

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015FL203
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Name of Service:	Magic Years Creche & Montessori School
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Address of Service:	Beechlawn House, Clonsilla Road, Dublin 15.
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Name of Registered Provider:	Mary Hale
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Service type:	Full Day
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Date of Inspection:	19/05/2025
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No of pre-school children:	AM	50	PM	45
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Floor 7 Brunel Building, Heuston South Quarter, St John's Road West, Kilmainham, Dublin 8 D08 X01F
Inspection undertaken by:	E. Griffin and T. Nelson
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

Magic Years Creche and Montessori School in Dublin 15 is one of two services owned by the registered provider. The childcare service operates from a two story detached premises. The service provides full day care, part-time and sessional care to children aged from 0 to 6 years. The service operates from Monday to Friday, 7.30am to 6.15pm and delivers the Early Childhood Care and Education (ECCE) Programme on a sessional basis from 9.00am to 12.00pm during term time.

The care rooms include the Junior Wobbler Room (12 months to 18 months), Senior Wobbler Room (18 months to 2 years 6 months), Playschool Room (2 years 6 months to 3 years 6 months) on the ground floor and two rooms which are used by the Preschool Room (3 years 6 months – 5years) on the first floor. A cot room, nappy changing facilities and sanitary accommodation are located on the ground floor, with further sanitary accommodation for staff and children, an office, and a staff kitchen on the first floor. There are two fully enclosed outdoor play areas to the rear and side of the premises accessed from the Nursery, Senior Wobbler and Playschool room.

Staffing

The registered provider employs sixteen staff to work in the service. This includes one operations manager, one administrator, a person in charge, a deputy person in charge and twelve staff who work directly with the children in the service. The operations manager and an administrator arrived at the service following the commencement of the 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 area of governance, health, welfare and development of child and safety. The inspection may also focus on other areas as required.

A sampling process was used to assess compliance under

- Regulation 15(1) (a-i) and (3)(c) Records in relation to the Preschool Service
- Regulation 19(1)(b) Health, Welfare and Development of child
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child

As a result, the scope of the inspection included the Junior Wobbler Room and the Senior Wobbler 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 inspectors wish to acknowledge the cooperation of the operations manager, person in charge, administrator, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Compliance Information

- (1) (a) The service had a designated person in charge and named person to deputise as required.
- (b) A review of the roster showed either the person in charge or the deputy person in charge were rostered to be present during the operational hours of the service.
- (c) There was a clear management structure in place, and staff reported being aware of this.
- (2) A review of paperwork and conversation with the operations manager confirmed there are currently sixteen staff employed by the registered provider to work in the service. The full sixteen staff files were reviewed as part of the inspection process. The registered provider had completed the following checks:
- (a) Twenty-two validated written references were available from recent past employers.
 - (b) Ten validated written references were available from a source other than a past employer.

- (c) Garda vetting disclosures had been obtained for all sixteen staff members. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
 - (d) Documentary evidence showed that thirteen adults had lived in a state other than Ireland for more than six consecutive months as an adult. International police vetting from the relevant countries was available for twelve staff members.
- (4) There was documentary evidence available that the fifteen adults who worked directly with 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) Documentary evidence showed that one adult had lived in two different jurisdictions other than Ireland for more than six consecutive months as an adult. International police vetting was not available for one of the two jurisdictions.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Police vetting has been applied for the second jurisdiction. The registered provider has requested that the current Tusla HR checklist is updated to include a more comprehensive checklist which includes verifying that the staff members CV is double checked by a person in management to determine if international vetting is required.

Supporting documentation submitted

- Documentary evidence of police vetting application.
- Documentary evidence of updated Tusla HR checklist.

Summary Comment

The registered provider has attempted to address the non-compliance under Regulation 9(2)(d) however as police vetting has not been received by the inspectorate this will remain outstanding. The registered provider is required to submit the police vetting to the inspectorate once it is received.

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

The registered provider ensured the following.

- (1) On the day of inspection there were an adequate number of adults working directly with the children attending the service to meet their care needs. There were ten adults caring for the fifty children present on the morning of the inspection. There were eight adults caring for the forty-five children present in the afternoon. In addition, the operations manager and the person in charge were available to provide support in the care rooms where required.
- (2) The adult child ratios were correct when the inspectors arrived unannounced to the service and throughout the inspection. In addition, staff were aware of the correct adult to child ratios required.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*

(f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;

(g) the name and telephone number of the child's registered medical practitioner;

(h) record of immunisations, if any, received by the child;

(i) written parental consent for appropriate medical treatment of the child in the event of an emergency.

(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-

(c) an authorised person.

Compliance Information

(1) A sample of 10 children's registration records were reviewed as part of the inspection. The registered provider ensured that the information required under (a)-(i) was maintained for each child.

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

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 care practices were observed in place to meet the needs of the children in the service:

- The children were provided with regular meals, with fruit and snacks provided by the parents and a hot meal provided by the service. An alternative hot dish and additional portions were available if required.
- Children's drinks were visible and accessible in the care rooms.
- Practices such as nasal discharge activities and nappy changing procedures were observed to be respectful. Staff were observed to explain what was happening and look for consent before carrying out these care duties.
- The staff interacted with the children in a warm sensitive manner, using the child's name, getting to their level. For example, in the Junior Wobbler room, a staff member sat beside a young child who appeared upset and gently rubbed the child's back and asked the child "are you okay, what's happening".
- Daily routines were available and were reflected in practice. This provided the children with a sense of stability, security, and predictability.

- There was evidence that staff planned weekly activities to support the children’s learning and development. There was a weekly planner of activities displayed on the wall in the care rooms. In the Junior Wobbler room children were observed to partake in art activities and circle time discussion related to the theme of the week ‘Sea Creatures’. Children in the Senior Wobbler room were observed to be engaged in a sensory activity linked to the theme of the week ‘Insects’.
- Language and literacy were supported in the care rooms through discussion at circle time, mealtimes, story time, singing time and during art and sensory activity time.
- All the children had access to outdoor play on the day of the inspection. This supported their social, cognitive, and gross and fine motor development.

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 premises was appropriately secured to prevent the children from exiting unsupervised and to restrict unauthorised persons from gaining access to the premises.
- The inspection team were asked to sign in to the visitor record book on arrival to the service.
- The external outdoor play areas were secure with surrounding walls and securely gated reducing the risk of unauthorised access. Children who were brought out to the outdoor areas from indoors were observed to be supervised.
- The kitchen area was not accessible to the children and the door remained closed throughout the inspection.
- Toys and equipment used by the children were observed to be well maintained and in a good state of repair.
- Cleaning agents and medication were stored safely out of the reach to the children.
- There were no flexes or cables observed that were accessible to the children.

Infection Control:

- Handwashing facilities for hand hygiene included thermostatically controlled water, soap and paper towels. Children were observed to be familiar with the routine of handwashing after nappy changing, toileting, outdoor play and before mealtimes.

- Foot pedal operated bins were available in the care rooms and sanitary areas to allow hygienic disposal of contaminated materials.
- Soothers were stored safely, and staff were knowledgeable on how to wash and sterilise soothers between use.
- Individual bed linen was used for the sleeping children and staff were familiar with the washing schedule.
- The premises was observed to be in a clean and hygienic condition.
- Windows in the care rooms were observed to be open which allowed for circulation of air and reduced the risk of cross infection.

Safe Sleep:

- Heavy outer clothing was removed from the children before sleep time.
- Cellular blankets were used.
- Children under two years of aged were provided with a cot for sleeping. Children over two years of aged were provided with their own individual sleep mat and individual bed linen.
- An ambient temperature of 18-22°C was maintained for sleeping children over one the age of one slept.
- A sleep log was maintained while children slept. Staff were observed to physically check and record the colour, breathing and position of sleeping children was checked every 10 minutes.

Fire Safety:

- Staff ensured the details of each child's attendance was recorded accurately and all fire emergency exit doors were clear from obstruction.

Non-Compliance Information

General Safety:

1. An empty plastic bag which had a warning label 'plastic bags can be dangerous' was accessible to children in one of the care rooms. This posed a potential risk of suffocation. The bag which had contained newly acquired building blocks was removed immediately by the inspector who identified the risk.
2. The inspection team identified two potential tripping hazards in the two outdoor play areas.
 - There was a square hole in the soft artificial surface of the outdoor play area used by the younger children. This posed a potential risk of a child getting their foot caught in it and tripping over.
 - The root of a tree was observed to be prodding out above ground level of the outdoor play area used by the older children. This posed a risk of injury. It is acknowledged that the operations manager had this hazard scheduled to be fixed prior to the inspection.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. The storage bag was removed from circulation on the day of inspection. The outcome of inspection has been shared with staff, staff are reminded to complete a risk assessment on any item that is introduced into the care rooms including storage equipment.
2. The area the inspector identified in the courtyard as a potential trip hazard has been resurfaced. The willow tree and exposed root have been removed. Outdoor risk assessment remains in place, outcome of inspection reported shared with the staff.

Supporting documentation submitted

General Safety:

1. Documentary evidence of Memo that was sent to staff.
2. Photographic evidence of invoice for work completed in the outdoor play areas and documentary evidence of Memo that was sent to staff.

Summary Comment

The registered provider through the corrective and preventive actions taken has addressed the non-compliances identified 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) There was evidence to show that four adults hold certification in First Aid Response training, the four adults were available during the duration of the inspection.

(2)
(a) A suitably equipped first aid box was available and stored safely in an easily accessible and conspicuous position on a shelf in the care room.

(b) The first aid box was observed to be easily available to the adults caring for the children attending the service.

Part VI - Safety

Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-
- (a) any fire drill that takes place in the premises, and
 - (b) the number, type and maintenance record of firefighting equipment and smoke alarms in the premises.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (c) an authorised person.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

Compliance Information

- (1)
- (a) A record of monthly fire drills was available in the service. The most recent fire drill took place on 2 April 2025.
 - (b) The number, type and maintenance record of the firefighting equipment was up to date. Fire extinguishers were last serviced on 12 February 2025. Smoke alarms were serviced on 18 February 2025.
- (2) (c) Records were open to inspection by an authorised person. All records requested by the inspector were available for review.
- (4) A notice of the procedures to be followed in the event of a fire was displayed in the wall in the service and the assembly point was clearly labelled and located to the front of the service.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The service had adequate insurance for the number of children in attendance. The insurance certificate is valid until 27 March 2026.