

Early Years Inspectorate Regulatory Report

Pre School

36TUSLA Identifier:	TU2015DY135
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Name of Service:	Magic Days Creche & Montessori School
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Address of Service:	Dublin City University Campus, Glasnevin, Dublin 9
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Eircode:	D09 Y998
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Name of Registered Provider:	Ciara Fitzgerald
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	05/03/2025
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No of pre-school children:	AM	36.	PM	31
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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).

Conditions if applicable	Not applicable
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Description of service

Magic Days Creche and Montessori School is a full day care service located on Dublin City University Campus, in Dublin 9. The service participates in the Early Childhood Care and Education (ECCE) programme, which is delivered on a sessional basis from 9.30am to 12.30pm and also offers a part-time service. This purpose-built premises is a single-story, detached building comprising of five care rooms, to include the Baby Room (0 – 14 months), Wobbler Room (1 to 2 years), Toddler room (18 months to 2 years and 6 months), Junior Montessori Room (2 years 6 months to 3 years 6 months) and the Senior Montessori Room (3 years to 5 years). There are sanitary facilities and cot rooms located off the Baby, Wobbler and Toddler rooms, with further sanitary facilities in the corridor and in the Senior Montessori room. There is a kitchen, an office and staff sanitary accommodation available. The outdoor play area is situated to the rear of the premises.

Staffing

There are currently 12 staff employed by the service including the registered provider, nine childcare staff who work directly with the children, a relief worker and an administration worker. There were ten staff present on the day of the inspection including the registered provider, eight childcare staff and the relief staff member.

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.

A sampling process was used to assess compliance under
Regulation 16(1)(h)(i)(j)(k) Records in relation to Preschool Service.

Regulation 19 (1)(a) Health, Welfare and Development of child

Regulation 23 Safeguarding the Health, Safety and Welfare of the Child

As a result, the scope of the inspection included the Senior Montessori and Toddler Rooms and did not include the Baby, Wobbler and Junior Montessori rooms.

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.

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.

(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) 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 opening hours of the service.

(c) There was a clear management structure in place, this was clearly outlined in the service policy documents and staff reported being aware of it.

- (2) The inspector reviewed the full files of two staff who were new to the service since the last inspection on the 29 January 2024 along with Garda Vetting disclosures for ten staff members whose files were reviewed on that inspection. The registered provider had completed the following checks:
- (1) One validated written reference was available from a recent past employer.
 - (2) Three validated written references were available from a source other than a past employer.
 - (3) Garda vetting disclosures had been obtained for all staff members employed. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

Non-Compliance Information

The registered provider did not ensure the following:

- (2) (d) There was no documentary evidence available to establish whether international police vetting was required for two adults; there was no way of identifying if they had lived in a state other than Ireland for longer than a period of six months.
- (4) One of the adults who worked directly with the children did not have documentary evidence that they held a relevant qualification or a qualification that was deemed eligible by the relevant authority.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (2) (d) Curriculum vitae were submitted for the adults in question that established the adults did not require police vetting. The service updated their recruitment Policy and will ensure to fully comply with this regulation whenever applicable.
- (4) Documentary evidence was submitted that the staff members qualification is a recognised qualification. The service updated their recruitment policy and will ensure to fully comply with this regulation whenever applicable.

Supporting documentation submitted

- (2) (d) CV and recruitment policy.
- (4) Evidence of qualification.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliances identified under Regulation 9 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.

(4) Subject to paragraph (5), where a registered provider contemporaneously provides-

(a) a sessional pre-school service, and

(b) a full day care service or a part-time day care service, or both, the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).

Compliance Information

The registered provider ensured the following:

- (1) On the day of inspection there were an adequate number of adults working directly with the children attending the service to meet their care needs. There were ten staff available to 36 children present on the morning of the inspection.

- (4) The adults to child ratios were maintained correctly throughout 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;*
- (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.*

Compliance Information

(1) The registered provider ensured the following:

- (a) Details of the name, position, qualifications, and experience of all staff were maintained within the staff files.
- (b) The service Tusla certificate which was displayed in the hallway detailed the class of service and the age profile of children for which the service is registered to provide services.
- (c) The policy document outlined the adult: child ratios.
- (d) The policy document outlined the type of care or programme provided.
- (e) The policy document outlined the facilities available within the service.
- (f) The policy document outlined the opening hours and fees of the service.
- (g) The registered provider maintained 19 of the 21 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) Following a review of a sample of 12 records, the registered provider ensured a full record in writing was maintained for the administration of medication.
- (k) Following a review of a sample of 15 records, the registered provider ensured a full record in writing was maintained for accident and incidents.

Non-Compliance Information

(1) The registered provider did not ensure the following:

- (g) The following policies required under Regulation 10, detailed in Schedule 5 were not available:
 - Policy on staff absences.
 - Staff training policy.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1) (g) The service has developed and submitted the relevant policies and will ensure that necessary policies are available.

Supporting documentation submitted

Policy on Staff Absences and Policy on Staff Training.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 16 has been adequately addressed.

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.

Compliance Information

(1)(a) The registered provider ensured the following:

Basic Needs:

- All food was provided by parents, and the service recorded the children's food on a daily basis in order to track their nutritional intake. Mealtimes were regular and were observed to be social, relaxed occasions for the children.
- Children's personal care needs such as dirt on the face or clothing was tended to immediately in a respectful manner.
- All children were observed to access the outdoor play area on at least one occasion on the day of the inspection where they were provided with the opportunity to engage in physical play. This can facilitate the development of fundamental movement skills.
- Children's behaviour was supported using positive strategies such as clear instruction on unacceptable behaviour, careful positioning of staff allowing supervision of the rooms and outdoor play area and intervening in a timely manner in a minor dispute. Staff reported strategies such as using visual displays for children's emotions and rules within the rooms were used to support children to manage their behaviour.

Supporting Relationships:

- The positioning of the furniture allowed for large, small and individual play which can facilitate and promote peer relationships and social development.
- Staff engaged with the children in a warm and responsive manner, using positive strategies such as listening, recalling what the children said and feedback.
- Relationships with parents were supported through the sharing of information on daily feedback sheets where details such as sleep, food, nappies and other relevant information was shared. There was also a range of information available in the hallway such as ideas for healthy lunch boxes and awareness raising on childhood illnesses.

Physical and Material Environment:

- The rooms were lit by natural lighting and were observed to be a comfortable play space. The windows were open for ventilation and the temperature was maintained within the recommended range.
- The furniture and equipment in the rooms was suitable for the age and developmental stage of the children attending.
- Equipment was laid out on shelving which was visible and accessible to the children.
- The equipment available supported a range of developmental play experiences such as creativity, language development, fine and gross motor development.

Programme of Activities:

- Children were observed to be invited to join activities, they were encouraged to participate but were observed to choose an alternative activity if they wished promoting independent decision making.
- Displays were visible such as 'I can do' boards, where children's strengths were identified.

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 safeguard children:

General Safety:

- The entrance to the service was secured when the inspector arrived unannounced to the service. Entry was managed and monitored by staff to restrict unauthorised persons from gaining access to the premises and to prevent children from exiting the service unsupervised.
- Hazards such as cables or cleaning products were observed to be secured or out of reach of children.
- Children were appropriately supervised in the care rooms, on the transition to the outdoor play area, and during their time in the outdoor play space.

Infection Control:

- The premises were in a clean and hygienic condition and documented up to date cleaning records were available and displayed in the premises.

- Thermostatically controlled warm water, liquid soap and single use hand towels were available at all wash hand basins used by the children and the staff members and staff were observed to support the children to handwash after outdoor play and before meals.
- Children’s food from home was labelled and appropriately refrigerated.
- Appropriate waste disposal units were in use throughout the premises.
- All cots had removable washable mattress protectors in place.
- Appropriate disposable aprons and gloves were available for nappy changing and suitable nappy changing practice was observed.

Administration of Medication:

- Detailed documented care plans were available for the administration of specific medication, and staff were aware of the procedures involved.

Safe Sleep:

- A log was maintained where the temperature of the room and the colour, breathing and position of sleeping children was checked every 10 minutes.
- The temperature of the cot room off the Toddler room was within the required range for the children sleeping. A temperature of 18°C was recorded by the inspector.

Fire Safety:

- Emergency exits were observed to be unobstructed.
- Displays of the emergency evacuation procedures were displayed throughout the premises.

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

The registered provider ensured the following:

- (1) A review of the service roster showed that a person trained in First Aid Responder training was rostered to be available to the children attending the pre-school at all times.
- (2) (a) A suitably equipped first aid box was stored in the sanitary facility off the toddler room and in the kitchen, and there were signs displayed indicating this.
(b) The first aid boxes were easily accessible and readily available.

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

The registered provider ensured the following:

- (1) There was a complaints policy maintained which outlined the following:
- (a) The procedures to be followed when making a complaint.
 - (b) The way complaints would be dealt with.
 - (c) The procedures for keeping the complainant informed on how the complaint is being dealt with.
- (2) The registered provider ensured:
- (a) A record of complaints was maintained.
 - (b) That complaints were handled in line with the service policy.
- (3) A review of records referred to in (2)(a):
- (a) Detailed the nature of a complaint and how it was handled.
 - (b) The record was made available on the day of the inspection.