

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY201				
<b>Name of Service:</b>	St Mary's Early Years Service				
<b>Address of Service:</b>	8-9 Henrietta Street, Bolton Street, Dublin 1.				
<b>Eircode:</b>	D01 Y1R9				
<b>Name of Registered Provider:</b>	Mary McPhillips				
<b>Service type:</b>	Full Day, Part Time, Sessional				
<b>Date of Inspection:</b>	27/01/2026				
<b>No of pre-school children:</b>	<table border="1"> <tr> <td>AM</td> <td>26</td> <td>PM</td> <td>12</td> </tr> </table>	AM	26	PM	12
AM	26	PM	12		
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Floor 7 Brunel Building, Heuston South Quarter, St. John's Road West, Kilmainham, Dublin 8   D08X01F				
<b>Inspection undertaken by:</b>	L.A Webster and C. Harte				
<b>Title:</b>	Early Years Inspectors				
<b>Authority to Inspect</b>					
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).					
<b>Conditions if applicable</b>	Not applicable				

### Description of service

St. Mary's early years' service is a community-based service run by the daughters of charity in the North inner city. The service cares for children aged 0-6years on a full day care basis from 9am-3pm Monday to Friday 45 weeks per year and participates in the Early childhood Care and Education (ECCE) scheme. The service operates from a purpose-built building to the rear of the daughters of charity building. The service is comprised of four care rooms namely the Tulip room 3 years 4 months-4 years; Buttercup room 1-2 years; Sunflower room 2.5-3.5 years, and the Daisy room 2-3 years. Additionally, there is an office, sanitary facilities, a sensory room, activity room, and two secure outdoor areas.

### Staffing

The registered provider employs 15 staff including one person in charge, one deputy person in charge, 12 childcare staff and one ancillary staff member who is the chef. On the morning of inspection there were 16 adults present, including the person in charge, deputy person in charge, 11 childcare staff, two college students and one ancillary staff member. The registered provider does not work directly with the children in the service but is present on the premises of the main building.

### 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.

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 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.*

### Compliance Information

- (1)
- (a) The service had a designated person in charge and a named person to deputise as required.
  - (b) A review of the roster evidenced that 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 this was further evidenced through discussion with staff.
- (2) A review of paperwork and discussion with the person in charge showed that there are currently 15 staff employed by the registered provider to work within the service. The files and qualifications of all staff and two college students were reviewed.
- (a) There were 26 written and validated references available from past employers.
  - (b) There were 8 written and validated reference from a source other than a past employer.
  - (c) Garda vetting disclosures had been obtained for all adults. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
  - (d) Police vetting was available for 8 adults who had lived in a country other than Ireland for a period of six months or more as an adult.
- (4) Evidence was available to show that all 14 adults who worked directly with the children held a major award in Early Childhood Care and Education at a minimum of level 5 on the National Framework of Qualifications, or a qualification that is deemed of equivalence by the Minister.

### Non-Compliance Information

(3) A review of documentation demonstrated that appropriate consideration of references took place after the employment of one staff member.

### Corrective & Preventive Action submitted by the Registered Provider

#### Corrective and Preventive Action

As this occurred in a transition between HR personnel, it has now been rectified and documented as part of onboarding for any new HR personnel. It is now part of the induction checklist for the Early Years Management team to ensure validation have taken place for any new employee in advance of them starting.

#### Supporting documentation submitted

Documentary evidence submitted.

### Summary Comment

The corrective and preventative actions provided by the registered provider are sufficient to address the non-compliance under Regulation 9.

## 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 26 children being cared for by 13 adults in morning and 12 children being cared for by 8 adults in afternoon. Additionally, the deputy person in charge was available to provide support in the care rooms as needed.

(2) The adult child ratios were correct when the inspectors arrived unannounced to the service and throughout the inspection. Staff were aware of the required ratios for the age range of children within the rooms.

### 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.

#### Compliance Information

##### Basic Needs:

- Individual cups of water were available throughout the care rooms for children at all times.
- Daily routines were positioned throughout the care rooms, highlighting what the children were engaging with on the day, and were gently reminded by staff throughout the morning.
- Children's sense of identify were promoted throughout the service. For example, there was a 'Family Wall' display, a 'Birthday Time' display and the children's artwork was displayed throughout the care rooms.
- It was observed that staff engaged with children through various types of play and stepped in when needed by the children. Additionally, it was observed that staff would ask open-ended questions to gently challenge their thinking. It is important for children to broaden their knowledge of the world around them.
- Staff were observed to be kind and gentle in their interactions with the children and ensuring that their voices were heard.
- Mealtimes were observed to be fun and interactive. Staff ensured to sit beside the children and engage in meaningful conversations. The children's hot meal consisted of chicken and mashed potatoes which was in line with the services menu on the day. In discussion with staff, additional portions were available and alternative meal options for the children.
- Cosy corners were available in the care rooms to allow children to rest as needed.

##### Supporting Relationships:

- A strong sense of teamwork was identified throughout the inspection and staff ensured that this was modelled to the children to support their ongoing learning.
- Staff were observed to use kind and warm tones when speaking to the children and were positive in their approaches. This was evident throughout the day and when children were smoothly transitioning from

outdoors to indoors and for smaller transitions such as moving from activities, mealtimes and handwashing.

### Physical and Material Environment:

- Developmentally age and stage appropriate tables and chairs were present throughout the care rooms to allow children to engage in tabletop activities and mealtimes independently and comfortably.
- Designated play areas were spaced throughout the care room to allow children to engage at various stations.
- Toys and equipment were stored on low level shelves which supports various types of independent play and were themed for children to identify and choose from.
- The outdoor areas provided opportunities for a range of play experiences for the children

## 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 is accessed through a main building which is staffed by a receptionist. The door to the early years' service was secured with a coded lock which prevented unauthorised persons accessing the service and prevented the children leaving unsupervised.
- The care rooms were seen to be in good condition, with no visible hazards or trailing wires observed.
- Blind cords were securely attached to the wall and out of reach of children.
- Cleaning agents were stored safely and locked away out of reach of children.
- Shelving units and radiator covers were firmly anchored to the wall to ensure stability and safety.

#### Infection Control:

- Thermostatically controlled warm water, liquid hand soap and wall mounted paper towels were available throughout the service for appropriate hand-washing practices. Both staff and children were observed to show familiarity with routine handwashing after nappy changing, outdoor play, dinner time and after free play.
- Within the sanitary room, children had individually labelled storage areas for their nappies, creams and wipes to avoid any cross contamination.

- Upon observation, it was evident that children had individual bed linen that was clean and in good condition.

### Administration of Medication:

- Medication was not given at the time of inspection. Through discussion, staff were familiar with the practices required for the administration of medication to children attending the service.

### Safe Sleep:

- An ambient temperature of 18-22°C was maintained for sleeping children over two years of age.
- Low level sleep equipment was provided for sleeping children over two years of age and were observed to be in good condition.

### Fire Safety:

- All fire emergency exit doors were clear from obstruction. This helped ensure the safe effective evacuation of children and staff in the event of an emergency.

## Non-Compliance Information

### General Safety:

1. Indoor and outdoor risk assessments for the Sunflower room were not recorded in a timely manner. This posed a risk to children's safety both indoors and outdoors.
2. Throughout the inspection, the kitchen door remained open. This posed a potential safety risk to children.
3. Damaged sections of flooring in the garden area posed a potential risk of injury to children.

### Infection Control:

4. Cleaning sheets within the Sunflower room were inadequately recorded which prevented adequate observation and recording of effective cleaning.
5. Exposed foam from the sofa in Buttercup room and nappy changing mat in the Daisy room sanitary area prevented effective cleaning and posed a potential infection control risk.
6. The carpeted area in Daisy room was heavily soiled and stained and required a deep clean to support effective infection control measures.
7. There was no foot pedal bin available in the Daisy room sanitary area for the hygienic disposal of nappies. This is not in line with the Tusla regulatory notice EYI-RN12.1 regarding use of nappy storage and disposal bins in early years services and posed an infection control risk.

### Safe Sleep:

8. The electronic platform used by the service to record sleeping children was not effectively used on the day of inspection. It was observed at 12:05pm and 14:08pm that a record of a sleeping child's position,

breathing, colour, or time spent asleep was not appropriately filled in. This was at variance with the services policy that states that *“the children’s position, breathing, colour and time asleep will be recorded and logged.* The practice and recording of comprehensive physical sleep checks help provide for children’s safety.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

1. A room check in was held within the Sunflower room on the 28th of January to discuss feedback that was given by the inspectors that was specific to the room. The importance of completing risk assessments throughout the day was discussed as this identifies potential risks to the children’s safety both indoors and outdoors. Staff agreed to ensure these are carried out as required and management stated that the paperwork will be regularly checked. An induction pack for new staff members/students was updated which includes the daily risk assessments for indoors and outdoors. Management will outline the importance of these to be completed in a timely manner and will be checked regularly by the Nursery’s Health and Safety Officer. This has also been added to our induction checklist where all employees/students sign.
2. A safety gate was acquired and assembled at the kitchen door to ensure that the children can still carry out their daily routine of bringing the fruit into their room and talking to the chef, while continuously being safeguarded. The gate is already placed at the kitchen to eliminate the risk identified during the inspection. A sign has also been made to ensure the gate remains closed at all times and all staff and students were made aware as it is everyone’s responsibility.
3. A cover was acquired and placed over a small pipe containing a water valve in the outdoor garden flooring to eliminate the potential risk of harm to the children. A damaged section that was identified during the inspection was also cut out and replaced with floor tiles. This will be a temporary measure, and we are currently seeking support to resurfacing the garden in the near future. An outdoor maintenance log has been composed to allow staff to record any risks/hazards identified and all staff have been encouraged to record regularly. Management will ensure any maintenance needed, will be flagged with the operations manager in a timely manner to ensure areas/items are repaired..

##### Infection Control:

4. A room check in was held with the Sunflower room on the 28th of January to discuss feedback that was given by the inspectors that was specific to this room. The importance of completing the cleaning sheets were also discussed, that although cleaning is done on a regular basis staff need to document this for

inspection purposes. Staff agreed to ensure these are carried out as required and Management stated the paperwork will be checked regularly. Cleaning sheet templates are included within the induction pack for any new members of staff and thoroughly read in line with the manager. The importance of documenting in a timely manner will be outlined, and regular checks will be made to ensure that these are always completed. With a more detailed induction and regular checks will prevent this non-compliance in the future.

5. Each room was given the feedback which identified the non-compliances in that room. Staff were made aware those issues including foam exposure on any wipeable surface posed a risk for infection control. A nappy changing mat was purchased the day of the inspection and was changed by the next day with the damaged one being discarded. A leather patch kit was also bought to cover the tears identified in the inspection. The tears are now fully covered with wipeable material to ensure effective cleaning which eliminated the potential infection control risk. All staff members have been directed not to sit on the children's furnishings in order to keep the damage to a minimum and ensure that the new patched are well looked after. The nappy changing mat has been addressed, and all staff members have a template within their room to be completed when items/furnishings become damaged. These templates are then given to management to ensure that fixing or replacements are completed in a timely manner.
6. The carpets were in need of a deep clean and a carpet cleaning company was contacted on the 27/01/2026. All carpeted areas in the rooms were professionally cleaned on the 06/02/2026. To prevent any reoccurring non-compliance, we have organised a deep clean of the carpets every August when the service is closed.
7. A foot pedal bin was purchased and placed in the Daisy Room sanitary area for the disposal of nappies to keep in line with Tusla requirements to eliminate the infection control risk.

### Safe Sleep:

8. The importance of documenting children while sleeping was discussed with the individual room that was observed not recording on the day of inspection. Management reiterated the importance of documenting children's sleep which includes their position, breathing, colour, duration and times the child was checked to ensure safeguarding of the children. Management is checking the little vista app to confirm this is occurring when applicable to ensure children's safety. The safe sleep policy was updated and discussed at a staff meeting on the 06/02/2026. The policy was shared with all staff members it was reiterated the importance of following this policy. It was also stated that checks will be made on the little vista app to

confirm records are kept updated to ensure this policy is followed at all times to prevent non – compliance from reoccurring in the future.

**Supporting documentation submitted**

**General Safety:**

Documentary evidence submitted.

**Infection Control:**

Documentary evidence submitted.

**Safe Sleep:**

Documentary evidence submitted.

**Summary Comment**

The corrective and preventative actions provided by the registered provider are sufficient to address the non-compliances under Regulation 23.

**Part VI - Safety**

**Regulation 27 – Supervision**

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

**Non-Compliance Information**

The service did not ensure adequate supervision of the children when an incident which required notification to Tusla occurred. It is acknowledged that on the day of inspection staff members were observed to adequately supervise the children attending the service.

**Corrective & Preventive Action submitted by the Registered Provider**

**Corrective and Preventive Action**

A meeting was held on Friday 16th January with Manager, Deputy Manager, Director of Service, Family Support Worker, the Grad Lead, Educator and AIM Support worker, to review and reflect on the incident, harness the lessons learned and to discuss the statements being implemented. The NOI was also discussed during a staff meeting to ensure the transparency of the service continued and the adaptability of plans necessary in the light of developing risks for children. The robust procedure that was conducted was also outlined for educational purposes to showcase the service following policies & procedures even if that means reporting ourselves to Tusla, only then we can state we do everything in our power to safeguard the children within our service.

## **Supporting documentation submitted**

Documentary evidence submitted.

## **Summary Comment**

The corrective and preventative actions provided by the registered provider are sufficient to address the non-compliance under Regulation 27.

## **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:*

*(e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.*

## **Compliance Information**

(e) The registered provider ensured that the procedure specified under Regulation 31 was completed within 3 working days regarding a recent notifiable incident.