

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY338
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Name of Service:	St. Nicholas Montessori Merrion
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Address of Service:	10 Herbert Avenue, Ballsbridge, Dublin 4, Co. Dublin
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Eircode:	D04 EA33
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Name of Registered Provider:	Dr. Nicholas Breakwell
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Service type:	Full Day
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Date of Inspection:	13/05/2026
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No of pre-school children:	AM	30	PM	19
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Address of the Early Years Inspectorate:	Early Years Inspectorate - Tusla Child and Family Agency Brunel Building, Floor 7 Heuston South Quarter Dublin 8, D08 X01F
Inspection undertaken by:	M Bermingham and L Magee
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).

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Description of service

St Nicholas Montessori Merrion is registered to provide full day care for up to 50 children aged 2-6 years and operating hours are 08:00 - 17:00. The service operates from a two-storey residential dwelling that was adapted for the purpose of providing early childhood education and care. Children are cared for in three rooms; Infancy and Montessori 1 rooms are on the ground floor and Montessori 2 is located on the upper floor. Additionally, there are two extra spaces that children use throughout the day; one accessible from both ground floor rooms and a room named Imagination Station on the first floor. A fully enclosed outdoor area is located to the rear of the building.

Staffing

There are seven staff employed by the service all of whom were present on the day of inspection. Six staff were working directly with children and the person in charge provided cover and assistance when required. A school principal arrived after the inspection started. In addition, a contractor was present providing an activity for children. The registered provider does not work 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, and safety. On inspection, two additional regulations were inspected in response to risks identified on the

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day; Regulation 8 – Notification of Change in Circumstance and Regulation 29 – Premises. A sampling process was used to assess compliance under Regulation 16 – Record in relation to pre-school service.

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

A referral was made to the Fire Officer on the day of inspection.

Acknowledgments

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

Statutory Notices

Notice	Date Served	Detail
Improvement Notice IN0187	13/05/2026	There were two documents available, written in a language other than English in relation to vetting for two adults who were on site and had access to children. Certified translations of the documents were not available, as required. Translated certificates must be submitted to the inspectorate prior to the adults having access to children.

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Status	Written assurance was submitted to the inspectorate to confirm that immediate action was taken following service of the notice. The school principal submitted a written response with detailed corrective and preventive actions which were accepted by the inspectorate.	
Immediate Action Notice IAN0162	13/05/2026	The service holds emergency medication for a child with a serious medical condition. The staff member caring for the child did not know how to administer the medication in the event of an emergency.
Status	Written assurance was submitted to the inspectorate to confirm that immediate action was taken following service of the notice. The school principal submitted a written response with detailed corrective and preventive actions which were accepted by the inspectorate.	
Improvement Notice IN0186	13/05/2026	A child attending the service had a severe allergy which in the event of an emergency would require the administration of two medications. One medication was not on site on the premises and as such was not available to the child. The second medication was expired.
Status	Written assurance was submitted to the inspectorate to confirm that immediate action was taken following service of the notice. The school principal submitted a written response with detailed corrective and preventive actions which were accepted by the inspectorate.	
Improvement Notice IN0124	13/05/2026	The fire drill evacuation route identified by the school principal was not safe. A heavy steel automatic gate obstructed the route, staff were not aware of the route, and there was no identified assembly point.
Status	Written assurance was submitted to the inspectorate to confirm that immediate action was taken following service of the notice. The school principal submitted a written response with detailed corrective and preventive actions which were accepted by the inspectorate.	

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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)

1. Notification in writing of a change in relation to the registered provider was not submitted to the inspectorate as required.
2. Notification in writing of a change in relation to the person in charge was not submitted to the inspectorate as required.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

As submission was made by the service which stated that a change in circumstance form was submitted to the inspectorate on 2 June 2026 for a nominated person in charge. Going forward any change of circumstances will be submitted 60 days in advance.

Supporting documentation submitted

Documentary evidence was submitted and reviewed by the inspector.

Summary Comment

The actions and evidence as outlined in the submission will adequately address the non-compliances identified under Regulation 8.

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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.

Compliance Information

(1)

- (a) The service had a named person in charge.
- (b) The person in charge was rostered to be present on the premises for the duration of the opening hours.
- (c) A clear management structure was in place, as evidenced by discussion with staff and operation of the service.

(2)

The service employs seven adults, three of whom commenced employment since the last inspection on 25 June 2025. This was determined through a review of previous inspection information and the weekly roster, and

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through discussion with the person in charge. Relevant documentation was reviewed for these three adults and a contractor, and renewals of Garda vetting were reviewed for existing adults. Regulatory requirements were met as follows:

- (a) Six written and verified references from past employers were available.
- (b) Two written and verified references from sources other than past employers were available.
- (c) Garda vetting disclosures were available for all adults. However, re-vetting timeframes were not adhered to, as outlined in the Early Years Inspectorate's regulatory notice requiring renewals every three years. Refer to regulation 23 on this report.
- (d) International police vetting certificates were available for one adult who lived outside of the state for a period of more than six months as an adult.

(4)
Three staff working directly with children were found to hold the required qualifications or recognised equivalent, as evidenced through a review of records.

Non-Compliance Information

- (1)
 - (a) The service did not have a named person to deputise as required.
- (2)
 - (d) See Statutory Notice section in relation to Improvement Notice IN 0187 served.
- (3)
The procedures specified in regulation 9(2)(d) were not completed prior to two adults commencing in the service, as evidenced through a review of documentation. Allowing adults work with children before their suitability is established may result in individuals who are not appropriate having access to children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (1)(a)
The registered provider stated that the person in charge and deputy are named on a weekly roster and will ensure that the roster has all the relevant information regarding staff roles included.
- (2)(d)
See Statutory Notice section in relation to Improvement Notice IN 0187 served.
- (3)

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The registered provider stated that the service is using a new Human Resource programme which lists all staff members vetting and training information in a central location ensuring vetting and training is carried out in a timely manner to comply with regulations.

Supporting documentation submitted

No supporting documentation was submitted.

Summary Comment

The actions stated by the registered provider adequately address the non-compliances identified under Regulation 9.

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)

An adequate number of adults were working directly with the children at all times during the inspection.

(2)

The minimum ratio of adults to children was adhered to at all times during the inspection. There were 6 adults caring for 30 children in the morning and 4 adults caring for 19 children in the afternoon.

(8)(a)

There were at least two adults on the premises at all times, as observed by the inspectors.

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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:

(k) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance Information

(1)

(k) Three accident and incident records were available and reviewed. These records held details of accidents, injuries and incidents involving children and were signed off by staff and parents.

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

(1)(a) The following observations demonstrated how children's learning, development and well-being was facilitated within the daily life of the service:

The service promoted healthy eating with meals and snacks provided at regular intervals. Children ate breakfast at 09:50 to include a choice of cereals and toast. Morning snack consisted of crackers and a fruit selection of banana apple, and strawberries. Dinner was served at 13:00 and consisted of pasta and tomato sauce. Extra food was available if required and water was available to children at mealtimes and throughout the day in their individual beakers stored on a low shelf. Staff were aware of individual intolerances and preferences. Children enjoyed their dinner engaging in social chat and laughter eating at their own pace, before seamlessly re-engaging in their play and activities.

Relationships around children were supported by providing a connection between the service and children's home lives. For example, children brought in books from home for reading in the group and photographs of children and

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their family members were made into family albums and available for children to look through. There was a sense of belonging for children evident in the environment. For example, pictures of children were displayed on the walls and on their cubbies alongside their names. Also, available for children's pursuit were folders containing their artwork and learning books. On collection parents were warmly greeted in a friendly manner and staff engaged in discussion with parents about the child's day. Children's daily food intake was recorded for ease when discussing with parents. Staff also reported that emails are sent to parents weekly describing children's activities.

There were ample opportunities provided throughout the daily routine to promote children's learning and development. For example, children's freedom of choice and independence was supported as children helped prepare for meals by setting the table with a tablecloth, plates, and beakers, and clearing away tables afterwards, scraping leftovers into a compost bin. Children were assigned classroom jobs aided by a visual jobs board. Children progressed through the daily routine with familiarity and ease in orderly transitions with staff giving positive encouragement and helping children when needed. There were written plans, materials, and visual displays available that reflected current topics of learning. Staff discussed the topics with children, read stories and explored the different characters, and played alongside children responding to their requests. There was a calm and relaxed atmosphere and staff interactions with children were gentle and kind.

The environment was spacious and bright incorporating spaces dedicated to different learning experiences. Examples included a cosy area with chairs, rug and cushions, Montessori materials, and a painting and art area. In addition, the Imagination station contained a wide variety of toys, equipment and materials for imaginary play to include wooden and plastic building blocks, dolls, cars, magnets and construction toys. Children were highly engrossed in play and activities and demonstrated a high level of involvement and enjoyment with social chat and laughter. When outside children participated in a dance and movement activity provided by an external contractor.

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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

The following measures were taken to safeguard the health, safety and welfare of children and provide a safe environment, as evidenced by observation of practice, a review of the environment and documentation, and through discussion with staff:

General Safety:

- The entrance into the service was appropriately secured to prevent unauthorised access or a child exiting the service unsupervised. Parents and visitors rang a bell to gain access.
- Low level glass window and door panels had visibility markings.
- Blind cords were secured.
- Cleaning agents were stored out of children's reach.

Infection Control:

- Children washed their hands at regular intervals including after using the toilet, before eating, and after being outside.
- The nappy changing facility was clean, the changing mat was in good condition, and a foot pedalled bin was in use.

Administration of Medication:

- Staff were knowledgeable about what to do if a child becomes ill in line with the service's policy to administer and record fever reducing medication. Five medication forms were reviewed and found to contain the necessary information.
- Medication was clearly labelled and stored in its original container and out of reach of children.

Non-Compliance Information

The service did not ensure that adequate measures were taken as follows, to safeguard the health, safety and welfare of children and to provide of a safe environment:

General Safety:

1. One Garda vetting disclosure was not dated within the previous three years in adherence with the Early Years Inspectorate's regulatory notice requiring renewals every three years.

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2. The internal door from the hallway to the kitchen was not appropriately secured to prevent children accessing the kitchen. At 12:44 a child who independently accessed the sanitary area was able to access the unattended kitchen where hazardous items were accessible, posing a risk of injury to a child.
3. In the garden, wooden planks positioned on the ground near the doorway leading from Montessori 1 posed a trip hazard.
4. The room temperature in Imagination Station at 11.59 read at 24.1°C. It is acknowledged that the radiator was immediately turned off when the inspector brought the room temperature to the staff's attention.

Infection Control:

5. The covering on a table for use by children in Infancy was significantly chipped exposing raw wood that is unable to be effectively cleaned, posing a contamination risk.
6. In three of the children's toilet cubicles, toilet roll positioned at children's level beside the toilet for use by children was not accessible from an appropriate roll holder or dispenser posing a risk of cross contamination within the service.
7. A bar of soap was used for handwashing by children in the sanitary area of Montessori 2, instead of liquid soap which poses a risk of cross contamination.
8. A hand-push lidded bin was used by children and staff in Montessori 2 sanitary area instead of the required foot-pedal bin, posing a risk of cross contamination.

Administration of Medication:

9. See Statutory Notice section in relation to Immediate Action Notice IN 0162 served.
10. See Statutory Notice section in relation to Improvement Notice IN 0186 served.
11. The procedures for the administration of medication as per the service's medication policy were not followed consistently. A risk of harm to children is posed if medication is administered incorrectly.

Instances where practice was at variance include:

- One staff caring for a child with a severe allergy was not familiar with the care plan for the child or the location of the child's emergency medication.
- A child was administered two different medications at the same time on the day of inspection. The staff acting as the witness did not check the dosage against the corresponding bottle of medication before the child was given the medication for each administration.
- Prior written parental consent was not available for the administration of medication for three children. It is acknowledged that the information relating to the administration of medication was available to staff.

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Fire Safety:

12. See Statutory Notice section in relation to Immediate Action Notice IN 0124 served.
13. Children's attendance was not recorded in real time. This is at variance with the service's fire drill policy and poses a risk that children would not be accounted for in the event of a fire.
 - In the Infancy room two children arrived at 10:29 and 10:32 respectively. On review of the attendance register at 10:56, it was found that the children's arrival was not recorded as required.
 - In Montessori room 2, there were eight children present. On review of the attendance register at 11:30 it was found that the eight children were recorded as having departed at the future time of 13:00.

Action submitted by the Registered Provider

Corrective & Preventive Action

The registered provider stated that

1. The service is using a new Human Resource programme which lists all staff members vetting and training information in a central location ensuring vetting and training is carried out in a timely manner to comply with regulations.
2. There is a safety lock on the door from the corridor to the kitchen that should be used at all times and this was reviewed with staff members at a staff meeting after the inspection. The internal door from the hallway to the kitchen is now secured at all times.
3. The wooden planks are used for children's play and should be tidied up at the end of each outside time and stored safely. The planks were removed from the garden.
4. The timer on the heating system was adjusted.
5. A new replacement table was ordered and the damaged table removed.
6. Toilet roll dispensers that are available in each cubicle are being replaced. In the meantime, toilet rolls will be placed on holders, and this was discussed with staff at a meeting following the inspection.
7. Liquid soap should be used at all times; this was discussed with staff at a meeting following the inspection.
8. A new pedal bin was bought to replace the bin in Montessori 2.
9. See Statutory Notice section in relation to Immediate Action Notice IN 0162 served.
10. See Statutory Notice section in relation to Improvement Notice IN 0186 served
11. Procedures for the administration of medication as per the services medication policy should be followed at all times. All staff were made aware of medication held in the service and all information for children with an allergy are displayed in a visible area in each classroom. Allergies and medications are reviewed at

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staff meetings and going forward temporary staff members will receive training with regards to allergies and medications. Parents will sign a consent form when medication is given to staff and the administration method will be agreed with parents and staff and included on the consent form. If any training or demonstration is necessary, this will be completed in advance of the child commencing the service either in person with the parent or GP or via online training. The policy was reviewed at a staff meeting after the inspection and medication and allergies will be added to the agenda for each staff meeting to ensure that all the information is correct and any medication we hold remains in date; this will enable us to inform staff of any changes. Management will ensure that all necessary paperwork and training will be in place before the child commences at the service.

12. See Statutory Notice section in relation to Immediate Action Notice IN 0124 served.

13. Recording attendance and the importance of it being recorded in real time was discussed at a staff meeting after the inspection. Going forward attendance will be recorded in real time in all rooms, and all teachers were reminded of the importance of recording arrival and departure times accurately and leaving the attendance book in a place where it is easy to record in real time.

Supporting documentation submitted

Supporting photographic evidence was submitted and reviewed by the inspector.

Summary Comment

The actions stated by the registered provider adequately address the non-compliances identified under Regulation 23 and will be assessed 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.

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Compliance Information

(1)

The registered provider ensured that a person trained as a first aid responder was immediately available to children at all times, as evidenced by a review of the roster. A current certificate of first aid responder (FAR) training was available for two staff.

(2)

Three suitably equipped first aid boxes were available.

- (a) The first aid boxes were stored safely in conspicuous positions in the rooms and in a utility room.
- (b) The first aid boxes were available to children at all times.

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.*

(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) Fire drills were recorded as being completed regularly and the last fire drill was recorded to have taken place on 20 April 2026, as evidenced through a review of written records.
- (b) A record was available of the number, type and maintenance of firefighting equipment and smoke alarms on the premises. The firefighting equipment was serviced on 5 February 2026 and the smoke alarms were serviced on 18 March 2026, as evidenced through a review of records.

Non-Compliance Information

(4)

There were no notices displayed, as required, of the evacuation procedures to be followed during a fire drill and in the event of a fire in conspicuous locations within the service. This was at variance with the service's fire drill policy.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(4) The registered provider stated that notices are now displayed in all rooms. A review of the fire safety policy with staff will take place at the beginning of each year. A staff member will be appointed to ensure all signage is in good condition and clearly visible, replacing any faded signs, and ensuring that any changes are notified to substitute staff, and staff will receive training on the service's fire safety policies.

Supporting documentation submitted

No supporting documentation was submitted.

Summary Comment

The actions stated by the registered provider adequately address the non-compliance identified under Regulation 26.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

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

(d) cleaned, maintained and repaired, as required, and

Non-Compliance Information

(d)

The premises was not maintained and repaired as required as evidenced by the following examples:

1. In the garden, a slide and wooden structure were propped on a steel sink and not appropriately secured.
2. Wood was rotting and splintered on equipment and materials for children's use in the outdoors to include the playhouse, kitchen and a wooden pallet.
3. Paint was chipped on the wooden windowsills in Infancy and Montessori 2 rooms.
4. Paint was chipped in multiple places on the architraves around the doors in Infancy room.

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Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The are registered providers stated that

- 1 & 2 - The items noted in points 1 and 2 were removed except for the playhouse which will be renovated over the summer. New outdoor play equipment was ordered.
- 3 & 4 - The school is painted each year over the summer holidays and all chips in wood will be repaired when the painting work is complete. Going forward the painter will be brought in during a break in the school year to ensure the building is maintained when needed.

Supporting documentation submitted

No supporting documentation was submitted.

Summary Comment

The actions stated by the registered provider adequately address the non-compliances identified and will be assessed on the next inspection.