

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015LS016		
<b>Name of Service:</b>	Magic Moments Montessori		
<b>Address of Service:</b>	78 Hawthorn Drive, Portlaoise, Co. Laois		
<b>Eircode:</b>	R32 DX26		
<b>Name of Registered Provider:</b>	Nuala McEvoy , Olivia Kelly		
<b>Service type:</b>	Full Day		
<b>Date of Inspection:</b>	05/09/2023		
<b>No of pre-school children:</b>	AM	42	PM 14
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Tusla, Child and Family Agency Primary Care Centre, Church Avenue, Tullamore, Co. Offaly		
<b>Inspection undertaken by:</b>	D. Molloy		
<b>Title:</b>	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).

<b>Conditions if applicable</b>	Not applicable
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### Description of service

Magic Moments Montessori is a private, sessional, part time and full day care service. It is located in a housing estate in the town of Portlaoise, Co. Laois. It was established in 2005.

The age range of children attending is from 2 to 6 years. This full day care service operates from 8.00am to 6.00pm and offers 3 sessional services that operated from 8.30am to 11.30pm, 8.45am to 11.45pm, and 01.00pm to 4.00pm, Monday to Friday.

Magic Moments Montessori also provides a school age service .

This service operates from a detached bungalow on its own site in Hawthorne housing estate off the Dublin Road, in Portlaoise. This converted domestic dwelling is used for the sole purpose of operating an early years' service. Access to the service is restricted by means of perimeter fencing and a secure gate at the front of the service.

The service provides three playrooms, a sleeping room, four toilets and wash hand basins and a designated nappy changing area, a kitchen and cloakroom/reception area are also provided. An extensive enclosed outdoor play area is provided to the rear of the building.

Parking and set down is available on the public road outside the premises

### Staffing

The two registered providers were part of the staff compliment and Ms. McEvoy facilitated the inspection. Three staff in addition to the registered providers were present.

All staff members working directly with children attending the service and held a major award in Early Childhood Care and Education at Levels 6,7 or 8 on the National Framework of Qualifications.

### 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 inspections may also focus on other areas as required.

A sampling process was used to assess compliance under Regulation 19 - Health, welfare, and development of child. The scope of the inspection included, Play Room 3, the sanitary accommodation, nappy changing facilities, and the outdoor play facility.

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 registered providers, 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.

(6) Paragraph (4) shall not apply before 1 September 2021 to a person who-

- (a) has signed a declaration on or before 30 June 2016 to the effect that he or she intends to retire from employment in a pre-school service before 1 September 2021, and

*(b) is in possession of a letter from the Minister confirming that paragraph (4) shall not apply to him or her before that date.*

*(6A) is inserted by S.I. No.632 of 2016 CHILD CARE ACT 1991 (EARLY YEARS SERVICES) (AMENDMENT) REGULATIONS 2016 which states; Regulation 9 of the Child Care Act 1991 (Early Years Services) Regulations (S.I. No. 221 of 2016) is amended - in paragraph (4), by the substitution of “paragraphs (5), (6) and (6A)” for “paragraphs (5) and (6)”, and (b) by the insertion of the following paragraph after paragraph (6): “*

*(6A) Paragraph (4) shall not apply to an employee of a registered provider where - (a) the registered provider receives funding for the employment of the employee pursuant to a scheme funded by the Minister and known as the Access and Inclusion Model, and (b) the employment of the employee is for the purpose of providing support, pursuant to the scheme referred to in subparagraph (a), for a child attending the service to enable the child to participate in the programme known as the Early Childhood Care and Education (ECCE) funding Programme.”*

### Compliance Information

- (1)
- (a) The service has a designated person in charge and a named person who is able to deputise as required.
- (b) The registered provider who is the designated person in charge was present during the inspection. The person in charge facilitated the inspection and the roster showed that at all times the person in charge was present during the opening hours of the service.
- (2)
- All staff files were reviewed on site on the day of inspection.
- (a) (b)Validated references from staff members’ past employers, in particular the most recent employer was available for review. Validated references from reputable sources were available for review.
- (c) A vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of all-staff member was available for review.
- (d) Police vetting from other police authorities was not required.
- (3)
- Required vetting had been carried out prior to staff member being appointed, assigned, or allowed access to or contact with a child attending the pre-school service.

(4)

All employees held at least a major award in Early Childhood Care and Education at Level 6-8 on the National Framework of Qualifications.

(6)(a)(b)

Not applicable as no employee had signed a declaration on or before 30 June 2016, to the effect that they intended to retire from employment in a pre-school service.

(6A)

Two employees were working with children under the Access and Inclusion Model (AIM).

### 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

(1)

The minimum ratio of adults to children was maintained during the inspection. The registered provider ensured that there were sufficient adults working directly with the children and records showed that the adult child ratio was upheld in the service.

(2)

The registered provider had ensured that the adult child ratio was correctly maintained throughout the inspection and records showed that sufficient adults were rostered to work in the service each day.

(8)

(a) The roster showed that at least two adults are on the premises at all times

### Part IV – Information and Records

#### Regulation 18 – Copy of Act etc.

*A registered provider shall ensure that a copy of Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Regulations is kept on the premises and the said copies shall be open to inspection on the premises by-*

- (a) a parent or guardian of a child attending or proposing to attend the service,*
- (b) an employee, unpaid worker, or contractor, and*
- (c) an authorised person.*

#### Compliance Information

The registered provider had ensured that a copy of Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Regulations was available on the premises and could be viewed by

- (a) a parent or guardian of a child attending or proposing to attend the service,
- (b) an employee, unpaid worker, or contractor, and
- (c) an authorised person

### 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*

#### Compliance Information

##### **BASIC NEEDS:**

Healthy eating was promoted, and healthy food for snacks were supplied by parents. The main meal was chicken and potatoes and vegetables which was freshly prepared on site by the designated cook. Water was freely available to all the children. Milk and fresh fruit were also served, and yogurt were provided.

Children were supported to become independent and self-caring and were encouraged to take care of their own belongings including hanging up their coats and opening bags and lunch boxes and tidying up their toys when finished playing.

Children were offered choice throughout the session, and it was noted that they moved freely and accessed the outdoor play area with supervision.

Children had opportunities for skills development and achievement through games, arts and crafts and outdoor play activities.

### **SUPPORTING RELATIONSHIPS:**

The registered provider supported transitions from preschool to primary school through links with the primary schools and discussion in relation to moving onto next school. A new document called "all about me" had been initiated and this would record and share information on children's time in the preschool setting with parents and could be passed on to teachers in the receiving rooms of primary school. It was observed that children who had just finished attending the early years' service, in June, as preschool children were now returning for after school care and were warmly welcomed back by staff and their progression and transition was acclaimed to the obvious pleasure and pride of the children.

The service was linked with the National Childrens Network and was participating in the cross border healthy start initiative. Parents were offered regular updates and could meet with registered provider if they wished to discuss their child's progress.

### **PHYSICAL AND MATERIAL ENVIRONMENT:**

The setting was well maintained, and walls inside and outside were regularly painted. The pre-school rooms were well stocked and had areas of special interest. Artwork completed by children was used to decorate the wall of the playrooms.

Cosy rest areas were available for children to relaxed and rest in the play rooms.

In playroom 3 a distinctive focus was on sensory processing and this room was decorated and equipped with this in mind.

The outdoor play area is divided in two sections for the different age groups. Access to the play areas is gained directly from the playrooms through different doors that open directly into the play area.

### Part V - Care of Child in Pre-school Service

#### Regulation 20 – Facilities for rest and play

*(1) Subject to this regulation, a registered provider shall ensure that-*

*(a) having regard to the number of pre-school children attending the service, their respective ages, and the amount of time they spend on the premises, there are adequate and suitable facilities for each child 19 to play indoors and, where required by these Regulations, outdoors, during the day, and*

*(b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.*

*(3) A registered provider of a full day care service, a part-time day care service or a childminding service, other than such a service to which paragraph (2) applies, shall ensure that-*

*(a) a suitable, safe, and secure outdoor space to which the pre-school children attending the service have access on a daily basis is provided on the premises, or*

#### Compliance Information

(1)

(a) There were adequate and suitable facilities for each child to play indoors and outdoors in the enclosed outdoor play facility. The play areas could be accessed directly from the play rooms and children were observed choosing to go outdoors as they wished.

(b)

A cosy rest area was available in each room.

There was a designated sleeping room with low beds away from the general play area which was available for children's use. The lighting in this room could be suitably dimmed to facilitate sleep. This sleep facility was not in use during the inspection.

(3)

(a) The outdoor play facility was secured by perimeter fencing by a secure gate and suitable outdoor play equipment was in place.

## 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 kitchen was inaccessible to the children.

Refuse bins were stored away from the play area and were inaccessible to children.

A pest control system was in place and was monitored to safeguard against pests.

Cleaning, sanitising products and equipment were stored in a designated locked cupboard out of reach of children.

##### Infection Control:

Staff were familiar with the infection control policy. The service was clean, and it was observed that staff members were engaged in cleaning through the session and at the end of the session. Children were observed washing their hands regularly and adults were observed offering assistance if necessary.

The service was well ventilated with openable windows and air purification system was in place.

##### Administration of Medication:

A site-specific medication management policy was available in the service.

Staff were familiar with policy and practice in relation to safe administration of medication.

No medication was administered on the day of inspection.

##### Safe Sleep:

A designated sleeping room was provided which were located within easy access of the playroom which was well ventilated.

The staff were informed of the safe sleep policy of the service and were aware of the safe sleep practices outlined in the sleeping policy.

Soft seating and rest corners were available in the play rooms, and it was observed that children spontaneously made use of these throughout the inspection.

##### Fire Safety:

The fire exits were unobstructed.

A notice of the fire assembly point was on display to show fire assembly point to the back of the service.

**Outing:**

The registered provider stated no outing were undertaken from 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-
- (a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,
  - (b) an employee, and
  - (c) an authorised person.
- (3) A registered provider shall ensure that a record referred to in paragraph (2) is retained for a period of 5 years after its creation
- (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 written record was available of the fire drills carried out in the service. The last fire drill was recorded as being carried out on August 15, 2023 .
- (b) The number, type and maintenance record of firefighting equipment and smoke alarms on the premises was available.
- The fire alarms were serviced on August 15, 2023, and the firefighting equipment was checked in October 2022.
- (2)
- The record was available and open to parents, guardians, employees, and the authorised person.
- (3)
- The person in charger stated that records were retained for a period of 5 years after creation.
- (4)
- A notice of the procedure to be followed in the event of a fire was displayed on the premises.

## Part VI - Safety

### Regulation 28 - Insurance

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

#### Compliance Information

A copy of up-to-date insurance cover for the number of children attending the service was available in the service.  
The insurance certificate was valid until March 2024.

## Part IX - Inspection and Enforcement

### Regulation 33 – Furnishing of information to agency

*A registered provider shall furnish the Agency with such information as the Agency may reasonably require for the purpose of enforcing and executing these Regulations and the information shall be in such form, if any, as may be specified by the Agency.*

#### Compliance Information

The registered provider facilitated the inspection and provided access to all information as was required for completion of the inspection.