

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015FL204		
Name of Service:	Magic Years Creche & Montessori (Carpenterstown)		
Address of Service:	Station View, Carpenterstown Road, Dublin 15,		
Eircode:	D15 XF84		
Name of Registered Provider:	Mary Hale		
Service type:	Full Day		
Date of Inspection:	17/02/2025		
No of pre-school children:	AM	74	PM 74
Address of the Early Years Inspectorate:	Early Years Inspectorate Area 1 2 nd Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15 D15 CF9K		
Inspection undertaken by:	T Nelson and L Jameson		
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.		

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Description of service

Magic Years Creche and Montessori is a full day care service located in a residential area of Dublin 15 and is registered to provide early childhood care and education to a maximum of 100 children aged 0 to 6 years old, Monday to Friday. The service operates an Early Childhood Care and Education (ECCE) programme sessional service from 9.00am to 12.00pm. The service is also registered for school age childcare and is one of two services operated locally by the registered provider. Magic Years Creche and Montessori operates from a detached two-storey building and has five care rooms to include the Nursery Room (11 to 24 months old) on the first floor, and Senior Wobbler room (2 to 3 years old), Playschool room (2.5 to 4 years old), Junior Preschool room (3 to 5 years old) and Senior Preschool room (3 to 5 years old) on the ground floor. There are sanitary facilities located off each of the care rooms, and three cot rooms located on the first floor. Further sanitary facilities are available for staff. A fully enclosed outdoor area is located to the rear and side of the premises.

Staffing

There are currently 28 staff employed including the operations manager, the person in charge, a cook, a bus driver, two administration workers and 22 childcare staff who work directly with the children. The registered provider does not work in the service. There were 22 adults present on the day of the inspection.

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

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

The inspection focused on an examination of compliance under:

- Regulation 9(1)(2)(a)(b)(c)(d),(3)(4) Management and Recruitment
- Regulation 11(1)(4), Staffing Levels
- Regulation 16(1) Records in relation to the Preschool Service
- Regulation 19(1)(b) Health, Welfare and Development of child
- Regulation 21 Equipment and Materials
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child
- Regulation 29 Premises

A sampling process was used to assess compliance under the following:

- Regulation 9(1)(2)(a)(b)(c)(d)(3)(4) - Management and Recruitment
- Regulation 16(1)(h)(i)(j)(k) - Record in relation to Preschool Service
- Regulation 19 (1)(b)-Health, Welfare and Development of child
- Regulation 23 - Safeguarding Health, Safety and Welfare of Child

As a result, the scope of the inspection included the Nursery, Senior Wobbler and Playschool rooms and did not include the Junior and Senior Preschool rooms. Regulation 11 was inspected across all rooms.

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.

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Additional Information

An Immediate Action Notice was issued to the registered provider on the 18 February 2025 under Regulation 23, in relation to a non-compliance identified under Regulation 23. A response was received from the registered provider which mitigated the risk identified on the 21 February 2025. See body of report for details.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the operations manager, person in charge, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,*
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and*
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.*

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

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

(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

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

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Compliance Information

The registered provider ensured the following:

- (1)(a) The service had a designated person in charge and named person to deputise as required.
 - (b) The person in charge was present during the inspection and a review of the roster showed either the person in charge or the deputy person in charge was scheduled to be present at all times.
 - (c) There was a clear management structure in place.
- (2) Discussion with the person in charge established there were seven staff who were new to the service since the last inspection on the 15 April 2024. The full files of these staff were reviewed, along with the file of a student and the Garda Vetting disclosures for 22 adults including the registered provider whose files were reviewed on the last inspection. The registered provider had completed the following checks:
 - (a) Eleven validated written references were available from recent past employers.
 - (b) Three validated written reference was available from a source other than a past employer.
 - (c) Garda vetting disclosures had been obtained for all staff members employed. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
 - (d) Documentary evidence showed that five adults had lived in a state other than Ireland for six months or more as adults and international police vetting from that state was available for inspection.
- (3) Documentary evidence available showed that all of the checks outlined in (2) had been carried out prior to any of the adults having contact with the children in the service.
- (4) The six staff who worked directly with children attending the service held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs.

Non-Compliance Information

- (2)
 - (d) International Police vetting was not available for one adult where a review of documentation indicated they had resided in a state other than Ireland for more than six months as an adult.

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Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2) (d) The staff member has applied for vetting from the relevant country. The registered provider will ensure compliance in this area for any future staff recruited. The recruitment policy has been shared with administrator.

Supporting documentation submitted

Evidence of software updates, evidence of application for vetting.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The registered provider has attempted to address the non-compliance identified under Regulation 9(2)(d) however this will remain outstanding until the police vetting is reviewed by the Inspectorate.

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.

(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).

Compliance Information

The registered provider ensured the following:

1. On the day of inspection there were an adequate number of adults working directly with the children attending the service to meet their care needs. There were 19 staff available to 74 children.
- (4) The adult to child ratios were correct when the inspectors arrived unannounced to the service and throughout the inspection.
Fourteen staff were allocated to work directly with the 74 children who were present on the morning of the inspection with a breakdown as follows:
 - Nursery room - 4 adults to 9 children aged between 11 to 24 months old.

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- Senior Wobbler room - 3 adults to 17 children aged between 2 to 3 years old.
- Playschool room - 2 adults to 14 children aged between 2 years 8 months to 4 years old.
- Junior Preschool room - 2 adults to 20 children aged between 3 to 5 years old.
- Senior Preschool room - 3 adults to 14 children aged between 3 to 5 years old.

Thirteen staff were allocated to work directly with the 74 children who were present on the afternoon of the inspection with a breakdown as follows:

- Nursery room - 2 adults to 7 children aged between 11 to 24 months old.
- Senior Wobbler room - 3 adults to 17 children aged between 2 to 3 years old.
- Playschool room - 3 adults to 15 children aged between 2 years 8 months to 4 years old.
- Junior Preschool room - 3 adults to 20 children aged between 3 to 5 years old.
- Senior Preschool room - 2 adults to 15 children aged between 3 to 5 years old.

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;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (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.*

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Compliance Information

(1) The registered provider ensured that a record in writing was kept of the following information in relation to the service:

- (a) Details of the name, position, qualifications, and experience of the person in charge and of every other employee were maintained within the staff files.
- (b) The service Tusla certificate was displayed within the service and detailed the class of service and the age profile of children for which the service is registered to provide services.
- (c) (d) (e) The statement of purpose and function outlined the adult: child ratios, the type of care or programme provided and the facilities available within the service. These were also available in the parent handbook on the service website.
- (f) The opening hours and fees of the service were displayed on the noticeboard in the entrance hall of the service and in the parent handbook on the service website.
- (g) The registered provider maintained all of the policies required in accordance with Regulation 10.
- (h) Attendance records detailing the arrival and departure of the children on a daily basis were maintained.
- (i) A record was maintained of the staff roster which was reflective of the staff present on the day.
- (j) Following a review of a sample of 18 records, the registered provider ensured a full record in writing was maintained for the administration of medication.

Non-Compliance Information

- (1) (k) The registered provider did not ensure a full record in writing for accident and incidents was maintained. From a sample of 20 records reviewed; 10 did not record the signature of the parents acknowledging they had been informed of the incident, as outlined in the service's accident and incident policy.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (1) (k) Reports that were identified as not signed by the NOK, parents have been notified by staff and parents encouraged to sign same. Staff in the service were reminded to encourage parents to sign the report. A copy of the incident and accident policy has been shared with parents which stipulates their obligation to sign the form.

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Supporting documentation submitted

Minutes of staff meeting, copy of message to parents.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 16 has been addressed.

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.

Compliance Information

(1) (b) Appropriate and suitable care practices were observed, as evidenced by the following:

- Practices such as nappy changing and toileting were observed to be timely and pleasant experiences for the children. Children who were toilet training were respectfully encouraged to use the potty and praised for their efforts.
- Documentary evidence showed meals provided were regular and varied, with a four-week menu plan available. Alternatives were available for children with alternative diets or preferences. Mealtimes were observed to be pleasant sociable experiences. Appropriate utensils were used, and children were supported to self-feed.
- Drinks were available in the rooms throughout the day and during mealtimes.
- The staff interacted with the children in a respectful, warm and sensitive manner using appropriate verbal and nonverbal strategies such as low tones, eye level contact, touch, song and playful engagement.
- Plans for children's learning were displayed in the rooms, and these were reflected in the experiences and activities provided to the children. The activities were suited to the age and stage of development of the children.
- All children were observed to access outdoor play, and suitable clothing was available to make this a comfortable experience.

Non-Compliance Information

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- (1) (b) The transition to sleep was not observed to be timely or organised in the Nursery room. Children who were observed to signal signs of tiredness such as crying and some upset at 11.36am were not placed to sleep until 12.05pm. Staff were observed to verbally acknowledge that the children were tired and other transitions such as dinner and nappy changing were observed to take place during this period which further delayed the transition to sleep. Transitions should be organised and planned in order for children to have seamless pleasant experiences throughout the day. It is acknowledged that staff provided comfort to the children throughout.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider will commit to a child led approach ensuring children's sleep needs are met and that routines should be altered to suit the needs of children transitioning to the service. This was shared with staff at the staff meeting.

Supporting documentation submitted

Minutes of staff meeting.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 19 has been addressed.

Part V - Care of Child in Pre-school Service

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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 service ensured there was adequate and suitable furniture and equipment available, for example:

- The furniture and equipment in the rooms were observed to be adequate for the number of children in the rooms, it was appropriate for the age range and stage of development of the children in the rooms, and was well maintained, durable and easy to clean.
- Suitable tables and seating were available throughout the day for mealtimes and to encourage tabletop activities.
- The toys and equipment and associated props were accessible to the children and were grouped in themed areas of interest such as home area, art area, construction, and library areas.
- Images of the children and their families were displayed throughout the rooms, and children had labelled coats hooks and cubbies for their belongings.
- Cosy areas were available in the care rooms to facilitate more restful play experiences.
- The outdoor environment was resourced with equipment such as slides, ride on bikes and rockers, with adequate space to facilitate physical play and fundamental movement skills.

Part VI - Safety

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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

The registered provider ensured the following measures were in place to safeguard children:

General Safety:

- The entrance to the service was secured throughout the day, and access was managed and monitored by staff to restrict unauthorised persons from gaining access to the premises and to prevent children from exiting the service unsupervised.
- Blind cords were observed secured or out of reach of children.
- The service met the necessary safety requirements in respect of the indoor environment, furniture, toys and equipment and the safe storage of cleaning agents and hazardous equipment.
- Corner protectors and padding was used effectively throughout the premises.

Infection Control:

- Thermostatically controlled warm water, liquid soap and single use hand towels were available at all wash hand basins used by the children and the staff members.
- Children's soothers were stored in individual labelled lidded containers.
- Children's bed linen was stored in individual labelled bags, and there was a plan in place for laundering of the linen.
- Appropriate waste disposal units were in use throughout the rooms and sanitary accommodation.

Administration of Medication:

- Staff were aware of the practice for the administration of a child on a specific medication and there was a documented care plan available.
- Emergency medication was stored appropriately

Safe Sleep:

- A log was maintained where the temperature of the room and the, breathing and position of sleeping children was checked every 10 minutes.

Fire Safety:

- Emergency exits were clearly indicated, and evacuation routes were unobstructed.
- Evacuation procedures were clearly displayed throughout the premises.

Non-Compliance Information

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Infection Control:

The following increased the potential risk of infection:

1. Hand washing practices were not adequate to support appropriate infection control. The following was observed:
 - Children's hands were not washed after nappy changing in the senior wobbler and nursery rooms.
 - A child's hands were not washed after using the potty in the senior wobbler room.
 - Children's hands were washed using cotton wool with a baby oil and water mix in the nursery room. This was identified as a non-compliance on the inspection held on the 15 April 2024 and actions put in place failed to prevent a recurrence.
 - Children's hands were washed in a communal bowl and dried using a shared towel in the nursery room.
2. There was a build-up of dust and debris in the runner of the sliding door to the sanitary accommodation off the playschool room.
3. Adequate space of 50cm was not maintained between cots in the cot rooms 1 and 2 which is not in line with Health Protection Surveillance Centre (HPSC) Management of Infectious disease in childcare facilities and other childcare settings which states that cots or sleeping mats should be spaced at least a half metre apart for infection control purposes. Inadequate spacing of cots was identified as a non-compliance on the inspection held on the 15 April 2024 in relation to cot room 3.

Safe Sleep:

4. The temperature of the "dark" cot room was not maintained between 16-20°C whilst a child under the age of 12 months was sleeping. A temperature of 23.1°C was recorded by the inspector at 10.23am. An Immediate Action Notice was issued to the service in respect of this non-compliance.

It is acknowledged that steps were taken to address this, and the temperature had reduced to 21.1°C at 10.45am.

Action submitted by the Registered Provider

Corrective & Preventive Action

Infection Control:

1. The infection control policy was shared with all staff. Staff were reminded at the staff meeting of appropriate handwashing practices. There is a plan in place to install a low-level sink in the care room.
2. The debris was removed from the runner of the sliding door. Staff were reminded at the staff meeting of appropriate cleaning practices.

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- One of the cots in room 1 was removed and 2 smaller cots were ordered for room 2 to ensure adequate space between cots. Staff were reminded at the staff meeting of appropriate distance between cots.

Safe Sleep:

- The service opened windows to circulate fresh air, and a fan was brought into the room to assist with this. Thermostats in the sleep rooms have been reduced. A memo was circulated to all staff reminded of safe sleep guidelines and required temperatures. The safe sleep policy was also shared with staff.

Supporting documentation submitted

Infection Control:

2. & 3. Photographic evidence, minutes of staff meetings, invoice for new cots.

Safe Sleep:

- Copy of memo circulated to staff.
Service safe sleep policy.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliances identified under Regulation 23 have been addressed.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are-

- (b) safe and secure,*
- (d) cleaned, maintained and repaired, as required, and*

Compliance Information

The registered provider ensured the following:

- (b)
 - Building works that were underway in the outdoor area were safely cordoned off preventing access to the site.
 - The outdoor play areas were fully enclosed.
- (d)
 - Fixtures and fittings throughout the premises appeared to be maintained and in good condition.
 - The rooms were well maintained, appearing recently painted and there was an up-to-date cleaning checklist available.

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- A pest control company was engaged by the service and documentary evidence demonstrated recent regular checks were completed.

Non-Compliance Information

(d) There was a gap between the flooring and wall in the Playschool leaving the potential for a build-up of dirt and debris. It is acknowledged that works had been completed on the flooring throughout the premises since the last inspection.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The gap has been repaired, and staff were reminded at the staff meeting to bring any maintenance issues to the attention of management.

Supporting documentation submitted

Photographic evidence, minutes of staff meeting.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 29 has been addressed.