

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015LS053				
Name of Service:	Darling Buds Montessori & Daycare				
Address of Service:	8 The Garden Village, Portlaoise, Co. Laois				
Eircode:	R32 HX66				
Name of Registered Provider:	Niamh Walshe				
Service type:	Full Day, Part Time, Sessional				
Date of Inspection:	13/11/2025				
Regulatory Compliance Meeting:	19/12/2025				
No of pre-school children:	<table border="1"> <tr> <td>AM</td> <td>46</td> <td>PM</td> <td>40</td> </tr> </table>	AM	46	PM	40
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Tusla, Child and Family Agency, SAP Office, St. Loman's Campus, Mullingar, Co Westmeath
Inspection undertaken by:	C.O' Connor Hughes and R. Flynn
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.

Description of service

This full day care service operates on a Monday to Friday basis from 08:00 – 18:00. An Early Education and Care service is provided from 09:00 to 12:00. The age range of children in attendance is from 0 to 6 years.

This full day care service is part of a multiple operated by an independent provider.

This early years' service is located in an adapted domestic two storey premises. The baby room, wobbler room, toddler room, two sleep rooms and a kitchen are located on the ground floor. The ECCE rooms 1 and 2 and an office are located on the first floor of the service. An outdoor play area is located to the rear of the service. The early years' service is located in a residential area in the town of Portlaoise, Co. Laois.

Staffing

There are fifteen adults employed in the service. The designated person in charge, deputy designated in charge and twelve adults were working directly with the children on the 13 November 2025. The registered provider does not work with children and attended the service after the inspectors' arrival and was present at the closing meeting.

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.

Regulation 9- Management and recruitment - (1)(a)(b) (2)(a)(b)(c)(d) (4) (7)(a)(b)(c)

Regulation 11 -Staffing levels - (1) (2) (8)(a)

Regulation 16- Record of a pre-school service (1)(g)(i)

Regulation 19- Health, welfare and development of child - (1)(b)(3)

Regulation 22 – Food and Drink

Regulation 23- Safeguarding health, safety and welfare of child

Regulation 25- First aid - (1) (2)(a)(b)

Regulation 28 – Insurance

Regulation 32- Complaints

However, on inspection additional non-compliance which posed a risk was identified under Regulation 29 -Premises.

A sampling process was used to assess compliance under

Regulation 19- Health, welfare and development of child - (1)(b)(3)

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

As a result, the scope of the inspection included the baby room and the 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.

Additional Information

The inspection was triggered following receipt of information received to the inspectorate.

An immediate action notice in respect of Regulation 9 Management and Recruitment was issued onsite to the registered provider on 13 November 2025.

The registered provider responded to the immediate action notice on 14 November 2025. The response reviewed by the TUSLA Early Years Inspectorate addressed the non-compliance identified.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, designated 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*

(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.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

(a) the policies, procedures and statements of the service specified in Schedule 5;

(b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and

(c) these Regulations.

Compliance Information

(1) (a)

The designated person in charge and deputy were available in the service.

(b)

The designated person in charge was present for the duration of the inspection.

(c)

The staff members were aware of the management structure, the lines of authority and their roles within the service. The names of the person in charge and the deputy person in charge were displayed on a notice board in the entrance hall.

Following a review of previous inspection information, information available on inspection and discussion with the person in charge it was determined that eleven new staff members had commenced in the service since the last inspection on the 17 February 2025. The eleven new staff files were reviewed and the following was noted;

(2)(a)

Thirteen written validated references were available from a past employer.

(b)

Four written validated references were available from a source other than a previous employer.

(c)

Garda vetting disclosures were available for six staff members and the registered provider. However, the garda vetting disclosure in respect of the one adult was not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'. Refer to Regulation 23.

(d)

Police vetting was available for one new staff member who had lived outside the state for a period of longer than six consecutive months as an adult.

(4)

Eight of eleven staff members held a major award in Early Childhood Care and Education at levels 5 to 6 on the National Framework of Qualifications.

(7)(a)

Seven new staff members had completed Children First training online with certificates available for review.

Non-Compliance Information

(9)(2)(a)(b)

Three written validated references were not available in respect of two staff members

Two written references from a reputable source were not validated in respect of two staff members employed in the service.

(c)

A garda vetting disclosure was unavailable for five new staff members employed by the service. An immediate action notice was issued to the registered provider on the 13 November 2025.

(d)

Police vetting was not available in respect of one new staff member who had lived outside the state for a period of longer than six consecutive months.

(3)

The procedures specified in paragraph (2) had not been completed prior to seven staff members being appointed, assigned or allowed access to or contact with children. A Garda Vetting disclosure was not available for five staff members and three references had not been validated in respect of two staff members.

(4)

Three staff members did not have a major award in Early Childhood Care and Education at level 5 on the National Framework of Qualifications or an equivalent.

(7)(a)

1. There was no evidence of staff training undertaken in any specific service policies and procedures which was at variance with the service's staff training policy available in the service.

2. There was no evidence of staff signatures as having read and understood the policies and procedures of the service.

(b)(c)

There was no evidence of staff training undertaken in the Child Care Act 1991 (Early Years Services) Regulations 2016 and Childcare Act 1991 (Early Years Services) (Amendment) Regulations 2016.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(9)(2)(a)(b)

Three written validated references are now available of two staff members.

Ensure all staff have two written validated references on file and given before commencement of work.

(c)

Garda Vetting now received for four staff members, once fifth vetting arrives the registered provider will forward it to TUSLA.

Ensure all staff are vetted before commencement of work.

(d)

Police clearance received for staff member.

Ensure all staff members that have worked in a foreign country are police vetted before commencement of work.

(3)

Recruitment Policy updated

The registered provider will ensure all staff have two validated references, garda vetting completed and police clearance completed before allowing any staff to commence employment.

(4)

Staff qualification received for Level 7 staff member. The other two staff members are in the process of completing their Level 5. The other two staff members are helpers in the room but are not counted in ratio on any given day until they are qualified.

The registered provider will ensure all staff have a minimum of QQI Level 5 qualification certificate before commencement of employment.

(7)(a)

Staff training on all service policies and procedures in place commenced after inspection, where management engaged with each staff members and went through each policy in detail.

Once staff were happy with their understanding of each policy they signed off on. An application was also made to a quality improvement organisation by the service.

Ongoing staff training will continue on a more regular basis with current staff and all new staff going forward.

(b)(c)

Some staff completed the childcare act 1991 regulations 2016 training on the Tusla Portal.

Ensure all staff are up to date in all training available and invite new staff to undertake training.

Supporting documentation submitted

References, Garda Vetting disclosures for four staff members, Police vetting for one staff member, staff training signatures.

17.12.25 Fifth Garda vetting disclosure for staff member submitted.

Summary Comment

The non compliances have been addressed with the exception of (9)(7)(b)(c) as the rest of the staff in the service are required to complete the online training on the Child Care Act 1991 (Early Years Services) Regulations 2016 and Childcare Act 1991 (Early Years Services) (Amendment) Regulations 2016.

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 sessional pre-school service shall ensure that, where the person in charge operates the service single-handedly, a second person familiar with the operation of the service and in a position to provide assistance to the person in charge in operating the service is, at all times, within close distance of the service and available to attend the service to assist the person in charge in the event of an emergency.

Compliance Information

(1)

An adequate number of adults were working directly with the children. In the morning on arrival at the service, there were forty-six children being supervised directly by fourteen adults. In the afternoon there were forty children being supervised by ten adults.

(2)

The minimum ratio of adults to children was maintained on the day of inspection demonstrated by the following observation;

Morning

- There were two staff providing direct care to two children aged between 0-1 years in the baby room.
- There were two staff providing direct care to ten children aged between 1-2 years in the wobbler room.
- There were two staff providing direct care to six children aged between 2-3 years in the toddler room.
- There were three staff providing direct care to fifteen children aged between 2 years and 8 months – 3 years in ECCE room 1.
- There were three staff providing direct care to thirteen children aged between 3-4 years in ECCE room 2.

Afternoon

- There were two staff providing direct care to two children aged between 0-1 years in the baby room.
- There were two staff providing direct care to eight children aged between 1-2 years in the wobbler room.
- There were two staff providing direct care to four children aged between 2-3 years in the toddler room.
- There were two staff providing direct care to twelve children aged between 2 years and 8 months – 3 years in ECCE room 1.
- There were two staff providing direct care to fourteen children aged between 3-4 years in ECCE room 2.

(8)(a)

There were at least two adults on the premises duration the operational hours of the service. This was confirmed following a review of the staff roster for the service.

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:

- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (i) details of staff rosters on a daily basis;*

Compliance Information

(1) (g)

The following policies were reviewed and were found to be in keeping with Regulation 10 with the exception of the non-compliance outlined below.

- Policy on Managing Behaviour.
- Policy on Safe Sleep.
- Policy on Healthy Eating.
- Supervision of Staff Policy.
- Staff Training Policy.
- Staff absence policy.

(i)

A staff roster was available for review in the service.

Non-Compliance Information

(1)(g)

- The Policy on Staff Absences did not include details of how the staff roster details staff absences and substitutions.
- The Staff Training Policy did not set out what resources are provided for staff training.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The policy on staff absences has been updated to include details of how staff roster details staff absences and substitutions and what resources are provided for staff training

Management will ensure the roster states the procedure and details if staff are absent and cover for that staff.

Staff training policy updated to set out what resources are provided for staff training.

All staff notified of any training resources available to them.

Supporting documentation submitted

Staff absence policy and staff training policy.

Summary Comment

The corrective and preventive actions taken have addressed the non compliances identified on 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.

(3) A registered provider shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful are carried out in respect of a pre-school child whilst attending the service.

Compliance Information

(1)(b)

Baby and Wobbler Rooms

The daily routine and suitable care practices were adhered to for the younger children in the baby and wobbler rooms. Young children slept on an individual needs' basis in the adjacent cot rooms and were physically checked by staff every ten minutes. Staff supported and assisted children at mealtimes. Bibs were applied to protect children's clothes. Children explored their environment moving freely from one play experience to the next supervised by staff. Good communication was observed between staff and children as the staff used soft language tones, individual names, maintained eye contact and conversed with the children during play activities and mealtimes. Children received cuddles and hugs in both the baby and wobbler rooms. Staff were familiar with children and their personalities. A daily communication diary was maintained in the service depicting the child's meals, nappy changes and sleep undertaken to share with parents.

(3)

Staff were kind to children, encouragement and positive praise was given to children during the inspection. Staff discussed positive strategies on how to manage children's behaviour appropriate to their age and stage of development with the inspector.

Part V - Care of Child in Pre-school Service

Regulation 22 – Food and drink

A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.

Compliance Information

A menu plan was in place detailing the main meals provided to children on a daily basis. The service provides breakfast, the main meal and the afternoon snack to children attending on a full day care basis in line with their healthy eating policy. Parents provide the mid-morning snack. The main meals are provided by an outside catering company. At 12:00 the designated person in charge offered the main meal of chicken curry, peas and rice to children. Good portion sizes of food were offered to children for this main meal with water to drink.

A refrigerator was noted in the kitchen for the storage of perishable goods.

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 to the service was secure to ensure the safety of the children within. The inspectors signed the visitors book on arrival. The service met the necessary safety requirements in respect of the indoor environment, toys and equipment and the safe storage of cleaning agents in the baby and wobbler rooms.

An emergency care plan was in place for a child with a defined medical condition in ECCE room 2. The medication was stored in a safe place inaccessible to children.

Safe Sleep:

Checklists indicated that the temperature of the sleep room was recorded on a daily basis.

At 10:40 The wobbler sleep room temperature was recorded at 18 degrees Celsius.

At 12:40 The baby room sleep temperature was recorded at 20.5 degrees Celsius.

Sleep logs were in place and noted the colour, position and breathing of sleeping children in line with the services safe sleep policy. Young children were observed to sleep in ten standard cots in both sleep rooms.

Non-Compliance Information

General Safety:

1. Staff were not familiar with the emergency plan of a child with a defined medical condition that indicated repeating the administration of the auto adrenaline injector after a five-minute interval. This posed a potential risk of harm to the child in the event of an emergency.
2. A child was observed wearing an amber bead necklace in the wobbler room which posed a potential risk of injury if a child should pull the necklace or ingest a bead. Upon the request of the inspector a corrective action was taken and the staff member removed the necklace from the child's neck.
3. A Garda vetting disclosure for one adult was not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Staff trained in auto adrenaline injector administration and after care if a second dose of adrenaline is required.
Care plans updated and staff spoken to regarding the awareness of the follow up if the first dose is unsuccessful then a second dose might be required.
Ensure all staff are trained and confident in administering an auto injector and the importance of aftercare.
Ensure care plans are in place for children prescribed an auto injector and all staff will be trained.
2. The parent's handbook was updated to state that no children are allowed to wear jewellery to the service including Amber Beads.
Ensure Parents are aware when enrolling their child that jewellery is prohibited.
3. Garda Vetting Disclosure received. Management will ensure all Garda Vetting is in date.

Supporting documentation submitted

General Safety:

Signature of staff training in the use of the AAI, parent handbook and a Garda vetting disclosure.

Summary Comment

The non compliances have been addressed.

1 & 2 The corrective actions stated will be assessed on the next TUSLA inspection.

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)
Two adults were qualified in First Aid response (FAR) and available from 09:00 to 13:00 and 14:00 to 18:00 on a daily basis.

(2)(a)
A fully equipped first aid box was readily available on the ground floor and on the first floor in the service.

(b)
A first aid box was accessible to the adults caring for the children in the pre-school service.

Non-Compliance Information

(1)
A review of the staff roster indicated that a First Aid Response (FAR) qualified staff member was not present in the service between 08:00 and 09:00 and 13:00 and 14:00 each day. This posed a potential risk to children in the event of a child requiring first aid.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The service now have five staff members qualified in FAR Training. Management are waiting on three certificates for staff members. The registered provider will forward the certificates to TUSLA upon receipt.

The registered provider will ensure there is enough staff with a FAR Qualification to cover all operating hours of the service.

Supporting documentation submitted

Two FAR certificates for staff members.

Summary Comment

The corrective and preventive action taken has addressed the non compliance identified on inspection.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

There was evidence of current insurance cover for the number of children attending the service. The expiry date noted was 27 March 2026.

Part VIII - Notifications and Complaints

Regulation 32 – Complaints

(1) A registered provider shall ensure that the complaints policy of the service specifies-

- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,*
- (b) the manner in which such a complaint shall be dealt with, and*
- (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.*

(2) A registered provider shall ensure that-

- (a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and*
- (b) the complaint is duly dealt with in accordance with the provider's complaints policy.*

(3) A record in writing referred to in paragraph (2)(a) shall-

- (a) include the nature of the complaint and the manner in which the complaint was dealt with, and*
- (b) be open to inspection on the premises by an authorised person.*

Compliance Information

(1)(a)(b)(c)

There was a complaints policy available and reviewed which outlined the following:

- The procedures to be followed when making a complaint.
- How complaints are responded to, managed, progressed, recorded and closed.
- The procedures for keeping the complainant informed.
- The process for storage of complaints.

Non-Compliance Information

(2)(a)(b)

There were no written complaints log available for review. The registered provider confirmed the service does not have a written procedure in place to maintain a list of complaints received.

(3)(a)(b)

A complaint logbook was not maintained in the service and available for inspection.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(a)(b)

There is now a written procedure in place to maintain a list of complaints received.

The registered provider will ensure all staff are trained and understand the procedure for logging a complaint.

(3)(a)(b)

A logbook now in place for complaints in the service.

The registered provider will ensure all staff are aware of the procedure and confident about the procedure for logging a complaint.

Supporting documentation submitted

Written procedure and complaints logbook.

Summary Comment

The corrective and preventive actions taken have addressed the non compliances identified on inspection.

Additional risk identified

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,

Compliance Information

(d)
Pest control records indicated that the service was monitored for rodents on a monthly basis. The last pest control check was dated 29 October 2025.

Non-Compliance Information

(d)
The roof of the wobbler sleep room was leaking. Two basins of water were positioned to catch the rainwater near the entrance doors to the sleep room. It is acknowledged that a corrective action was taken and a maintenance contractor came to the service and sealed the roof of the wobbler sleep room during the inspection.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(d)
Roof of the Wobbler room is fully repaired.
Management will ensure all risk assessments of the building are completed each morning.

Supporting documentation submitted

Photograph of roof of the sleep room.

Summary Comment

The corrective action taken has addressed the non compliance identified on inspection.