

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY055
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Name of Service:	Constitution Hill Playgroup
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Address of Service:	50/51 Constitution Hill, Dublin 7, Co. Dublin
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Eircode:	D07 XT81
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Name of Registered Provider:	Maire Gardner
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Service type:	Sessional
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Date(s) of Inspection:	15/09/2025
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No of pre-school children:	AM	5	PM	0
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Address of the Early Years Inspectorate:	Early Years Inspectorate 180-189 Lakeshore Drive Airside Business Park Swords Co Dublin
Inspection undertaken by:	M. McDonnell
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

Constitution Hill Playgroup service is based in a residential area of Dublin City. The service is registered to provide sessional care to children aged 2-6 years old. The service provides Early Childhood Care and Education (ECCE). The service is located in a converted premises, and the children have access to a large room on the ground floor. There are also sanitary facilities and a kitchen available. An outdoor area is available in the vicinity of the service.

Staffing

The registered provider, alongside one staff member, works directly with the children. The registered provider also had a student on work experience.

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.

The inspection focused on an examination of compliance under Regulation 9 Management & Recruitment, Regulation 11 Staffing Levels, Regulation 19 Health, Welfare & Development of Child, Regulation 21 Equipment and Materials

Regulation 25 First aid, Regulation 26 Fire Safety Measures and Regulation 28 Insurance. However, on inspection additional non-compliance which posed a risk was identified under Regulation 16 Record in relation to pre-school service and Regulation 23 Safeguarding, Health, Safety and Welfare of Child. These findings are outlined within the relevant regulation 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

An Immediate Action Notice (IAN) was issued on 16 September 2025 in relation to the absence of a Garda Vetting disclosure for one staff member. A response which mitigated the risk was received by the inspector on the 16 September 2025 and accepted.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, 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.

Compliance Information

(1)(a)(b) The registered provider was the person in charge. A review of documents demonstrated that the designated person in charge person in charge was in the service at all times during operational hours.

(c) On discussion with staff member and the registered provider, there was a clear management structure in place and staff were familiar with it.

(2) On the day of inspection, the recruitment files of the registered provider, staff member and student were reviewed.

(a) (b) The registered provider had two written references available.

(c) A Garda vetting disclosure was available for the two staff members. However, the service did not demonstrate compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years. This is outlined in Regulation 23.

(d) The inspector could not determine if police vetting was required as the service did not demonstrate compliance with Regulation 16 (1)(a). This is outlined in Regulation 16.

(4) Documentary evidence was available to confirm that one staff member working directly with children held an appropriate childcare qualification at Level 5 or above on the National Framework of Qualifications, or a qualification deemed by the Minister to be equivalent.

Non-Compliance Information

2(a)(b) The registered provider is required to have two, written and validated references for each staff member.

- One staff member had only one reference available of the two required. The one reference available was not validated.
- There were no written and validated references available to review for the student.

(c) A Garda Vetting disclosure was not available for the student. An Immediate Action (IAN) notice was issued on the 16 September 2025.

(4) A discussion with the staff member and the registered provider confirmed that a staff member, working directly with children, did not hold an appropriate childcare qualification.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

2(a)(b) The registered provider submitted written and validated references. The registered provider stated as their preventive action they will ensure all documents and relevant qualifications are obtained.

(c) Immediately following the inspection, the registered provider stated that the student was not working in the service until the Garda Vetting disclosure had been obtained. The Garda Vetting disclosure was submitted.

(4) The registered provider submitted evidence that the staff member has applied for a relevant qualification.

Supporting documentation submitted

A copy of checklist

Copy of application for course

Summary Comment

The actions and evidence submitted by the registered provider in relation to references and Garda vetting have addressed these non-compliances.

The staff member has not yet obtained the qualification, and the non-compliance remains until the registered provider submits evidence that the staff member has obtained the appropriate childcare qualification.

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 an adequate number of adults was working directly with the children attending the pre-school service.

(2) On the inspector’s arrival, the adult child ratio was observed to be correct and remained so throughout the inspection. The inspector observed two adults working directly with five children aged 2 years old to 3 years and 2 months old.

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;

Non-Compliance Information

(1)(a) There was no record of employment histories available for all staff members.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider submitted a record of employment histories and stated they will ensure these are in place using a checklist.

Supporting documentation submitted

Curriculum Vitae

Summary Comment

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have addressed the non-compliance as observed on 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

Compliance Information

Supporting relationships around children

The staff members were observed to interact kindly with the children within their care. The staff members provided comfort and responded efficiently to children all who were new to the creche. There was a document available, which had been created in consultation with parents, noting children's preferences. This was observed to support the care of the children on the day of inspection. A parent was also given the opportunity to settle their

child before leaving them at the service and both staff members spoke of this practice to support the children in settling in. Children's choice and interactions with their peers was facilitated for example children started to move chairs around to 'sit on the bus' when a staff member was singing the wheels on the bus song. At this time children also choose to retrieve homemade steering wheels and engaged with the song further with these items.

Basic Needs

One the day of inspection the registered provider and staff member provided children with the opportunity to eat when they required. They discussed that this was to help them settle into the routine and the inspector observed this in practice.

Physical and material environment

The activities available were easily accessible to the children. They were observed taking out materials and toys on their own and then staff engaging in the play with them, for example some children choose to pick out pencils and paper and drew pictures.

Part V - Care of Child in Pre-school Service

Regulation 21 – Equipment and materials

A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.

Compliance Information

The registered provider had a range of toys and activities available that was suitable to the age range of the children attending the service. The children had access to a play kitchen and dolls and supportive equipment with these. There were also cars, trains and tracks for children to play with. There was an area for books, and these were accessible to the children. There was an indoor play structure that the children went into with their peers or on their own. Sensory materials such as art and paint materials, water and sand trays, with toys, spades and buckets also available to the children. The children had access to fine motor activities such as jigsaws, activity puzzles and construction blocks.

The children had access to two large tables and sufficient chairs to sit at the table to complete activities or eat. There were also low cosy chairs and a couch for children to play or relax at. No children required sleep during the inspection, but sleep mats were available should a child require sleep.

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 service had a secure entrance to the service with locks in place. This prevented any unauthorised access to the service and exit from the service by children.
- There were no visible overhanging cables or trailing flexes.
- Blind cords were secured and were not accessible to children.
- Cleaning agents and medications were stored out of the reach of children.

Non-Compliance Information

General Safety:

The registered provider did not demonstrate compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years. The Garda Vetting disclosures for two staff members had not been updated in the last three years.

Corrective & Preventive Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

The registered provider submitted evidence of one updated Garda vetting. At the CAPA 2 stage the registered provider had stated that there had been a delay in obtaining the vetting and submitted evidence that the Garda vetting was in process. The registered provider stated they would ensure Garda vetting was updated as required.

Supporting documentation submitted

General Safety:

Updated Garda vetting for one staff.

Summary Comment

The non-compliance remains outstanding as a renewed Garda Vetting disclosure for one staff member has not yet been submitted.

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) The registered provider ensured that a person trained in a First Aid Responder (FAR) course was available. On review of the documentation one staff member had FAR certification.
- (2) (a)(b) The first aid equipment available in the service provided adequate resources in the event of a first aid emergency. First Aid box was conspicuous and easily accessible to staff members.

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 fire fighting equipment and smoke alarms in the premises.
- (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) A record of the most recent fire drill in June 2025, as the service was closed in the summer, was available for review. The service had maintained a record of monthly fire drills.
- (b) The registered provider had maintenance records for the fire extinguishers, and the fire alarms dated September 2024.
- (4) The procedures to be followed in the event of a fire were displayed in the rooms sampled on inspection.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The service was appropriately insured for 22 children from 28 March 2025 to 27 March 2026.