

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY338
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Name of Service:	St. Nicholas Montessori Merrion
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Address of Service:	10 Herbert Avenue, Ballsbridge, Dublin 4, Co. Dublin
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Eircode:	D04 EA33
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Name of Registered Provider:	Dr. Nicholas Breakwell
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Service type:	Full Day
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Date of Inspection:	25/06/2025
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No of pre-school children:	AM	27	PM	16
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Address of the Early Years Inspectorate:	The Brunel Building, Heuston South Quarter, St. John's Road West, Dublin 8.
Inspection undertaken by:	R. Duff H. Sutherland
Title:	Early Years Inspectors

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

St. Nicholas Montessori Merrion is one of three early years services operated by the registered provider. The service provides full day care for children from 2 to 6 years and is registered to operate from 08:00 to 17:00, Monday to Friday.

The service is located in an urban, residential area. The premises is a two-storey period house which has been adapted for the purpose of providing early childhood care and education. There are three pre-school rooms. The Assistance to Infancy room and Montessori 1 room are located on the ground floor and the Montessori 2 room is located on the first floor. An imagination room and an art room are located on the first floor. A fully enclosed outdoor play area is located to the rear of the building.

Staffing

The service currently employs nine adults including a manager and a principle. There were six adults working directly with the children on the day of inspection. The registered provider does not work in the service.

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 areas of governance, health, welfare and development of child, information and records and safety. The inspection may also focus on other areas as required. The following regulations were reviewed:

Regulation 9 (1)(2)(3)(4) Management and recruitment.

Regulation 11(1)(2) Staffing levels.

Regulation 19 (1)(b) Health, welfare and development of child.

Regulation 23 Safeguarding the health, safety, and welfare of child.

Regulation 28 Insurance.

However, on inspection two additional non-compliances which posed a risk to children was identified under Regulation 16(1)(k) record in relation to pre-school service and Regulation 27 Supervision. These findings are outlined within the relevant regulations 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.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the principle, deputy 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.

(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)(b) The service had a person in charge and a named person to deputise. The deputy person in charge was on the premises at all times during the inspection.

The inspection focused on regulations (2)(a)(b), (d), and (4) for four adults who had commenced employment since the previous inspection on the 14 November 2023 and included one additional file for an adult who was present to provide a dance class for children. Records for all adults were inspected for regulation 9(2)(c).

(2)

(a)(b)

Of the ten written and validated references that were required, two were available from a past employer and four were available from a reputable source.

(c)
Garda vetting disclosures from the National Vetting Bureau of An Garda Síochána were available for ten adults employed to work in the service and the registered provider. Garda vetting disclosures from all adults were assessed to determine compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years. Garda vetting which was dated within the last three years was available for seven adults and the registered provider, however, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice for two adults.

Please refer to the information outlined under regulation 23 of this report.

(d)
Police vetting was available for two adults who had lived outside the State for a period exceeding 6 months as an adult.

(4)
Documentation was available evidencing that one adult who was recently employed to work directly with the children held the required qualification or equivalent.

Non-Compliance Information

(2)
(a)(b) Four written and validated references for three adults employed to work directly with the children were not available for review.

(4)
Documentation was not available to show that two adults recently employed to work directly with the children held the required qualification or equivalent.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)
(a)(b) Four written and verified references have been provided for three staff members, the person in charge stated that an employee checklist will be used to ensure documents are not missed in the future.

(4)

Documentation was submitted to show that one adult recently employed to work directly with the children now holds the required qualification or equivalent. The person in charge was afforded a further opportunity to submit corrective actions in response to the non-compliance identified for the second staff member. However, the qualification submitted by the person in charge is not a recognised qualification on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Supporting documentation submitted

Supporting documentation has been submitted and reviewed by the early years inspector.

Summary Comment

9 (2) (a) (b) The actions taken by the registered provider have addressed the non-compliance.

9 (4) The non-compliance remains outstanding. The regulatory requirement has not been met.

This regulation will be assessed on the next inspection.

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.

(8) Without prejudice to paragraphs (2) to (7)-

(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,

Compliance Information

(8)(a)

There were at least two adults on the premises at all times of the inspection.

Non-Compliance Information

(1)(2)

Although it is acknowledged that there was a sufficient number of staff available in the service throughout the inspection, the appropriate ratios were not maintained at all times.

Please refer to the information outlined under Regulation 27 of this report.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The person in charge stated:

1. A staff member will remain with the children while they sleep, the staff member will sit at the door and complete paperwork, the door will remain open so staff member can monitor the children while they sleep.
2. A member of staff will remain with the children as they take part in the music class, this supervision information will be shared with new staff at induction.

Supporting documentation submitted

No Supporting documentation submitted

Summary Comment

The actions taken by the registered provider have addressed the non-compliance. This regulation will be assessed on the next 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:

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

Non-Compliance Information

(1) (k)

A sample of 15 accident and incident forms were reviewed. Of these, 11 forms were not signed by parents to confirm they were informed of an incident, and 1 form was not signed by a manager. Through discussion with staff, they stated that parents are regularly reminded to sign the forms to confirm they were informed. This poses a risk to children if remedial action is required when a child leaves the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The person in charge has stated that the service will no longer use the app to report accidents and incidents to parents/guardians. Reports will be written and shared with parents.

Supporting documentation submitted

No Supporting documentation submitted

Summary Comment

The actions taken by the registered provider have addressed the non-compliance. This regulation will be assessed on the next 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-

(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)(b)

The inspectors observed appropriate care practices in place. The children moved freely in all rooms – exploring their environment, playing and engaging with each other and the staff. Staff demonstrated warmth and affection in their interactions with the children. They addressed children by name, used gentle tones and interacted with them in a positive manner. Language used by the staff members was observed to be encouraging, supportive and informative. Individual daily reports were kept throughout the day to give to parents/guardians to provide for continuation of care.

Children were given advance warnings to support transitions to a new activity and for mealtimes.

Meals and snacks were offered to the children regularly throughout the day, these provisions were prepared on site, including a hot meal. Drinks were readily available within the care rooms. Mealtimes were social occasions with children and staff sitting together. Children were supported to serve themselves and clean up their space following their meal. Child sized tables and chairs allowed the children to eat and engage in tabletop activities.

There was evidence that equipment and materials provided were based on the children's individual needs and

emergent interests. The care rooms had a mix of Montessori materials, toys and equipment which were laid out on low level shelving units and accessible to children.

Areas were provided within all rooms where children could rest or take a break from activities. Older children used the toilet independently and children wearing nappies had these changed regularly. Staff used opportunities when assisting with personal care for warm one to one interactions with the children. Children spent time outdoors throughout the day and were dressed appropriate to the weather.

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:

- When the inspectors arrived at the service, access to the main door was monitored and controlled by staff to restrict unauthorized persons from gaining access to the premises and to prevent children from exiting the service unsupervised. In addition, the outdoor play area was securely gated restricting unauthorized persons from gaining access to this area and to prevent children from exiting the service unsupervised.
- The toys and play equipment in the care rooms, observed in use by the children on the day of inspection appeared in good working order.
- All blind cords were secured.
- Medicines and cleaning agents were stored safely out of reach of children.
- The kitchen was not accessible to children.

Infection Control:

- Liquid soap and paper towels were available to facilitate hand washing. Staff were observed to carry out hand washing as appropriate. The children were supported to wash their hands at regular intervals including after using the toilet, following outdoor play and before meals.
- Children's nappies were changed in line with the service's nappy changing policy to reduce the risk of the spread of infection.
- Waste was managed appropriately with the use of pedal bins.
- Individual bed linen was provided for children. Staff stated that bed linen is laundered weekly.

Administration of Medication:

- Medications were stored in their original packaging out of reach of children. Care plans were available for children who required regular or emergency medication

Safe Sleep:

- Sleep logs were maintained in the dedicated care room where children slept, and individual children's observations recorded room temperature, breathing, colour, and position every ten minutes. The required temperature range of 18 - 22°Celsius was maintained while children slept.

Fire Safety:

- The designated fire escape routes were free from obstruction on the day of inspection.

Non-Compliance Information

General Safety:

1. The service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years for 2 staff members working in the service.
2. In the outdoor area, parts of the metal fence were damaged and bent, as a result the edges were sharp posing a potential injury risk.
3. In the outdoor area, the roof and side panels on the wooden playhouse were worn and sharp, the roof and panels were in reach of children posing a potential injury risk.
4. In the Assistance to Infancy room, part of the linoleum floor was lifting, posing a tripping hazard.
5. In the sanitary area adjacent to the Montessori 2 room, a radiator pipe was sticking out of the floor, this posed a potential risk of injury.

Infection Control:

6. In the sanitary area on the ground floor, 2 toilet brush handles and holders were observed to be rusted, both were in reach of children. This posed an infection control risk.

Administration of Medication:

7. In Montessori room 2, a child had been prescribed emergency medication, the 2 staff members caring for this child had not received training in the procedures for administering emergency medication. This lack of training posed a potential safety risk in the event of a medical emergency. This is at variance with the Anaphylaxis policy in the service which states that staff will be trained to respond to an emergency situation.

Fire Safety:

- Documentation reviewed showed that fire drills were not carried out regularly, through discussion with staff they stated fire drills are carried out every 2-3 months, the last fire drill took place on 6 February 2025. This poses a risk to children in the event of an emergency evacuation.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

The person in charge has stated:

- Garda vetting disclosures have been received for both members of staff. A checklist will be used to ensure all documentation is kept up to date.
- The metal fence has been repaired, and any areas of concern have been flattened. This will be included on the checklist for the service.
- The playhouse has been removed until the repairs can be completed.
- The linoleum floor has been repaired. The area of the floor has been re-glued.
- The radiator pipe has been covered with insulation as it could not be removed fully. A regular risk assessment will be carried to monitor and repair any issued identified.

Infection Control:

- The toilet brushes have been removed and will no longer be stored in the children's sanitary areas.

Administration of Medication:

- The staff in the service have received guidance on administering auto-injector pens they are now aware of the requirements for administering this medication. A new member of staff also received the training as part of their induction.

Fire Safety:

- Fire drills will be carried out regularly, a reminder will be set each month to remind the person in charge to carry out the fire drill.

Supporting documentation submitted

General Safety:

Supporting documentation has been submitted and reviewed by the early years inspector.

Infection Control:

No Supporting documentation submitted

Infection Control:

No Supporting documentation submitted

Fire Safety:

No Supporting documentation submitted

Summary Comment

The actions taken by the registered provider have addressed the non-compliance. This regulation will be assessed on the next inspection.

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 supervision of the children attending the service was found to be inadequate on the day of inspection.

1. In the Assistance to Infancy room, children were left unattended on floor beds during sleep time, which poses a potential risk of harm if they got up from bed without adult supervision.
2. In the Montessori rooms 1 and 2, children were left in the care of the dance teacher during the dance class on 3 occasions. Through discussion with staff, they explained they take a short break and leave the dance teacher to supervise children. This is at variance with the supervision of children policy in the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The person in charge stated:

3. A staff member will remain with the children while they sleep, the staff member will sit at the door and complete paperwork, the door will remain open so staff member can monitor the children while they sleep.
4. A member of staff will remain with the children as they take part in the music class, this supervision information will be shared with new staff at induction.

Supporting documentation submitted

No Supporting documentation submitted

Summary Comment

The actions taken by the registered provider have addressed the non-compliance. This regulation will be assessed on the next inspection.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The registered provider ensured the full day care service was insured. The insurance certificate provided for review provided cover for 50 children and was valid until the 31 August 2025.