

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2016DR022
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Name of Service:	Libby McGuire Montessori School
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Address of Service:	20 Brighton Cottages, Brighton Road, Foxrock, Dublin 18, Co. Dublin
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Eircode:	D18 V9F6
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Name of Registered Provider:	Libby McGuire
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Service type:	Part Time
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Date(s) of Inspection:	09/04/2025
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No of pre-school children:	AM	21	PM	No.
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Address of the Early Years Inspectorate:	Level 7 Brunel Building, Heuston South Quarter, Kilmainham, Dublin 8
Inspection undertaken by:	R Phillips and G Kavanagh
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	N/A
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Description of service

This privately run Early Years service provides part time education and care to children from two to five years of age. The service participates in the Early Childhood Care and Education Scheme. The opening hours are 08:45 to 13:15hrs, five days per week. The service operates from an adapted house, on the ground floor level in a residential area of Foxrock County Dublin. There are three distinct care areas within the house and an outdoor garden to the rear of the premises available to the children.

Staffing

The service employs nine adults, including the registered provider, who manages the service. One additional adult teaches the children music on a weekly basis.

Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance, health, welfare and development of child and safety. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations

- 9 (1)(2)(4) Management and Recruitment,
- 11 (1)(2) Staffing Levels,
- 15(1)(a)-(i) Records of Preschool child,

- 16(1)(h)(i)(j)(k) Records in relation to a preschool service,
- 19(1)(a) Health Welfare and Development of child,
- 25 (1)(2) First Aid, and
- 26 (1)(2)(4) Fire Safety.

However, on inspection additional non-compliance which posed a risk was identified under Regulation 23 and Regulation 16 (1)(a). These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under regulation 15 Records of a Preschool child and 16 Records in relation to a Preschool. A sample of enrolment forms were reviewed, and a sample of accident and incident report forms.

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

Immediate Action Notice

Regulation 9(2)(c): An Immediate Action Notice was issued on 09.04 2025 as a mandatory Garda vetting disclosure was not available for one person who was present in the service on the day of the inspection, contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. The staff member made an application for garda vetting on 01.04.2025 and the person in charge and registered provider made assurances that the adult would not be working in the service without due consideration of the Garda vetting disclosure.

Acknowledgments

The inspectors wish to acknowledge the cooperation 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, 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.

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

Compliance Information

(1)

- (a) The service had a named person in charge and a named person to deputise.
- (b) There was a named person in charge onsite during the inspection.

(2) In conversation with the person in charge and staff members it was confirmed that seven new staff had started working in the service since the last inspection. The inspectors reviewed recruitment records in relation to nine staff members,

(a) Four staff files had two validated references from previous employers.

(c) Garda Vetting disclosures were available for nine staff members, including a music teacher who works directly with the children once per week. Five of the garda vetting certificates were dated within the last three years. However, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years, for four adults. Please refer to the information outlined under regulation 23 of this report.

(d) One staff file contained the required police vetting certificate where an employee worked for a period of six months or more in a jurisdiction outside of Ireland as an adult. In conversation with staff, no other staff were identified as requiring police vetting from another state, however there was no curriculum vitae available for five adults. Please refer to the information outlined under regulation 16 of this report.

(4) Of the nine staff files inspected, five staff held a major award in Early Childhood Care and Education at a minimum level 5 on the National Framework of Qualifications or a qualification deemed by the minister to be equivalent.

Non-Compliance Information

There was evidence that the registered provider did not ensure that all staff were suitable and competent prior to employment as outlined:

(2)(a)(b) Appropriate consideration had not been given to references prior to staff commencing work in the service as required. Five staff files had no validated references from previous employers or reputable sources.

(2)(c) An Immediate Action Notice was issued on 09.04.2025, in response to the breach in regulation.

(4) The registered provider did not ensure that four adults employed to work directly with the children in the service held at least a major award in Early Childhood Care and Education at level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(a)(b) Validated references were submitted from previous employers.

(c) A Garda Vetting certificate was submitted.

(4) The registered provider assured the inspectorate that the four adults who did not hold the required qualification will train or leave the service.

Supporting documentation submitted

- (a)(b) References with evidence of validation were submitted to the early years inspectorate.
- (c) A Garda Vetting certificate was submitted.

Summary Comment

The response and evidence submitted was reviewed by the early years inspectorate and was deemed to address the non-compliance.

Staff Qualifications will be reviewed on the next inspection.

Part III – Management and Staff

Regulation 11 - Staffing levels

- (1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.*
- (2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.*

Compliance Information

- (1) An adequate number of adults were working directly with the children at all times during the inspection.
- (2) There were 21 preschool children being cared for by five adults on the day of inspection.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

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

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

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

Compliance Information

- (1) A sample of 6 records for children were reviewed. The information required was documented as outlined below:
- (a) The name and date of birth of each child.
 - (b) The date when each child first attended the service.
 - (d) The name, address and telephone number of parents and information where parents can be contacted.
 - (e) Names and contact details of other adults authorised to collect the child.
 - (f) Medical information, allergies, dietary preferences, additional needs, and other information specific to the child.

- (g) The name and telephone number of the child’s medical practitioner.
 - (h) Immunisation details.
 - (i) Signed parental consent for medical treatment in the event of an emergency.
- (3)(c) The above records were made readily available for inspection.

Non-Compliance Information

- (c) A section was not available for recording the date when the child ceases attending the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider provided a new form to include the information required.

Supporting documentation submitted

New forms provided to include this requirement.

Summary Comment

The actions taken and documentation submitted has been reviewed and is deemed to address the non compliance.

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;*
- (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

(h) Details of children's daily attendance at the service were recorded on the register. The register detailed the number of children present in the service when the inspectors arrived unannounced to the service.

(k) A record was maintained of accidents or incidents that occurred in the service, involving preschool children with the pertinent details and signatures of staff who witnessed same and parent/ guardian signature, as required.

Non-Compliance Information

- (1)
- (a) A record was not available of the information required under the regulation for five staff.
- (i) There was no staff roster available detailing staff who were on and off duty on a daily basis. It is acknowledged that staff present on inspection were signed in on the register.
- (j) Parental consent for temperature reducing medication was documented in the children's enrolment forms and there was medication stored in its own packaging and out of reach of children as required observed by the inspector. In discussion with staff, they described rarely administering medication and always contacting parents first. There were no records, which are required to be maintained of medication administered to a preschool child in the service

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (a) Curriculum vitae were submitted in relation to five adults employed within the service.
- (i) A staff roster was submitted. The registered provider will display a roster on an ongoing basis.
- (j) There were no current records available. The proposed medicine administration form with the requisite details was submitted to the early years inspectorate.

Supporting documentation submitted

- (a) Curriculum Vitae were submitted as stated above.
- (j) A blank sample of an administration of medication form was submitted.

Summary Comment

The actions taken and evidence submitted has been reviewed by the early years inspectorate and has been deemed to address the non-compliance.

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:

The staff were observed engaging with the children in a warm respectful manner throughout the inspection. The service had a healthy eating policy and parents provided snacks and meals that were healthy and varied. The children washed their hands before eating and enjoyed their meal in a relaxed manner. The children had access to a water station throughout the inspection and drank from their own individual water bottles at lunchtime. The children's independence was encouraged. The children were observed to tidy up and manage their own belongings and go to the toilet independently, appropriate to their age and developmental stage. The personal care provided by the staff met the needs of the children present. Children were visibly content in their play and activities. The adults were observed praising the children and encouraging them.

Supporting Relationships:

Staff described communicating with parents at the drop off and collection times. The staff demonstrated a knowledge of the children and their families. The staff supported transitions with verbal strategies used by staff members to prepare children for upcoming activities and movement. The children could choose activities and move between the areas available to them, including the freedom to go outdoors.

Physical and Material Environment:

The environment was well maintained and inviting with lots of natural light. There was a wide range of Montessori and play based materials. The children engaged in activities alone in small groups and as a larger group. All the materials were on low level shelving and accessible to all the children.

There was a library area, with a good selection of books and comfortable seating, providing good choice for storytelling and promoting language development where the children could go intermittently.

There was a playroom with defined interest areas, toy kitchens, appliances, shop, musical instruments and dress up clothes, promoting imaginary play.

Some children had a music lesson in the playroom. Sensorial play was facilitated indoors with some of the Montessori activities and outside with water-based play.

The service's garden was paved and had grass. There was space to run and play outside, the boundaries were secured with a wall. Small low level picnic tables in the outdoor area are used in good weather to eat outside, according to staff.

Programme of Activities:

There was evidence of planned learning through themed activities and observations of children's individual learning outcomes and achievements, documented within the service.

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.

Non-Compliance Information

General Safety:

1. Four staff member's vetting disclosures were not dated within the previous three years in contravention of the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'. This poses a risk to the safety of the children in the care of the service.

Administration of Medication:

1. There is one child attending the service who has an allergy and staff reported is prescribed an adrenaline autoinjector in the case of a severe allergic reaction. In discussion with staff, they describe that the adrenaline auto injector is stored in the child's bag when they are in the service. This is in contravention to the service's administration of medication policy, which states that medicine must be correctly stored in its own packaging out of reach of children. This poses a risk to the children attending the service.

2. A detailed care plan was not available for a child with a severe nut allergy. The lack of a care plan detailing signs to watch out for, measures to be taken, location of medication and staff roles, may hamper timely effective intervention in the event of a severe allergic reaction. An individual risk assessment is required.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

- (1) The registered provider applied for renewed Garda Vetting certificates for the four adults as required. Garda Vetting will be reapplied for close to the 3 year expiry time.

Administration of Medication:

1. The Emergency medication will be stored in a conspicuous place , out of reach of children.
2. A detailed personalised care plan is in place for the child who may require emergency medication, in the event of a severe allergic reaction.

Supporting documentation submitted

General Safety:

Renewed Garda Vetting certificates were submitted .

Administration of Medication:

1. Photograph submitted of storage of bag containing emergency medication, out of reach of children.
2. A copy of the care plan was submitted.

Summary Comment

The actions taken and evidence submitted has been considered by the early years inspectorate and have been deemed to address the noncompliance.

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 trained in paediatric first aid were immediately available to the children on the day of inspection.

(2)(a) The first aid boxes were stored in conspicuous locations within the service.

(b) The first aid boxes were available to the adults and children in the service at all times.

Non-Compliance Information

(1) Discussion with staff and review of staff files highlighted that only one adult is employed with First Aid Responder (FAR) training in the service. This person was not available on the day of inspection. This regulation requires that one adult with FAR training is immediately available to the children in the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

One more member of staff will receive FAR training, to ensure that there is an adult with this training available at all times.

Supporting documentation submitted

Evidence of payment for an adult to do the FAR training submitted.

Summary Comment

The actions taken by the registered provider and evidence submitted have been reviewed by the Early Years Inspectorate and have been deemed to address the non-compliance.

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 fire fighting equipment and smoke alarms in the premises.*
- (2) The record referred to in paragraph (1) shall be open to inspection by-*
- (c) an authorised person.*
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.*

Compliance Information

On review of records and discussion with the staff the inspector confirmed that:

- (1) (a) The service maintained a record of monthly fire drills that had taken place in the premises. The last fire drill was recorded as having taken place on 24th March 2025.
- (b) The last maintenance check for the fire-fighting equipment was recorded as having taken place in October 2024. Servicing of the smoke alarms and emergency lighting was recorded as having taken place on 27th February 2024
- (2)(c) The records referred to above were made available for inspection.
- (4) Notices of the procedure to be followed in the event of a fire were displayed in conspicuous places throughout the service.