

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015TY013
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Name of Service:	Busy Bodies Montessori School
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Address of Service:	Killeen, Rathcabbin, Roscrea, Co. Tipperary
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Eircode:	R42 NY60
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Name of Registered Provider:	Ann Delahunt-Smyth
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Service type:	Full Day
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Date of Inspection:	10/12/2024
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No of pre-school children:	AM	24	PM	8
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Address of the Early Years Inspectorate:	North Tipperary Civic Offices, Limerick Road, Nenagh, Co. Tipperary
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Inspection undertaken by:	L McGeeney and S Early O'Brien
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Title:	Early Years Inspectors
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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

Busy Bodies Montessori School was established to provide care and education to children aged 2-6 years old. The service is registered to provide full day care but most of the children currently attending the service do so on a sessional basis, with some children attending for longer than 3.5 hours per day. The service is registered as operating from 8am to 6pm, Monday to Friday incorporating a sessional service from 9am to 12pm for 38 weeks of the year from the end of August to the end of June in line with service calendar. Places in the session are funded under the early childhood care and education scheme (ECCE) for eligible children. The service is operated from the ground floor of the registered provider's home, utilising three care rooms, sanitary accommodation areas and hallway. The premises is a detached, dormer bungalow, located on a farm in a rural area between the villages of Rathcabbin and Killeen in North Tipperary. Access to the service is controlled via electric gates and a buzzer system.

Staffing

The service currently employs five full time and two part-time staff who work directly with the children, including the registered provider and four staff members employed under the Access and Inclusion Model (AIM) programme. On the day of inspection, five staff were working with the children in the service including the registered provider.

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.

The inspection focused on an examination of compliance under the following regulations

Regulation 9(2)(4)(7) – Management and Recruitment

Regulation 11(1)(2) – Staffing Levels

Regulation 15(1) – Record of pre-school Child

Regulation 20(1)(3) – Facilities for rest and play

Regulation 21 – Equipment and materials.

Regulation 22 – Food and drink

Regulation 24(1) – Checking in and out and record of attendance

Regulation 25 – First Aid

Regulation 28 – Insurance

However, on inspection additional non-compliance which posed a risk was identified under Regulation 8 – Notification of Change in Circumstances. These findings are outlined within the relevant regulation within this report.

A sampling process was used to assess compliance under regulation 15 – Record of a pre-school Child. 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(s) wish to acknowledge the cooperation of the *registered provider, person in charge, staff and children* who were present on the day of the inspection.

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

Non-Compliance Information

(1) The registered provider failed to notify the Agency of a change in the number of children the service can accommodate. The service is currently registered to accommodate 22 children, however on the day of inspection, there were 24 children in attendance. On further inspection of children's records, it was found by the inspectors that 29 children are currently enrolled in the service. This matter has been referred to the registration office.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The service will open an afternoon session to be able to accommodate the additional children enrolled in the service. The morning session will operate from 9am to 12.30pm and the afternoon session from 12.30pm to 4pm. There will be 22 children in the morning session and 7 in the afternoon session, thereby accommodating all of the children.

Summary Comment

The above action will address the non-compliance and meets the requirements Child Care Act 1991 (Early Years Services) Regulations 2016.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(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.

(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

Documentation was reviewed in respect of the seven staff working in the service. This documentation met regulatory requirements as follows:

(2)(a) Written, validated, past employer references were available in respect of six members of staff.

(b) A written, validated reference from a source other than a past employer was available in respect of one member of staff.

(c) Garda vetting disclosures from the National Vetting Bureau of An Garda Síochána were available in respect of the seven members of staff. The registered provider had a system in place to ensure re-vetting of staff on a three yearly basis.

(d) Not applicable to this service as none of the staff had lived outside the State for a period of more than six consecutive months.

(4) Records were available evidencing that the seven staff employed to work directly with the children, held a relevant major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications.

(7) The staff engaged in ongoing professional development which included: epilepsy awareness, autism and sensory processing and anaphylaxis. The registered provider, as a qualified trainer in both first aid response (FAR) and manual handling, ensured that all staff received these trainings and retained current certification in them.

Non-Compliance Information

(2)(a)(b) A second written, validated reference was not available in respect of two members of staff. Two written, validated references from past employers or a source other than a past employer, were not available in respect of one member of staff.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The required references were acquired and are on the staff files.

Supporting documentation submitted

Copies of the three references were received by the offices of the early years inspectorate on 27 January 2024.

Summary Comment

All evidence submitted meets the requirements Child Care Act 1991 (Early Years Services) 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.

(4) Subject to paragraph (5), where a registered provider contemporaneously provides-
(a) a sessional pre-school service, and

(b) a full day care service or a part-time day care service, or both, the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).

(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 registered provider ensured that there were an adequate number of adults working directly with children in each of the care rooms. There were five staff working with 24 children aged between 3 and 5 years old across three rooms on the morning of the inspection. At 1.20pm there were 8 children being supervised by one member of staff in one room.

(2) and (4) On the day of inspection minimum ratios were adhered to as follows:

There was 1 adult working in Pod 1 with 9 children aged 3-5 years.

There were 2 adults working in Pod 2 with 8 children aged 3-5 years.

There were 2 adults working in the Pod 3 with 7 children aged 3-5 years.

(8)(a) There were at least two staff working in the service while it was in operation. By the early afternoon, when most of the children and staff had left the service, there was a second person available on the premises.

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-*
- (a) a parent or guardian of a pre-school child but only in respect of the record relating to that child,*
 - (b) an employee who is authorised in that behalf by the registered provider, and*
 - (c) an authorised person.*

Compliance Information

(1) A sample of children's records were reviewed by the inspectors in respect of 12 children currently enrolled to attend the service. The registered provider ensured that a record was kept in writing of the details relating to points (a) to (i) of the above regulation for each of the records reviewed

(3) The records were available on the premises for inspection by an authorised person.

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, or

(b) Where no such space is provided, the pre-school children attending the service have access on a daily basis to a suitable outdoor space.

Compliance Information

(1)(a) Most of the children in the service attended for three hours in the morning, with several attending for longer hours, during that time the children had access to both indoor and outdoor spaces to play in and, explore. The indoor environment consisted of three care rooms linked by a hallway that was used for the storage of the children's belongings and displays of photographs, posters and items of interest. The hallway and rooms were bright, warm and cosy and decorated for Christmas.

On the day of inspection, the children were preparing and rehearsing for their Christmas concert which was due to take place the following weekend in the local community hall. All the children had a role to play and were supported to meaningfully participate. Pod 1 was used as the rehearsal space and the hallway was used as the 'backstage' area where children waited their turn to perform.

Each room was designated to a small group of children, or 'pod'. The children rotated between the rooms each term so that they had the chance to experience each room and to work with the staff assigned to that room during the school year.

(b) Sleep facilities were not required as all of the children were aged over 3 years and most attended for 3 hours each day. The children could rest and relax in their care room or in the hallway when they wanted to.

(3)(a) A suitable, safe and secure outdoor play area was located to the front of the service. This space consisted of three separate play areas for the children. One was a concrete slope with a variety of bikes for the children to develop their proprioceptive sense. The second was a grass area containing playhouses, a slide and a variety of pedal bikes. The third area was a sheltered outdoor space where children had access to developmentally appropriate climbing frames and small world interest areas. This covered space had been developed since the last inspection on 26 April 2022.

On the morning of the inspection, children from all three care rooms were playing outdoors. Staff discussed how children spent a minimum of one hour outdoors every day and that each 'pod' took turns in accessing the three available spaces on a rota system.

Part V - Care of Child in Pre-school Service

Regulation 21 – Equipment and materials

A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.

Compliance Information

The tables and chairs provided in the service were suitable for the age and stage of development of the children in each of the care rooms. The three care rooms were set up in a similar style, which were suitable and age appropriate for the children in attendance in each care room.

A sufficient amount of materials for the number of children attending were available on low level shelving and were observed to be easily accessible to the children. Additional resources and equipment were also available on higher level shelving and in cupboards in each of the care rooms.

The play equipment and materials were observed to be durable and easy to clean.

The equipment available in each of the care rooms was of similar set up and themes, and included specialised equipment to support the Montessori ethos, jigsaws, floor play toys, small world houses and garages with people, cars, tractors and animals provided opportunities for solitary and group play opportunities. Construction toys, and sensory toys were among the large array of materials available in each of the care rooms.

The presence of a family wall display and children's artwork in the hallway, demonstrated a sense of identity and belonging for the children.

The outdoor area and the equipment and materials available provided appropriate learning opportunities for the children based on their age and stage of development.

On the day of inspection, the children were playing outdoors and were adequately dressed with warm jackets, hats and gloves. They were observed to have autonomy in leading their play choices without the direction of the adults.

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

The service had a healthy eating policy in place. Children’s snacks are provided from home and perishable items are stored in a refrigerator in each of the care rooms. On the day of inspection, children’s lunches consisted of fruit, crackers, sandwiches, cheese, rice cakes and yogurt. Children’s drink bottles were available to them in each of the care rooms throughout the session. Children were supported and encouraged to be independent in opening and closing their individual lunchboxes, bags and bottles. Support was promptly offered to those children who required assistance.

Part VI - Safety

Regulation 24 - Checking in and out and record of attendance

(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.

(3) A registered provider shall ensure that-

(a) no person other than-

(i) pre-school child attending the service,

(ii) a person dropping or collecting such a child,

(iii) an employee, or

(iv) an unpaid worker, can enter the premises without his or her entry being approved by an employee, and

Compliance Information

(1) On the day of inspection, records were available detailing that each child was signed in and signed out of each care room by the room leader in each of the care rooms daily.

(3) The registered provider met any visitors to the service, either at the entrance gate or the entrance door, before allowing them access to the service.

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) The registered provider is a first aid responder and trainer in first aid response (FAR). All seven staff currently hold up to date FAR certification and this ensures that first aid is immediately available at all times to the children attending the service.

(2)(a) A suitably equipped first aid box was stored in an easily accessible and conspicuous place in the hallway of the premises.

(b) The first aid box was available to the staff and children attending the service at all times.

Part VI - Safety

Regulation 28 - Insurance

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

Non-Compliance Information

While it is acknowledged that the registered provider had a current insurance certificate available for inspection with the policy valid until 27 May 2025, the insurance cover only catered for 22 children. As there were 24 children attending the service on the day of inspection and 29 children enrolled in the service this year, the registered provider failed to ensure that the service was adequately insured.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The number of children attending each session will not exceed 22 children. The insurance was updated to cover a sessional service for up to 22 children at any one time valid until 27 May 2025.

Supporting documentation submitted

A copy of the updated insurance certificate was received by the offices of the Early Years Inspectorate on 27 January 2025.

Summary Comment

All evidence submitted meets the requirements Child Care Act 1991 (Early Years Services) Regulations 2016.