

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY038
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Name of Service:	Butterfly Garden Preschool
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Address of Service:	223 Navan Road, Dublin 7
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Eircode:	D07 H0K6
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Name of Registered Provider:	Sharon Kearney
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Service type:	Part Time, Sessional
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Date of Inspection:	20/05/2026
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No of pre-school children:	AM	20	PM	N/A
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Address of the Early Years Inspectorate:	Early Years Inspectorate Area 1 2 nd Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15 D15 CF9K
Inspection undertaken by:	T. Nelson
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).

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Description of service

Butterfly Garden Preschool is a part time and sessional service located in a residential area in Dublin 7 and is registered to provide early childhood care and education to a maximum of 22 children aged 2 to 6 years old, Monday to Friday during term time. The service operates two Early Childhood Care and Education (ECCE) programme sessional services, from 9.00am to 12.00pm and 12.30pm to 3.30pm. The part time service operates from 9.00am to 1.30pm.

Butterfly Garden Preschool operates from a single storey building to the rear of a residential dwelling and has two care rooms. There are sanitary facilities available and a fully enclosed outdoor area is located to front of the premises.

Staffing

The registered provider works in the service and employs two staff to work in the service who work directly with the children. The three staff were present on the day of the inspection.

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 safety. The inspection may also focus on other areas as required.

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A sampling process was used to assess compliance under the following:

- Regulation 15 (1) – Record of a Pre-school Child
- Regulation 16(1)– Record in relation to Preschool Service

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 registered provider, staff and children who were present on the day of the inspection.

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Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,*
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and*
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.*

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,*
- (b) consideration of references from reputable sources in the case of a person who has no past employers,*
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and*
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.*

(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Compliance Information

(1) The registered provider ensured that;

- (a) The service had a designated person in charge and named person to deputise as required.
- (b) A review of the roster showed either the person in charge or the deputy person in charge were rostered to be present during the operational hours of the service.
- (c) There was a clear management structure in place, and staff reported being aware of this.

(2) Following a review of previous inspection information, information available on inspection and discussion with the registered provider it was determined that one new staff member had been employed since the previous

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inspection who worked directly with the children. In addition, Garda vetting disclosures for two adults were requested for review.

The registered provider had completed the following checks:

- (a) One written reference was available from a recent past employer.
- (c) Garda vetting disclosures had been obtained for all three reviewed. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
- (d) Documentary evidence was available that established that no adults required international police vetting.

- (4) Documentary evidence was available that the staff member who worked directly with children attending the service held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications.

Non-Compliance Information

- (2) (a)(b) A second validated reference was required from either a recent previous employer or a reputable source.
- (3) The registered provider did not ensure the procedures specified in (2) were conducted before the commencement of a staff member.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (2) A second reference was sourced and verified by the registered provider who ensures that these will be sourced for any new employees commencing.
- (3) The registered provider will ensure to source and verify all references prior to an employee commencing their role.

Supporting documentation submitted

- (2) Evidence of verified reference.
- (3) No evidence submitted.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 9 has been adequately addressed.

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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.*

Compliance Information

- (1) On the day of inspection there were an adequate number of adults available to the children attending the service to meet their care needs. There were three staff available to 20 children present on the morning of the inspection.
- (2) The adult to child ratios were observed to be maintained correctly throughout the inspection.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

- (1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:*
- (a) the name and date of birth of the child;*
 - (b) the date on which the child first attended the service;*
 - (c) the date on which the child ceased to attend the service;*
 - (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
 - (e) authorisation for the collection of the child;*
 - (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
 - (g) the name and telephone number of the child's registered medical practitioner;*
 - (h) record of immunisations, if any, received by the child;*
 - (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

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(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-
(c) an authorised person.

Compliance Information

- (1) The registered provider ensured that of the sample of 12 records reviewed the following was maintained in each record:
- (a) The name and date of birth for each child was available for the 12 files reviewed.
 - (b) The date on which the child first attended the service.
 - (c) Each of the 12 files reviewed were of children still currently attending.
 - (d) The relevant contact details for parents and or guardians were available.
 - (e) Authorisation to collect a child.
 - (f) Relevant details relating to the health and care of a child.
 - (g) The contact details of the child's doctor.
 - (h) The child's immunisation record.
 - (i) Written consent for emergency medical treatment if required.
- (3)
- (c) All the records requested were available for review by the inspector on the day of the 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;
 - (b) details of the class of service and the age profile of children for which the service is registered to provide services;
 - (c) details of the adult:child ratios in the service;
 - (d) the type of care or programme provided in the service;
 - (e) the facilities available;
 - (f) the opening hours and fees;

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

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

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

(j) details of any medication administered to a pre-school child attending the service with signed parental consent;

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

(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records referred to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.

Compliance Information

(1) The registered provider ensured the following was maintained:

- (a) Details of the name, position, qualifications, and experience of all staff were maintained within the staff files.
- (b) The service Tusla certificate detailed the class of service and the age profile of children for which the service is registered to provide services.
- (c) The parent handbook outlined the adult: child ratios.
- (d) The parent handbook outlined the type of care provided.
- (e) The parent handbook outlined the facilities available within the service.
- (f) The parent handbook outlined the opening hours and fees of the service.
- (g) The registered provider maintained all the policies required in accordance with Regulation 10.
- (h) Attendance records detailing the daily arrival and departure of the children were maintained.
- (i) A record was maintained of the staff roster which was reflective of the staff present on the day.
- (j) The registered provider maintained a template for recording the administration of medication.
- (k) Following a review of a sample of seven records, the registered provider ensured a full record in writing was maintained for accident and incidents.

(3) All the records requested were available for review by the inspector on the day of the inspection.

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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

The following measures were observed to be taken to safeguard children:

General Safety:

- Restrictors were fitted on all windows.
- No hazardous items were observed within reach of children, and storage presses were adequately secured.
- The entrance to the service was secured by a magnetic lock, which was managed by staff and released by code. This restricted unauthorised persons from gaining access to the premises and prevented children from exiting the service unsupervised.
- Corner protectors were fitted where required, and staff reported being aware of potential risks in the care rooms and taking steps to minimise these risks. For example, a broken toy was immediately disposed of when identified by the staff member.
- Children's fruit such as grapes were served cut in half.

Infection Control:

- The premises was in a clean and hygienic condition and documented up to date cleaning records were available and displayed.
- Suitable foot pedal operated bins were observed to be in use for sanitary waste.
- Children's lunches were stored appropriately refrigerated.
- The sanitary areas were fitted with presses for the storage of children's clothing.
- Warm water, liquid soap and single use hand towels were available at all wash hand basins used by the children and the staff members.
- The sand in the outdoor area was appropriately covered.

Fire Safety:

- Emergency exits were appropriately indicated and unobstructed.
- Documentary evidence of recent fire drills was observed.

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Non-Compliance Information

Infection Control:

1. The children did not hand wash prior to eating their lunch in one of the care rooms which increased the potential risk of infection.

Fire Safety:

2. The details of the attendance of the children in two rooms were not recorded in the attendance book. The registered provider reported that this is completed at circle-time. Children must be recorded in the attendance book on their arrival to accurately account for their presence to support the safe evacuation of children in an emergency.

Action submitted by the Registered Provider

Corrective & Preventive Action

Infection Control:

1. The registered provider ensured that handwashing is an established part of the children's routine prior to lunch. Staff have been reminded to actively supervise and reinforce this routine to ensure consistency going forward. Staff will ensure active supervision and provide consistent verbal prompts to reinforce handwashing. A visual reminder will also be used to support the children in following the routine.

Fire Safety:

2. The registered provider reports that the roll book has been relocated to the hall to ensure that staff can accurately record the times children arrive and leave the premises. Staff will ensure the roll book is completed immediately upon each child's arrival and departure. Regular checks will be carried out throughout the day to ensure accuracy.

Supporting documentation submitted

Infection Control:

1. No evidence submitted.

Fire Safety:

2. Photographic evidence.

Summary Comment

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

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Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

There was documentary evidence available which showed the service was insured for the class of service and number of children it was registered to provide care for, with an expiry date of 27 March 2027.