

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015CC393
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Name of Service:	Stickyfingers Childcare
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Address of Service:	Willowtree House, Ballinvredig, Ballinspittle, Co Cork
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Eircode:	P17 HX53
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Name of Registered Provider:	Olwyn Shorten
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	23/09/2025
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Day 2 of Inspection:	26/09/2025
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No of pre-school children:	AM	48	PM	33
	AM	42	PM	N/A
Day 2	AM	42	PM	N/A

Address of the Early Years Inspectorate:	Early Years Inspectorate, Administration Building, St Mary's Health Campus, Gurrabraher, Cork T23 X440
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Inspection undertaken by:	J Russell & D Prendergast
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Title:	Inspection and Registration Manager & Early Years Inspector
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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	N/A
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Description of service

Stickyfingers Childcare is a privately owned full daycare service that also provides sessional and part time care. It is registered to cater for children aged 0 to 6 years. It is currently offering care to children age 1 ½ to 6. This includes children attending the Early Childhood Care and Education (ECCE) Scheme, which is accommodated over 38 weeks of the year. The service is currently operating for 40 weeks of the year. The registered daily opening hours are from 07:00 am to 18:00 pm, the service is currently operating from 08:00 am to 17:30pm.

The service is based in the rural area of Ballinspittle, near Kinsale in Co. Cork. The main prefabricated building consists of two care rooms, these are currently operating as the joint Toddler and ECCE 1A room, and the ECCE 1B room. There are also adjacent sanitary facilities, a reception/kitchen area, a sleep room, and a multi-purpose breakout room in this building. This building also includes sheltered play areas, with sand play and dress up areas, a staff office, and sanitary facilities. A third care room, known as ECCE2/Under the Sky room is provided from a wooden cabin located in the outdoor area. There are three outdoor play spaces, including one large play area.

Staffing

There are 10 adults employed at the early years service, including the registered provider and 1 adult employed under the Access and Inclusion Model (AIM) support scheme. All of the adults are involved in the direct care of the children. A contractor also works at the setting and was present at the time 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

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:

- Regulation 8 - Notification of change in circumstances
- Regulation 9 - Management and recruitment
- Regulation 11 - Staffing levels
- Regulation 16 - Record in relation to pre-school service
- Regulation 19 Health, welfare and development of child
- Regulation 23 - Safeguarding the health, safety and welfare of child
- Regulation 28 – Insurance
- Regulation 29 – Premises

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

The service was found to be operating outside its registration status. The service is registered to cater for a maximum of 44 early years children at any one time. On the first day of inspection, there were 48 children in attendance.

This non-compliance was found on the previous inspections of 14 and 28 January 2025, 9 January 2024, 12 September 2023, and 28 September 2022. Following these inspections, due to the continued failure of the registered provider to adhere to her registered status the matter was escalated as the service was operating outside its registered status. The Registered Provider was directed to revert to operating with a maximum of 44 children at any one time and gave a written assurance on 14 of March 2023 that the service was catering for 44 children at any one time. A regulatory compliance meeting was held with the registration office on 7 November 2023, and this service was escalated to the National Regulatory Enforcement Panel in line with the escalation policy of Tusla.

On 13 June 2024 the following conditions were attached to the registration of the service for a 12-month period:

Regulation 8 and 23 of the Child Care Act 1991 (Early Years Service) Regulations 2016

The Registered Provider will be required to comply with the following conditions:

- Your service is required to adhere to the approved registration status and ensure no more than 44 children are in attendance at any one time.
- Your service is to comply with the Fire Safety Officers instructions to attain regularisation of your fire safety certificate.
- Your service is required to provide the Agency with a copy of your fire safety certificate and related documentation showing compliance with fire safety.
- Your service shall make no material changes concerning the registration status of the service without prior application to, and approval from, the Agency.

The registered provider was found to have breached the following condition on 14 and 28 January 2025

- Your service is required to adhere to the approved registration status and ensure no more than 44 children are in attendance at any one time.

Even though the condition has expired the registered provider did not maintain her registration status. The findings are demonstrated under the relevant regulations.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, staff and children who were present on the days 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.

Compliance Information

The service was found to be operating within its registered hours of operation and in accordance with the age range of children and type of service.

Non-Compliance Information

The service was found to be operating outside of its approved registration status, in relation to the number of preschool children that the service was authorised to accommodate, on day one of this inspection. At the time of inspection, the setting was registered to cater for a maximum of 44 early years children at any one time, however 48 children were observed to be in attendance during the morning of 23 September 2025. It is acknowledged that 42 children were observed to be attending on the morning of 26 September 2025. On discussion with the registered provider, she stated that since September 2025 the maximum they are currently accommodating is 52 children at one time on a Wednesday. A review of September 2025 attendance records recorded a maximum of 53 children present, as outlined below.

On 23 September 2025, a sample review of an additional 30 days of children's attendance records during the months of February, March, April, May, June and September 2025, found that the number of children recorded as in attendance exceeded 44 children on all 30 of the 30 days reviewed. For example:

- On 7 May 2025, there were 68 children present
- On 21 May 2025, there were 68 children present
- On 28 May 2025, there were 66 children present
- On 3 June 2025, there were 67 children present

- On 10 September 2025, there were 53 children present
- On 11 September 2025 and on 18 September 2025, there were 51 children present

This non-compliance was also found on four previous inspections:

- 14 and 28 January 2025
- 9 January 2024
- 12 September 2023
- 28 September 2022

The service was escalated to the National Regulatory Enforcement Panel (NREP), as it had not adhered to the conditions of registration, as outlined above.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The corrective action stated by the registered provider does not address the non-compliance identified.

Supporting documentation submitted

None received.

Summary Comment

This remains outstanding and will be reassessed on next 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.*

(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 registered provider was in charge of the early years service and two named adults had been assigned as deputies.
 - (b) The duration of the inspection was facilitated by the registered provider.
- (2) Following a review of previous inspection information, information available on inspection and discussion with the registered provider, it was determined that one new staff member had been employed since the previous inspection. This new staff member worked directly with the children. On the day of inspection, a contractor was also present. A total of two files were reviewed. In addition, Garda vetting for two staff members, whose disclosures were identified as due for renewal, were requested for review. This included the required updated Garda vetting for one adult, which had not been furnished at the time of the previous inspection.
- (a) Three of the required written and validated references had been provided by past employers.
 - (b) The remaining required written and validated reference was from a source other than a previous employer.
 - (c) Garda vetting disclosures had been obtained for the two adults. It was also noted that Garda vetting had been renewed in respect of an additional staff member. This was in compliance with the Early Years Inspectorate Regulatory Notice, which requires services to renew Garda vetting every three years. However, the required renewal of vetting for a second staff member was unavailable. Please refer to the information outlined under Regulation 23 of this report.
 - (d) Police vetting was deemed to be required for one of the adults and was available.
- (4) The staff member who worked directly with the children had obtained a major award in Early Childhood Care and Education, as listed on the National Framework of Qualifications (NFQ). A copy of the corresponding certificate was held on file.

Non-Compliance Information

(3) It was noted that the Garda vetting disclosure held in respect of one of the adults was dated two days after the staff member had commenced working at the service. Following the inspection, the registered provider forwarded a Garda vetting disclosure in respect of the same adult, which was dated prior to the staff member's start date. However, this Garda vetting had been obtained through another organisation and was not accepted under part (3) of the regulation, as Garda vetting cannot be transferred from a previous role. Registered providers are required to process their own staff with regard to Garda vetting, before staff are allowed access to or contact with children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The corrective action stated by the registered provider does not address the non-compliance identified.

Supporting documentation submitted

None submitted.

Summary Comment

The registered provider is responsible for ensuring that part 9(3) is adhered to. This remains outstanding and will be reassessed on 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.

(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) On both days of inspection, an adequate number of adults were observed to work directly with the children in attendance.

(2) The required adult to child ratios were adhered to across the three care rooms.

- During the morning of 23 September 2025, there were 48 children, aged 1 ½ to 4 years in attendance, with 9 adults available to these children. This included the registered provider.
- In the afternoon of the same date, 7 adults, including the registered provider, were working directly with the 33 children present, who were aged 1 ½ to 4 years.
- During the morning of 26 September 2025, there were 42 children, aged 1 ½ to 4 years in attendance, with nine adults available to these children. This included the registered provider.

(8)

(a) At least two adults were consistently available on site for the duration of the inspection.

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:

(h) details of attendance by each pre-school child on a daily basis;

(i) details of staff rosters on a daily basis;

(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records referred to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.

Compliance Information

(1)

(h) The service maintained four separate daily childrens attendance books, for the Toddler, ECCE 1A, ECCE 1B, and ECCE 2 groups in attendance. These recorded the children’s time in and time out each day they attended.

(i) The service maintained a system for the staff roster which included:

- A generic staff roster posted on the wall
- A folder for recording staff cover if any staff are not present, as per the generic roster.

The registered provider stated that all staff break times commence after all children attending sessional hours had left the service, and the staff stagger their breaks to maintain ratios at all times for the children still in attendance.

(3) The records referred to in (1)(h) and (i) were available for inspection on the premises.

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)

Physical and material environment:

- Suitably sized tables and chairs were available to the children. This supported mealtime routines and enabled the children to carry out tabletop activities.
- The care rooms had a range of age and stage appropriate play resources available to children. For example:
 - furnished home areas, handheld vehicles, dolls and accessories supported imaginary play
 - a variety of building blocks and plastic bricks promoted construction play
 - the development of fine motor skills was encouraged through the availability of play resources such as connectable shapes, threading materials, magnet tiles and jigsaws.
 - books supported language development.
- The outdoor play spaces provided opportunities for the children to engage in a variety of active play and exploration, through the availability of equipment such as swing sets, slides, ride on toys, playhouses, digging areas and mud kitchens.

Part VI - Safety

Regulation 23 - Safeguarding health, safety and welfare of child

A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.

Compliance Information

General safety:

- Upon arrival at the service, the prevention of unauthorised access was observed to be ensured; the entrance gate was secured with a buzzer entry/intercom system.
- Firefighting equipment was securely wall mounted.

Infection control:

- Handwashing and drying facilities included warm running water, liquid soap, disposable paper towels and lidded, pedal-operated bins.

Safe sleep:

- The recorded air temperature of the sleep room fell within the required range of 18°C -22°C.

Fire safety:

- Fire exit doors were maintained free from obstruction.

Non-Compliance Information

General safety:

1. The Garda vetting disclosure available for one of the adults was not dated within the previous three years, in adherence to the Early Years Inspectorate Notice, 'EYI-RN12.3 Renewal of Garda Vetting'. It was acknowledged that the vetting renewal had been applied for and was awaited. However, this non-compliance was also found at the previous inspection on 14 January 2025. In her CAPA response following that inspection, the registered provider outlined that she would endeavour to keep on top on this paperwork, however, this was not found in practice.

Safe sleep:

2. Whilst the staff in the Toddler/ECCE 1A room were conducting sleep checks of three sleeping children on the 23 September 2025, they did not maintain a written record of all sleep checks as they were carried out. Two sleeping children each had one complete sleep check record, and the subsequent required five records were noted to be blank when reviewed. A third sleeping child was noted to have three completed sleep check records, and three incomplete records when reviewed. Staff were noted to be completing these records subsequent to the review by the inspector. Upon discussion, the staff stated, "we write them when we can". Whilst it was acknowledged that sleep records were accurately maintained for two children on 25 September 2025, which were reviewed on 26 September 2025, the records reviewed on 23 September were retrospectively completed, as observed by an inspector which posed a safety risk to children.

Action submitted by the Registered Provider

Corrective & Preventive Action

General safety:

1. The Garda vetting had been applied for. The registered provider stated that Garda vetting for staff will now be applied for in advance.

Safe sleep:

- The registered provider stated they had reminded staff to ensure sleep logs were completed in line with the sleep checks being completed.

Supporting documentation submitted

General safety:

- The required vetting was received.

Safe sleep:

- The statement is accepted as evidence.

Summary Comment

The responses submitted by the registered provider are accepted in meeting the requirement of the regulation. These will be assessed at the next inspection.

Part VI - Safety

Regulation 28 - Insurance

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

Non-Compliance Information

It was acknowledged that the insurance certificate was in date and was suitable for the type of service provided. However, the maximum number of children covered to attend at any one time was 65 and a sample review of past attendance records demonstrated that this number had been exceeded on the following dates:

- On 7 May 2025 and 21 May 2025, there were 68 children in attendance on both days
- On 28 May 2025, 66 children attended the service
- On 3 June 2025, there were 67 children present at the service.

As a result, the service may not be adequately covered in the event of an insurance claim.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider stated they will ensure that adequate insurance is in place.

Supporting documentation submitted

None submitted.

Summary Comment

This remains outstanding and will be reassessed on next inspection

Part VII - Premises and Space Requirements

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are-
(c) kept adequately lit, heated and ventilated

Compliance Information

(c) Recorded air temperatures in the care rooms and sanitary facilities fell within the required range of 18⁰C to 22⁰C.