-3 years of age.
- Montessori 1: Three adults cared for 13 children aged 3-5 years of age.
- Montessori 2: One adult cared for 6 children aged 4-5 years of age.
- Montessori 3: two adults cared for 15 children aged from 3-5 years of age.

At approx. 14:00 hours the following ratios were observed:

- Toddler room: Three adults cared for 3 children aged 1-2 years and 9 children aged 2-3 years of age.
- Montessori 1 and 2: four adults cared for 18 children aged 3-5 years of age.
- Montessori 3: closed

Non-Compliance Information

(1)
While the adult child ratios were correct, there was a period of time between 14.30 and 15.05 in the toddler room four adults were providing care to 3 children aged 1-2 years and 9 children aged 2-3 years of age. There was an inadequate number of staff working directly with the preschool children.

The following events were observed:

- One child was crying and upset and required the support of one adult, the staff members found it difficult to support this child while providing care to others, therefore an additional unqualified staff member offered support at 14.39 to 15.05.
- Another child was observed to be upset and frustrated with other children, a staff member deescalated the situation by sitting alongside the child during snack time which ensured the child was happy and content.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

In written response the registered provider stated:

We are reviewing our current rostering system with a focus on dynamic staff allocation. We have recruited a flexi-float staff member, and they will be added to daily rosters during peak times to assist in such situations.

Supporting documentation submitted

No evidence submitted.

Summary Comment

The corrective and preventive actions submitted by the registered provider adequately address the non-compliance found on inspection. This will be reviewed on next inspection.

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;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (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

(1)
The registered provider demonstrated that records were available and deemed to be compliant in relation to the following:

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor.
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10.
- (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.

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.

(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.

Compliance Information

(1)(a) (b)

Basic Needs:

- On the morning of the inspection children were provided with a variety of fresh fruit and yoghurt for their morning snack, this included slices of watermelon, kiwi and apple. Younger children had their snack in the care rooms supported by the adults. The older children in Montessori 3 brought in their snack from home and were facilitated to have a picnic outside in the warm sunshine. Staff members ensured that picnic tables and blankets were set up for the comfort of the preschool child.
- The main meal of the day included potato mash, beans and chicken nuggets. In the older room this was served in large dishes where children could choose how much or little they wished to have. The adults encouraged the children to try all foods and used praise and encouragement throughout the mealtime experience. Extra portions were available. The cook on site informed the inspector that an alternative can be provided if required, however on the day children were observed to enjoy the meal and request extra portions.
- Independence was promoted in toileting with the older children. It was clear the children were familiar with the routine as they were observed to inform the adult they needed the bathroom, enter bathroom and then wash hands without being prompted.

- Children were routinely brought for to the nappy change area in a respectful, fun, yet sensitive manner. During nappy changing the staff member spoke and interacted confidently with the children, talking through the stages of the change for the child. The process was well-established from start to finish and viewed as a learning opportunity for the child. Afterwards, handwashing was both a positive and interactive experience for each of the children.
- For much of the day, children played outside due to the fine weather. The adults were observed to regularly apply sunscreen and ensure children were protected from harmful sunrays.

Physical and Material environment

- All rooms were visually appealing with evidence of the children's artwork displayed throughout.
- Open low level accessible shelving was provided in the care rooms equipped with a variety of resources including jigsaws, puzzles and threading for fine motor skill development. Arts and crafts provided opportunities for creativity. Home and construction corners with the required resources facilitated imaginary play.
- The toddler and baby room were shared, with a low-level picket fence used to divide the age groups. Children had access to a variety of resources including soft play toys, dress up, puzzles, a library and rest area, construction and a home corner. Adult sized chairs were available to staff to ensure comfort when cradling and caring for children throughout the day.
- The outdoor play area provided an alternative change of environment for the children. The outdoor area provided three different outdoor areas with various resources including tunnels, slides, swings ride on toys and bikes and trikes, mud kitchens and playhouses, climbing frames and swings. These areas provided an opportunity for children to develop gross motor skills and develop their imagination. A natural area with apple trees allowed the children to climb trees while being supervised by the adults, this encouraged risk taking and resilience building.
- A roofed outdoor area was used for the younger children and consisted of a child size picnic bench, a sand pit, climbing apparatus and wheeled toys. An adult chair was also present outside to comfortably support staff when caring for the younger children. This area could be used at all times due to the roof protecting the children from the elements.

Supporting Relationships:

- The service took measures to support the children's relationships including keeping parents and guardians fully informed of the daily activities. This was completed through the use of an application where parents

received real time information in relation to the children's eating, sleeping and nappy changing and any accidents or incidents

- Pictures of families displayed on the walls in the care rooms ensured children's connection to home was maintained.
- Staff members were observed to be respectful, gentle, and kind in their interactions towards the children in their care. This was demonstrated in the outdoor area where children played with the adults and were observed laughing and joking and appeared comfortable in their presence.

Programme of activities

- Ongoing observations and assessments were documented on a computer application which helped create a well-rounded picture of each child and their learnings.
- Observations were individual to the child and recorded tasks completed and goals for the future.
- Children's language development was observed to be supported through one to one and group discussions, songs and storytelling.
- On the day of inspection, the children spent much of their time outdoors and were facilitated to make their own choice in selecting play equipment to bring outside and activities that they wished to engage with. Turn taking and sharing was promoted, this was evidenced on the day as the adults encouraged children to take turns in climbing trees and climbing frames promoting safety throughout.

Non-Compliance Information

(3)

On the day of inspection, whilst children were settling for their nap a staff member did not respond to a child in the appropriate manner. The staff member, on four occasions said to the child their bottle would be removed from them. This did not align with the management of behaviour policy held within the service. Removal of food, or items that bring comfort to a child should not be used as a behavioural management strategy. It is acknowledged a second staff member then sat with the child and offered comfort until they fell asleep.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

In a written response the registered provider stated:

All staff were reminded of the Behaviour Management and Code of Conduct policies during our staff meeting in June to ensure consistent understanding and compliance in the future.

Staff member's job descriptions are currently being reviewed, and staff are expected to review all policies every six months, room leaders are expected to monitor this. We have introduced a new staff supervision document in

support of staff members being encouraged to reflect on the quality of their practice, continually update their knowledge base and raise any safeguarding concerns.

Supporting documentation submitted

Appraisal template submitted.

Proof of policy review submitted.

Certificate of training attended submitted.

Summary Comment

The corrective and preventive actions submitted by the registered provider adequately address the non-compliance found on inspection.

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

Supervision was observed to be adequate on the day of inspection. Much of the day was spent in the outdoor area due to the good weather. Adults were observed to position themselves to ensure children were in view while playing outdoors and to complete headcounts when moving from one area to the next. A blind spot in the outdoor polytunnel area was observed to be well managed with adults counting children frequently and checking the blind spot regularly ensuring children were supervised.

Mealtimes were observed to take place indoors and outdoors on the day. While outdoors snack was provided in a picnic format where children sat alongside the adults enjoying a picnic experience. Inside for main meal, the adults sat with children promoting independence and offering support when needed.

The older children who were toilet trained were observed to have a good structure in place where they informed the adults in the room that they needed to use the bathroom. Independence was promoted and the adults remained in ear shot of the bathroom. The children were observed to wash their hands without being prompted. Staff in the toddler and baby room were observed to position themselves within sight and sound of the children, on low level seating or on the ground so they could be at child height. Staff chatted to children and supported them when required during each mealtime and encouraged independent hand washing before and face washing after meals. Staff were close by when support was required with these tasks.

Part VIII - Notifications and Complaints

Regulation 32 – Complaints

- (1) A registered provider shall ensure that the complaints policy of the service specifies-
- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,
 - (b) the manner in which such a complaint shall be dealt with, and
 - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.
- (2) A registered provider shall ensure that-
- (a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and
 - (b) the complaint is duly dealt with in accordance with the provider's complaints policy.
- (3) A record in writing referred to in paragraph (2)(a) shall-
- (a) include the nature of the complaint and the manner in which the complaint was dealt with, and
 - (b) be open to inspection on the premises by an authorised person.

Compliance Information

(1) (a)

The service had a complaints policy in place which outlined the process to follow by any person wishing to make a complaint to the service.

(b)

The complaints policy clearly explains how each complaint will be dealt with by the service.

(c)

The service complaints policy outlines how the complaint will be kept informed as to the status of their complaint.

(2) (a) (b)

The service had evidence of complaints received on file and demonstrated the process followed to investigate these complaints in line with the service policy.

(3) (a) (b)

These records of complaints and investigation were made available to the inspectors on the day.

Part VI - Safety

Regulation 23 - Safeguarding health, safety and welfare of child

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

Non-Compliance Information

General Safety:

- (1) The inspectors were informed that one child attending the service had a medical concern with no official diagnosis. On discussion the staff member appeared to be aware of what to do in the event of the child having this medical concern however no support plan was available to support this practise.
- (2) A gate was unlocked that lead into Montessori room 3 that was also unlocked on the day, resulting in a risk of unauthorised access to the service.

Fire Safety:

- (3) It was difficult to establish an exact attendance record in the toddler room at 02.40pm due to attendance records stored on tablets with different user access permissions and poor internet connection. The toddler room stated there was 9 toddlers in attendance, the numbers of the babies could not be accessed, a paper record of all children that should be in attendance on the day was recorded as 11 children. The head count was 13 children. In the event of a fire this could impact a safe evacuation of the premises due to no accurate record.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

In a written response the registered provider stated:

1. The child now has an individual care plan and all staff will be aware of this concern. Going forward all children that require a care plan will have one in place.
2. All access gates have a digital lock that automatically closes, and only authorised individuals are permitted entry. This will be monitored regularly to ensure the system is working.

Fire Safety:

3. A paper-based attendance record tracker has been implemented; the procedure will be reviewed in one to two weeks, and if necessary, it will be improved.

Supporting documentation submitted

General Safety:

1. Template of support plan submitted.
2. Photographic evidence submitted.

Fire Safety:

3. Photographic evidence submitted.

Summary Comment

The corrective and preventative actions submitted by the registered provider adequately address the non-compliance found on inspection. This regulation is now compliant.