

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015LS054
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<b>Name of Service:</b>	Darling Buds Montessori & Daycare
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<b>Address of Service:</b>	Maryborough Village, Maryborough Village, Mountrath Road, Portlaoise, Co. Laois
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<b>Eircode:</b>	R32 PX53
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<b>Name of Registered Provider:</b>	Niamh Walshe
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	14/02/2025
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<b>No of pre-school children:</b>	AM	40	PM	39
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<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>	K. Murphy and C.O' Connor Hughes
<b>Title:</b>	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).

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

This full day care service provides full day care, part time and sessional places for children. The service operates from 08:00 to 18:00 on a Monday to Friday basis. This full day care service is part of a multiple.

This early years' service is located in an adapted domestic two storey premises. The wobbler room, toddler room, ECCE room 1, ECCE room 2, two sleep rooms, an office and a kitchen are located on the ground floor. ECCE room 3 is located on the first floor. The early years' service is located in a residential area in the town of Portlaoise, Co. Laois. Onsite car parking and set down facilities are available.

### Staffing

The designated person in charge, deputy designated in charge and nine adults were working directly with the children on the 14 February 2025. The deputy person in charge prepared meals and snacks in the service.

The registered provider does not work with children and was not present 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/ safety/ premises and facilities. The inspection may also focus on other areas as required.

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

An immediate action notice in respect of Regulation 23 Safeguarding Health, Safety and Welfare of Child (General Safety) was issued to the designated person in charge for the attention of the registered provider on site on 14 February 2025.

The responses submitted by the registered provider on the 17 February 2025 were accepted by Tusla.

## Acknowledgments

The inspectors wish to acknowledge the co-operation of the person in charge, staff and children who were present on the day of the inspection.

### Part III – Management and Staff

#### Regulation 9 – Management and recruitment

*(1) A registered provider shall ensure that-*

- (a) the service has a designated person in charge and a named person who is able to deputise as required,*
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises*

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

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

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

#### Compliance Information

(1)(a)

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

(b)

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

Twelve staff files were reviewed and the following was noted:

(2)(a)(b)

The required number of written validated references were available for the twelve staff members from past employers and from a source other than a past employer.

(c)

A Garda Vetting disclosure was available in respect of the twelve staff files reviewed. The service demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years in respect of eleven out of the twelve staff files reviewed. (Refer to Regulation 23 in this report.)

(d)

Police vetting was available in respect of five staff members who had lived outside the state for a period of longer than six consecutive months.

(4)

Staff members working directly with children attending the service held a major award in Early Childhood Care and Education at levels 5 to 8 on the National Framework of Qualifications or a qualification deemed to be equivalent.

### Non-Compliance Information

(2)(d)

Police vetting was not translated into English in respect of two staff members.

### Corrective & Preventive Action submitted by the Registered Provider

#### Corrective and Preventive Action

(2)(d)

The registered provider stated in the response that staff were immediately asked to have their vetting translated into English. Going forward the service will ensure that translation of police vetting will be done before the start date for the employment of new staff. (translations included).

### Summary Comment

In respect of the corrective action taken photographic evidence was submitted to the office of the Early Years Inspectorate, reviewed by the Early Years Inspector and deemed to meet the regulatory requirement.

## 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.

(2)

There were forty children attending the service supervised directly by nine adults in the morning.  
Thirty-nine children were present in the afternoon supervised by nine adults.

(8)(a)

The staff roster reviewed indicated that two adults are on the premises during the hours of operation.

## 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:*

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult: child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (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.*

### Compliance Information

(1)

The service kept and maintained written records of information in relation to the service in accordance with Regulation 16 (1) (a)(b)(c)(d)(e)(f)(h)(i)(j) and (k).

## 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 designated person in charge presented 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 which was open to inspection for (a)(b)(c).

### 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*

#### Compliance Information

(1)(a)

There was a calm and happy atmosphere in the service. Children were observed to enjoy the indoor and outdoor environments engaging in creative play, imaginative play, physical play and gross motor activities.

Children were encouraged to feed themselves and staff assisted the children as required. Younger children wore bibs to protect their clothes while eating. Nappy changing was carried out regularly and as needed. Good communication was observed between the staff member and child during nappy changing. Spare clothes were available and children's needs were attended to. Younger children were observed to explore their environment and crawl and play on the soft matting provided. Younger children slept in the sleep rooms and were physically checked every ten minutes by staff.

Children were encouraged to be independent as they washed their hands before snacks and mealtimes. Older children went to the toilet independently supervised by staff.

The staff were positive towards children and were familiar with each child, their personalities and their daily routines. Staff were observed to give comfort and reassurance to the children. Staff used individual names, maintained eye contact and conversed with the children during play activities, nappy changing, toileting and mealtimes. Good teamwork was observed amongst staff.

The five pre-school rooms were bright and colourful with children's artwork and photographs displayed. A range of developmentally appropriate experiences to meet children's learning needs was available in the pre-school rooms. Age and stage appropriate toys and materials were accessible to children on low level shelving.

Parents were observed to collect their children from the pre-school rooms after the ECCE session. A verbal handover was provided to parents at this time. Newsletters are circulated from the office to each family attending the service. For younger children a shared diary is in operation between the service and the child's family to communicate the daily routine including feeding, sleeping and nappy changing. Each child has their own learning journal depicting their play and work activities and is shared with parents at the end of the pre-school year.

### 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 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.*

#### Compliance Information

(1)(a)

Suitable play equipment was provided indoors and outdoors which included toys and equipment for construction, tabletop activities, arts and crafts, sensory play and home corners.

(b)

Rest areas were noted in the pre-school rooms. Nine cots were available in the wobbler and toddler sleep rooms.

(3)(a)

The outdoor play areas were located to the rear and side of the premises. The perimeter was secured by a high-level concrete wall. Segregated areas were noted to have a variety of toys and play equipment for use by older and younger children. A combination of natural grass and all-weather surface areas were noted. These areas were equipped with a selection of bikes and trikes, tables and chairs, tyres for planting, outdoor play kitchens and some slide units.

#### Non-Compliance Information

(1)(b)

1. The rest areas in pre-school rooms required further development for children to rest or relax.
2. The sleep rooms were not adequate or suitable due to the following.

### Wobbler sleep room (Sleep room 1)

1. One cot mattress in use did not conform to a recognised safety standard.
2. Two cot mattresses were heavily stained and required replacement.
3. A fitted cot sheet was not in place on one cot. The sheet was too big and did not fit the mattress correctly.
4. The required fifty centimetres was not in place in between two cots.

### Toddler Sleep Room (Sleep room 2)

5. One cot mattress in use did not conform to a recognised safety standard.

### Corrective & Preventive Action submitted by the Registered Provider

#### Corrective and Preventive Action

(1)(b)

1. The registered provider stated in the response that immediate action was taken by ordering for each of the rest rooms sofas and armchairs age appropriate for each room. (Photograph included).
2.
  - One cot mattress was replaced to conform with recognised safety standard in wobbler sleep room 1. (Photograph included).
  - Two cot mattresses were replaced that were heavily stained in wobbler sleep room 1. (Photograph included).
  - Cot sheets have all been checked and cot sheets that do not fit correctly have been removed from wobbler sleep room 1. (Photograph included).
  - One sleeping cot was removed from wobbler sleep room 1 to ensure the required distance between the cots is maintained. (Photograph included).
  - One cot mattress was replaced to a recognised safety standard in toddler sleep room 2. (Photograph included).

The service will ensure that all rest areas for the children to rest and relax are checked on a regular basis and updated accordingly. The service will ensure before buying, standard safety signs are always on mattresses. Staff are all aware of the fifty-centimetre requirement and before sleeping time they should always check the distance between cots.

### Summary Comment

In respect of the corrective action taken photographic evidence was submitted to the office of the Early Years Inspectorate, reviewed by the Early Years Inspector and deemed to meet the regulatory requirement.

### 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.

##### Infection Control:

The premises were visually clean. A cleaning schedule was available for the service. All toys and materials were easily cleanable. Children were observed to wash their hands before snacks and after using the toilet. Soothers were stored correctly in individual containers.

##### Administration of Medication:

Temperature reducing medication was available in the service if a child presented with a high temperature and stored safely in the service.

##### Safe Sleep:

A record of the colour, position and breathing of sleeping children was noted in sleep logs when children were physically checked every ten minutes.

##### Fire Safety:

Primary fire exit routes were unobstructed and a fire assembly point was located to the front of the premises.

#### Non-Compliance Information

##### General Safety:

1. Thermostatically controlled water was not available at the wash hand basins in the pre-school rooms on the ground floor and the first floor of the service and in the sanitary accommodation at taps 3 and 5 in the toilet block on the ground floor, at both taps in the sanitary accommodation adjacent to ECCE 3 on the

first floor and in the nappy changing areas. The temperatures recorded ranged from 52 – 58 degrees Celsius which presented a potential risk of a scald injury to children. It was noted in the checklists completed by staff and displayed in the premises that the water temperatures were confirmed as being checked and no greater than 43 Celsius.

It is acknowledged that the designated person in charge attempted to take an immediate corrective action once the risk was identified by the early year's inspectors. The risk was not eliminated prior to the conclusion of the inspection.

An immediate action notice was issued to the designated person in charge on site in respect of Regulation 23 Safeguarding Health, Safety and Welfare of Child, General Safety.

2. The most recent Garda vetting disclosure presented in respect of a staff member was not dated within the previous three years in adherence with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.
3. Three of the five floor mats in ECCE room 3 were not non-slip which posed a potential slip, trip or fall hazard.

### Infection Control:

1. The nappy changing practice observed was inadequate for infection control purposes due to the following.
  - The staff members did not wash their hands prior to the nappy changing procedure.
  - One out of two nappy changing procedures observed the child was redressed with the same gloves used for nappy changing.
2. The nappy changing bin located in the wobbler nappy changing area was not suitable as it was not foot operated, sealed and airtight.  
In the sanitary accommodation for children on the ground and first floor, foot operated pedal bins were not in place for the hygienic disposal of waste.
3. A build-up of dust and physical debris was noted on the mechanical ventilation in the sanitary accommodation and nappy changing areas which required cleaning.

### Fire Safety:

1. There was no self-illuminated fire exit signage installed to indicate the fire exit routes from the wobbler and toddler rooms and ECCE room 1 and 2 on the ground floor in the event of a fire in the premises.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### **General Safety:**

The registered provider stated in the response that:

1. The water at all wash hand basins in ground floor children's toilet basin 3 and 5, ground floor pre-school rooms and upstairs ECCE 3 have been thermostatically controlled and their temperatures are now regulated to no more than 43 Celsius. The service will continue daily risk assessments but checking throughout the day that the temperatures do not go above 43 Celsius. (Photograph included).
2. Renewal of Garda vetting was applied for the next day. All staff that are due renewals have been written in the management diary for two weeks prior to the due date, to prevent this from reoccurring in the future. (Photograph included).
3. Three of the five floor mats have been removed. The service will ensure to buy mats and rugs with non-slip material to prevent any hazards. (Photograph included).

##### **Infection Control:**

The registered provider stated in the response that:

1. Refreshment of nappy changing procedure was given to all staff members and the importance of infection control. Nappy changing practice will be brought into the staff meeting to ensure we all follow procedures that are provided.
2. The nappy changing bin and all bins have been replaced with foot operated, sealed and airtight bins. Before purchasing bins, the service will ensure that it is correctly sealed and airtight and is operated by foot pedal. (Photograph included).
3. Mechanical ventilation in the sanitary accommodation and nappy changing areas have been cleaned. (Photograph included).

##### **Fire Safety:**

The registered provider stated in the response that:

Self-illuminated fire exit signate has been installed to indicate the fire exit routes from the wobbler and toddler rooms and ECCE 1 and 2 on the ground floor.

The service will ensure that all self-illuminated fire exit signage is kept up to date and meets standards. (Photograph included).

### Summary Comment

In respect of the corrective action taken photographic evidence was submitted to the office of the Early Years Inspectorate, reviewed by the Early Years Inspector and deemed to meet the regulatory requirement. The practices as stated will be reviewed on the next 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)

Three adults were qualified in First Aid response (FAR) were available on the premises during the hours of operation.

(2)(a)

A first aid box was available on the first floor of the service. A first aid box and a wall mounted first aid cabinet were available in the kitchen on the ground floor.

(b)

A first aid box was accessible to the adults caring for the children in the pre-school 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.
- (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 for the completed monthly fire drills was available on the premises. The last fire drill was recorded as taking place on the 24 January 2025.

(b)

A record was available demonstrating the number, type and maintenance of the firefighting equipment and smoke alarms on the premises. The firefighting equipment in the premises were serviced in January 2025. The smoke alarms in the premises were serviced in September 2024.

(4)

A notice of the procedures to be followed in the event of a fire was displayed in a conspicuous position in the service.

## 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 2025.