

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY321
--------------------------	-------------

Name of Service:	Fitzkinder Day Nursery and Montessori School
-------------------------	--

Address of Service:	Fitzkinder Day Nursery & Montessori School, 31 Upper Fitzwilliam Street, Dublin 2.
----------------------------	---

Eircode:	D02 VR72
-----------------	----------

Name of Registered Provider:	Emmett Rice, Joyce Grant Rice
-------------------------------------	-------------------------------

Service type:	Full Day, Sessional
----------------------	---------------------

Date of Inspection:	14/05/2026
----------------------------	------------

No of pre-school children:	AM	30	PM	35
-----------------------------------	----	----	----	----

Address of the Early Years Inspectorate:	Early Years Inspectorate 2 nd Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15 D15 CF9K
Inspection undertaken by:	C. Harte
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).

Early Years Inspectorate Regulatory Report

Pre School

Description of service

Fitzkinder Day Nursery and Montessori School is a privately operated service offering full day and sessional care to a maximum of 47 children aged between 1 – 6 years. The service operates from a Georgian house located in Dublin City Centre, comprising of four care rooms, namely the Junior Wobbler room with an adjoining cot room which is located on the ground floor, the Senior Wobbler room and Toddler room, both located on the first floor and the Montessori room which is located at basement level and accessible by external stairs to the front and rear of the building. A kitchen and an office are also on site. The service participates in the Early Childhood Care and Education (ECCE) scheme.

Staffing

The registered provider employs ten staff members to work directly with the children attending the service including the designated person in charge, deputy person in charge and eight early years professionals. On the day of the inspection all ten staff were present and two students on an educational work placement programme.

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, safety, premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations:

Early Years Inspectorate Regulatory Report

Pre School

Regulation 9 (1)(a)(b), (2)(a)(b)(c)(d), (3), (4) Management and Recruitment

Regulation 11 (1), (2) Staffing Levels

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

Regulation 23 Safeguarding Health, Safety and Welfare of Child

However, on inspection additional non-compliance which posed a risk was identified under Regulation 29 Premises. These findings are outlined within the relevant regulation within this report.

A sampling process was used to assess compliance under Regulation 19. As a result, the scope of the inspection included the Junior wobbler room and Montessori room

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 person in charge, staff and children who were present on the day of the inspection.

Early Years Inspectorate Regulatory Report

Pre School

Statutory Notices

Notice	Date Served	Detail
Improvement Notice IN0282	14/05/2026	Evidence of Police vetting was not available for one adult who had access to children.
Status	Action was taken by the registered provider following service of the notice and the provider submitted a written response with detailed corrective and preventative actions which were accepted by the inspectorate.	

Early Years Inspectorate Regulatory Report

Pre School

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*

(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 a named person to deputise as required.
- (b) A review of the roster showed that either the person in charge or the deputy person in charge were rostered to be present during the operational hours of the service on the day of inspection.

(2) Following a review of previous inspection information, information available on inspection and discussion with the person in charge it was determined that six new staff members had been employed since the previous inspection. All six of these new staff members work directly with the children. Two students were present on an educational work placement programme. A total of eight files were reviewed. In addition, Garda vetting for one staff member whose disclosure was identified as due for renewal was requested for review.

Early Years Inspectorate Regulatory Report

Pre School

The registered provider had completed the following checks:

- (a) Twelve validated references were available from past employers.
 - (b) Four validated references were available from a source other than a past employer.
 - (c) Garda vetting disclosures had been obtained for nine 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 seven 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 six staff members who worked directly with the children held 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.

Non-Compliance Information

(2)(d) See Statutory Notice section in relation to improvement Notice IN0282.

(3) A review of available documents demonstrated that two adults had commenced within the service prior to the consideration of police vetting.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(3) Management have created a new checklist to have completed before start date. A risk assessment has also been created for files.

Supporting documentation submitted

Template file checklists.

Template file risk assessment.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 9(3) has been addressed.

Early Years Inspectorate Regulatory Report

Pre School

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 10 staff available to children present on the morning of the inspection when the inspector arrived unannounced.
 - The person in charge provided support across the rooms.
- (2) The adult to child ratios were maintained correctly throughout the inspection. A review of the room attendance sheets showed there were sufficient staff allocated to the care rooms for the numbers of children in attendance.

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

(1)

(a) The registered provider ensured the following activities, interactions, materials and equipment were in place to facilitate the learning, development and wellbeing of children:

Basic Needs:

- Ample time was provided for children to have their meal, and staff were aware of the dietary requirements and food preferences of children.
- Children's coats were observed hung on low level hooks labelled with photos for ease of access and independence.
- Children's heavy clothing was removed prior to sleep and lighting was dimmed to help create a restful environment for sleeping children.
- Foot stools were present in the sanitary area to support toileting children.

Supporting Relationships:

- Transitions were observed to be planned and organised. Staff used strategies such as music, stories and words of praise to guide the children.
- Staff were observed to engage with the children in a warm, sensitive manner, seated at their level, actively listening and engaging in the play.
- Reassurance and an alternative activity were provided for a child who was reluctant to join a large group activity.
- Mealtime menus were clearly displayed within the service and readily available for review by families. Staff advised how daily sheets are completed to share an overview the children's day with their family.

Physical and Material Environment:

- Toys, equipment and play materials were easily accessible and visible to the children on low-level units which nurtured the children's independence and facilitated their choice.

Early Years Inspectorate Regulatory Report

Pre School

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:

- Toys were observed maintained and suitable for use.
- The walkway from the basement to the garden was observed clear from hazards.
- A record was maintained of temperature checks within the care rooms.

Infection Control:

- Adequate space of 50cm was maintained between cots in the junior wobbler room and adjoining cot room.
- Waterproof mattresses were in use in cots.
- Windows were open allowing fresh air to circulate.
- Toilet roll, hand towels and liquid soap were hygienically dispensed.
- Soothers were observed stored in individual labelled boxes.
- Children's nappy creams were individually labelled.

Administration of Medication:

- Staff in the Montessori and junior wobbler room advised that no child in attendance required emergency medication.

Safe Sleep:

- Sleeping children did not have teddies or toys present in their cots.
- Staff maintained a record of physical sleep checks and sleep room temperatures.

Fire Safety:

- Fire evacuation procedure was displayed.
- The service was operating within its fire safety condition of no more than 20 children being accommodated on the first floor.

Early Years Inspectorate Regulatory Report

Pre School

Non-Compliance Information

General Safety:

1. The Montessori care room door that leads towards the basement exit was observed propped open on the morning of inspection which posed a potential safety risk to children. It is acknowledged staff closed this door before discussion with the inspector and the door was observed closed later in the day.
2. A phone cable was not adequately secured to the wall in the cot room. It is acknowledged a temporary measure was put in place to secure the cable during sleep time.

Infection Control:

3. There were no foot pedal bins available in the Montessori sanitary area. This posed an infection control risk. Foot pedal operated bins allow hygienic disposal of contaminated materials.
4. Three visibly stained cot sheets were observed in use for sleeping children on the day of inspection. This is not in line with service policy that advises children's individual sheet and blanket is laundered in antibacterial detergent weekly or more frequently if required.
5. Children in the junior wobbler room were not supported to wash their hands prior to mealtime. This is not in line with the services infection control policy that advises children will wash their hands before eating.

Fire Safety:

6. Attendance records were not maintained in a timely manner and posed a potential risk of hindering safe evacuation in the event of an emergency. Two children who were present on the premises on the day of inspection were not signed in.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. A new door with child safe lock has been installed. The Montessori door has been added to the room and general risk assessments to be checked each day.
2. Using special staples, the cable has been secured to the wall. A cot room risk assessment has been created.

Infection Control:

3. Pedal bins were purchased and are now in each toilet. This has been added to the Montessori room assessment checklist.
4. The service has a laundry schedule where each class has a day to complete laundry. There are also some extra sheets if a blanket/sheet is dirty it can be changed. This has been added to the daily risk assessment.

Early Years Inspectorate Regulatory Report

Pre School

5. Daily routine has been changed adding extra time to wash hands and an additional person present to assist.

Fire Safety:

6. A staff meeting was held reminding staff that the the attendance records is one of the most important things and they need to write the time every child come in and go home at the moment. This has been added to the general risk assessment to check throughout every day.

Supporting documentation submitted

General Safety:

Photographic evidence.

Template risk assessments.

Infection Control:

Photographic evidence.

Template room assessment.

Template risk assessment.

Daily routine.

Staff meeting record.

Fire Safety:

Staff meeting record.

Template risk assessment.

Summary Comment

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

Part VII – Premises and Space Requirements

Regulation 29 – Premises

A registered provider shall ensure that the premises of the service are-

(d) cleaned, maintained and repaired, as required

Non-Compliance Information

(d) During the inspection it was observed that the premises was not cleaned and maintained as required. The following was observed:

- A rusted and damaged metal bar was present on the walkway from the garden to the ground floor.
- There were damaged radiator covers in the Montessori room.

Early Years Inspectorate Regulatory Report

Pre School

- The vent in the Montessori sanitary area was heavily dusted.
- There was a build-up of dirt and debris long the floor edges of the Montessori room.
- Fixtures on the wall in the cot room had a heavy layer of dust.
- There is chipped and damaged paint in the Montessori room.
- There is damaged skirting board in the Montessori room.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(d)

- The metal bar was removed and all the area cleaned. A section of plastic was fitted to protect any risk it can be there for the children's safety.
- The damaged radiator cover was removed and replaced. This needs to be painted.
- All the vents in the Montessori area and the rest of the creche were clean.
- The floor for Montessori including the floor edges were cleaned.
- The cot room was clean to protect the children's safety and health.
- Montessori class will be painted the weekend of July 18th.
- We fix it the damage skirting board in the Montessori Class and this will be painted the weekend of July 18th.

The room assessment and risk assessment have been updated to check for dust and damage daily.

Supporting documentation submitted

Photographic evidence.

Template room assessment.

Template risk assessment.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance has been partially addressed but will remain outstanding as the paint works have not been completed. This will be reviewed on next inspection.