

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2015DY397

Name of Service: Fitzwilliam Nursery and Montessori School

Address of Service: 2 Herbert Street, Dublin 2

Eircode: D02 CP59

Name of Registered Provider: Emmett Rice, Joyce Grant

Service type: Full Day, Part Time, Sessional

Date of Inspection: 28/07/2025

No of pre-school children:	AM	26	PM	26
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Address of the Early Years Inspectorate:	Early Years Inspectorate 2nd Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15 D15 CF9K
Inspection undertaken by:	L Jameson
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

Description of service

Fitzwilliam Nursery and Montessori School is located in a converted Georgian building in Dublin city. The service provides full day care to a maximum of 38 children, aged 0 - 6 years old, from 8am-6pm, Monday to Friday. The service is comprised of three care rooms, namely the Montessori room, which is located on the ground floor along with the cot room, the kitchen and sanitary accommodation, while the Wobbler room and Toddler room are located on the first floor. There is also an office in the premises and an enclosed outdoor area to the rear of the building.

Staffing

The registered providers do not work in the service. The registered providers employ nine adults to work in the service, including the person in charge, who does not work directly with the children and eight early years practitioners. On the day of inspection, six staff members were present in the service, including two deputy persons in charge and four early years practitioners, when the inspector arrived unannounced in the service. The person in charge arrived in the service at approximately 10:50am.

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

A sampling process was used to assess compliance under Regulation 16(1)(j)(k) Record in Relation to Pre-School Service.

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, the deputy persons 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 two named persons to deputise as needed.
 - (b) Two deputy persons in charge were rostered to be present at all times during the period when the pre-school service is being carried on and when the inspector arrived unannounced in the service. The designated person in charge arrived in the service at approximately 10:50am and remained on-site for the remainder of the inspection.
 - (c) The service had a clear management structure and staff were aware of their own role and responsibilities.
- (2) The full staff files of five adults who had been employed since the last inspection was reviewed along with the Garda vetting disclosure of four staff members working in the service.
- (a) Eight written and verified references were available from past employers.
 - (b) One written and verified reference was available from a source other than a past employer.
 - (c) Garda vetting disclosures were available for the nine adults employed in the service. However, 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. Please refer to the information outlined under regulation 23 of this report.
 - (d) Police vetting was available for four 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 the five adults 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)
- (a) One written reference was available from a past employer for one adult, however, documentary evidence was not available to confirm a validation check had been completed.
- (d) The following was identified on review of documentation:
- International police vetting was available for one staff member in respect of a country that they had lived in other than Ireland for a period longer than six consecutive months as an adult, however, an official translation of this document was not available for review.
 - Documentary evidence was not available for four adults to determine if international police vetting was required prior to commencement in the service.
- (3) Evidence was not available to demonstrate that the procedures specified in paragraph (2) were carried out in relation to five adults who had access to the children. The following was observed:
- Documentary evidence confirmed that reference validation checks had been obtained after commencement dates for five adults.
- Full checks must be completed for staff members prior to them commencing employment in the service in order to establish that they are appropriate to have access to children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (2)
- (a) The reference for one staff member has been validated and added to the staff file. The checklist for future employees has been updated to ensure all documents are checked before start dates.
- (d) The following has been added to the staff files:
- An official translation for international police vetting for one adult.
 - Documentary evidence in the form of a curriculum vitae has been updated and added to the staff file for two adults. Two adults are no longer employed in the service.
- (3) All members of management are now aware that references must be validated prior to new staff members commencing in the service. The checklist for future employees has been updated to ensure checks are carried out before start dates.

Supporting documentation submitted

(2)

(a) Documentation in relation to the above has been reviewed.

(d) Documentation in relation to the above has been reviewed.

(3) Documentation in relation to the above has been reviewed.

Summary Comment

The corrective and preventive actions taken 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) The registered provider ensured that there was an adequate number of adults working with the children throughout the inspection. There were 6 adults caring for twenty-six children throughout the day of the inspection.

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

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:

(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.

(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records referred to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.

Compliance Information

(1) The registered provider ensured that there was a record kept in writing of the following information in relation to the service:

(h) Details of attendance by each pre-school child were stored in the attendance record in each care room.

(i) The registered provider ensured that there was an accurate record of the staff roster containing the details of the staff scheduled to be present on the day of inspection.

(j) Four administration of medication records were available for review, and all information was completed in full.

(3) Records were open to inspection by an authorised person. All records requested by the inspector were available for review.

Non-Compliance Information

(k) A sample of fifteen accident and incident records were reviewed. Eight of the fifteen records did not include the following information:

- One record did not include the parent's signature.
- Five records did not include the date that a parent signed the form.
- Three records did not include the child's date of birth.
- Two records did not include the child's surname.

Any miscommunication around incidents involving children can potentially hamper appropriate care following an injury.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (1)
- (k) Staff have been informed of the importance of completing accident and incident records correctly. The daily morning checklist has been updated to include checks of all accident record books to ensure all details are included.

Supporting documentation submitted

- (1)
- (k) Documentation in relation to the above has been reviewed.

Summary Comment

The corrective and preventive actions taken by the registered provider are sufficient to address the non-compliance under Regulation 16.

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 following practices were observed on the day of inspection which supported the health, welfare and development of the children attending:
- Staff members were observed to positively reinforce the children's achievements with recognition and praise. Any minor disagreements that occurred between the children were dealt with in a calm manner and the children were supported to resolve any conflict that arose.
 - Staff members were observed to interact warmly and kindly with the children, offering support and encouragement during transitions throughout the day and responding promptly to individual needs.
 - Staff members sat alongside the children during mealtimes, engaging in meaningful conversations and offering support where required. Water was readily available in the care rooms, allowing the children to access a drink when they wanted. Additional portions of food were also available to the children.
 - Nappies were changed at scheduled times and more frequently when required. Staff members offered discreet supervision during toileting to the children who were toilet trained.

- During sleep time, the blinds were drawn and soft music played in the background, creating a relaxing environment for sleeping children.

Non-Compliance Information

1. An alternative hot meal option was not available to the children on the day of inspection. A child in the Montessori room was observed to repeatedly tell a staff member that they did not like the dinner. When the inspector asked the staff member if alternative hot meals were available, it was confirmed that there is no hot meal alternative. Additional snack options such as breadsticks and crackers are available if required. This was not in line with national guidelines on food and nutrition, which state that a healthy alternative should be offered.
2. During sleep time in the Toddler room, movement was restricted for three children ranging in age from 2 – 3 years. The children were observed to lie on stackable beds for extended periods of time without showing signs of tiredness. The room was darkened for sleep time at 11:45am, and at 12:41pm, the children were still lying in their beds. During this time, the children were observed to sit up, move from their beds and chat while the staff member present gave instruction for the children to remain in their beds. No alternative activity was provided to the children.
3. The outdoor play area had limited equipment and resources which impeded children's opportunities for play and as a result, children were observed to be upset and engage in challenging behaviours. Through discussion with management and staff members it was confirmed that there were additional toys and equipment stored in the garden shed but these were not made available to the children on the day of the inspection.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. Staff members are now aware that individual portions of alternative dinners are available for the children if required. We will always have a supply of alternative dinners available in the event it is required.
2. Children who do not wish to sleep or wake early will spend time in another care room or the garden during sleep time. Staff have been informed of the change to the routine which is now implemented on a daily basis.
3. Toys and equipment had been placed in the shed to allow the garden to be cleaned on the day prior to the inspection. Staff members will check the garden every morning to ensure that there are sufficient toys and equipment readily available for use by the children. The daily checklist has been updated to include garden checks.

Supporting documentation submitted

1. Photographic evidence in relation to the above has been reviewed.
2. No evidence submitted. This will be reviewed on the next inspection.
3. Documentation in relation to the above has been reviewed.

Summary Comment

The corrective and preventive actions taken by the registered provider are sufficient to address the non-compliance under Regulation 19.

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 ensured that an adequate supply of suitable materials and equipment were available to the children in the service. The following was observed;

- Low level tables and chairs were available for use by the children which allowed them to engage in tabletop activities and meals comfortably.
- Toys and materials were accessible on low level shelving which allowed children to access them independently.
- Toys and materials were grouped into defined interest areas with adequate props and supporting equipment to support engaging spontaneous play experiences.
- Cosy areas were available in the care rooms to provide children a comfortable place to rest or engage in quiet activities.
- Equipment and materials in the care rooms were in good working order. Materials including jigsaws and puzzles, construction toys, musical instruments, animals, art and craft materials, a selection of books and opportunities for sensory play were available to the children, facilitating a range of play and learning experiences.

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 entrance door leading into the service was appropriately secured to prevent the children from exiting unsupervised and to restrict unauthorised persons from gaining access to the premises. A buzzer system was in place which was managed and monitored by staff members.
- Cleaning products were stored safely out of the reach of children.
- Flexes and cords were secured safely out of reach of the children.

Infection Control:

- Staff members were observed to support children with handwashing at regular intervals throughout the day, before eating and after activities and toileting.
- Pedal bins were available in the care room and sanitary area to ensure the hygienic disposal of waste.
- Staff members were observed to wear gloves and aprons during nappy changes.
- The windows were observed to be open to allow for circulation of fresh air in the care rooms.
- Cots and stackable beds were placed 50cm apart.

Administration of Medication:

- Antifebrile medication was observed to be in date, stored in the correct packaging and out of the children's reach.

Safe Sleep:

- Staff members were observed to physically check and record the colour, breathing and position of sleeping children every 10 minutes.
- An ambient temperature of 18-22°C was maintained for sleeping children over one years old in the cot room and care rooms.

Fire Safety:

- Fire exits were clear and unobstructed on the day of inspection.
- The emergency evacuation procedures were displayed throughout the service.

Non-Compliance Information

General Safety:

1. Two radiator covers in the Toddler room were observed to be cracked and broken, posing a potential pinch risk to the children.
2. Children's buggies were stored in the garden and children were observed to access and remove items from them. Personal items may be kept in a buggy and pose a potential risk to the children's safety.
3. Gaps between the soft ground surface tiles were observed which present a potential trip hazard.
4. A foam sleeve which covered an external pipe was frayed and torn, increasing the potential risk of ingestion by a child.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. The radiator covers have been fixed. Management will carry out weekly checks in the care rooms and staff members have been informed to report required repairs to management.
2. Buggies will always be stored in the shed going forward. The daily checklist has been updated, and management will ensure the garden is checked every morning.
3. The soft ground surface has been fixed. The daily checklist has been updated, and management will ensure the garden is checked every morning.
4. The foam sleeve has been removed and replaced. The daily checklist has been updated, and management will ensure the garden is checked every morning.

Supporting documentation submitted

General Safety:

1. Photographic evidence in relation to the above has been reviewed.
2. Photographic evidence in relation to the above has been reviewed.
3. Documentation and photographic evidence in relation to the above has been reviewed.
4. Documentation and photographic evidence in relation to the above has been reviewed.

Summary Comment

The corrective and preventive actions taken by the registered provider are sufficient to address the non-compliance under Regulation 23.

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) A person who held in-date First Aid Response (FAR) training was at all times immediately available to the children attending the service. This was evidenced in the FAR training records maintained for two staff members and their scheduled attendance in the service's staff roster.

(2)

(a) The first aid boxes were suitably equipped and easily accessible to the staff

(b) The first aid boxes were available for the children attending the service at all times.