

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015CE065				
<b>Name of Service:</b>	Kilmaley Community Creche				
<b>Address of Service:</b>	Kilmaley, Ennis, Co. Clare				
<b>Eircode:</b>	V95 P9YX				
<b>Name of Registered Provider:</b>	Gerry Pyne				
<b>Service type:</b>	Full Day, Part Time, Sessional				
<b>Date of Inspection:</b>	06/08/2025				
<b>Regulatory Compliance Meeting</b>	23/09/2025				
<b>No of pre-school children:</b>	<table border="1"> <tr> <td>AM</td> <td>34</td> <td>PM</td> <td>32</td> </tr> </table>	AM	34	PM	32
AM	34	PM	32		

<b>Address of the Early Years Inspectorate:</b>	<p>Early Years Inspectorate Tusla Child and Family Agency Primary Care Centre Station Road Ennis County Clare.</p>
<b>Inspection undertaken by:</b>	J. Hayes & S. O'Brien
<b>Title:</b>	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

### Description of service

Kilmaley Community Crèche was established in 2006, in Kilmaley, Ennis, County Clare. The childcare facility operates Monday to Friday from 07:30 to 18:00 on a full day, part-time and sessional basis for children ranging in age from six months to six years. A school aged childcare service is provided each afternoon and during school holidays.

The childcare facility is located in a single storey building. Two care rooms are accessed via the main reception and the third care room is accessed to the side of the premises. An outdoor area is located to the side and rear of the building.

### Staffing

Twenty adults are employed by the service. On the 07 November 2024 a manager and assistant manager, a chef and eleven adults worked directly with the children in attendance. The registered provider is part of the board of management and does not work in the service. The managers provided an administrative role and did not work directly with the children during 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.

**Regulation 9** – Management and recruitment (1)(a)(b), (2)(a)(b)(c)(d) and (4)

**Regulation 10** - Policies, procedures etc. of pre-school service

**Regulation 11** - Staffing levels (1) (2) (8)(a)

**Regulation 16** – Record in relation to pre-school service (1)(i)(k)

**Regulation 23** - Safeguarding health, safety and welfare of child

**Regulation 25** – First aid (1)(2)(a)(b)

**Regulation 27** - Supervision

**Regulation 28** - Insurance

**Regulation 29** – Premises (e)

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings. Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

## Acknowledgments

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

## Additional Information

This inspection was triggered by information received to the Early Years Inspectorate.

07 August 2025

An Immediate Action Notice was issued under Regulation 9(2)(c). A mandatory Garda vetting disclosure was not available for three adults who were present in the service contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

08 August 2025

A response was received from the service stating the three adults would not attend the service until the Garda vetting disclosures were received and assessed. A Garda vetting disclosure was submitted in respect of one adult on 08 August 2025. The manager confirmed that a copy of the outstanding Garda Vetting disclosures would be submitted to the inspectorate.

23 September 2025

A regulatory compliance meeting was held with the registered provider, service manager and assistant manager of the service, by the inspection and registration manager. The meeting was held to discuss the recurring non-compliances identified under Regulation 9 (2) Management and Recruitment. The findings are detailed in the body of the report.

## 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)

On 06 August 2025, the manager was the person in charge and the assistant manager was available to deputise in their absence.

(b)

The manager and a named person to deputise were available at all times during the inspection.

(2)

Twenty one files were available in respect of the registered provider and the adults employed by the service. The findings included the following:

(a)

Twenty three written references from past employers in respect of the adults working in the service were available. Of the twenty three references available twenty were validated.

(b)

Nine written references were available from a source other than a past employer in respect of the adults working in the service. Of the nine references available, four were validated.

(c)

Garda vetting disclosures had been obtained for eighteen adults. The service demonstrated compliance with the re vetting timelines as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years.

(d)

International police vetting was available in respect of two adults working in the service who lived in another state for a period longer than six months.

(4)

The manager, assistant manager and eleven of the adults working directly with the pre-school children during the inspection held Early Childhood Care and Education qualifications from Levels 5 to 8 on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

1) Fourteen staff files were reviewed including the file of the registered provider, manager and assistant manager of the service.

### Non-Compliance Information

(2)(a)(b)

1. Nine written and validated references were not available in respect of five adults.
2. Four of the references available from a past employer were not validated.
3. Five of the references available from a reputable source were not validated.

(c) Contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, Garda vetting disclosures from the National Vetting Bureau of An Garda Síochána were not available for three adults who had recently commenced employment at the service. On the 07 August an immediate action notice was issued to the service. A response was received from the service on 08 August 2025 stating the three adults would not attend the service until the Garda vetting disclosures were received and assessed. A Garda vetting disclosure was submitted in respect of one adult on 08 August 2025.

(d) It was not possible to determine the requirement or otherwise for police vetting in respect of 5 adults, as their curriculum vitae were not available.

### Corrective & Preventive Action submitted by the Registered Provider

#### **Corrective and Preventive Action**

(2)(a)(b)

The outstanding references in relation to the adults who continue to be employed in the service have been submitted.

Evidence of validation of references from past employers have been submitted.

Evidence of validation of references from a reputable source have been submitted.

All new staff employed will not commence work until references have been received and validated.

(c)

The adult with the outstanding Garda vetting has not been on the premises while awaiting the Garda vetting disclosure. The second adult is no longer employed in the service.

All Garda vetting will be processed before employment commences.

(d)

Curriculum Vitae are now available for all staff members in their files.

**Supporting documentation submitted**

(2)(a)(b)(c)(d)

All outstanding documents have been submitted.

**Summary Comment**

The non compliances under Regulation 9(2) have been addressed.

**Part III – Management and Staff**

**Regulation 10 - Policies, procedures etc. of pre-school service**

*A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.*

**Compliance Information**

The following policies were available and reviewed on inspection and set out the core requirements as outlined in Schedule 5 ;

A policy on outdoor play

Complaints policy

**Non-Compliance Information**

1. A supervision policy was not in place in the service to indicate how employees, unpaid workers and contractors are supported in their work practices.
2. A recruitment policy was available however this did not include all the steps to be taken when hiring employees and unpaid workers. Further information in relation to the non-compliances identified in the recruitment procedures for the service have been outlined under Regulation 9.

**Corrective & Preventive Action submitted by the Registered Provider**

**Corrective and Preventive Action**

1. A Supervision policy has been developed and
2. The Recruitment policy has been reviewed and updated.

The service will ensure that all necessary policies are in place.

**Supporting documentation submitted**

The Supervision policy and recruitment policy were submitted.

## Summary Comment

The non-compliance under Regulation 10 has been addressed.

## 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)

During the inspection an adequate number of adults worked directly with the children in attendance.

(2)

On the 07 August 2025 eight adults supervised thirty-four children in the morning and seven adults cared for thirty-two children in the afternoon.

(8)(a)

The staff roster demonstrated that more than two adults were available in the service at all times.

## 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:*

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

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

### Compliance Information

(1)(k)

The accidents and incidents recorded for 2025 in the Baby/Toddler and Rising stars rooms were reviewed on inspection. Records of accidents, injuries or incidents involving pre-school children attending the service were completed and detailed a signed parental signature after the accident occurred as outlined in the accident and incident policy for the service

### Non-Compliance Information

(1)(i) A staff roster was available for the service however it was not dated and did not include the full names of the adults or identify the break times for the adults and the staff cover available during this time.

### Corrective & Preventive Action submitted by the Registered Provider

#### **Corrective and Preventive Action**

(1)(i)

The staff roster for the service is updated on a weekly basis and includes all the required details.

#### **Supporting documentation submitted**

(1)(i) A template of the newly devised staff roster was submitted.

### Summary Comment

The non-compliance 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-*

*(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

The children's learning, development and well-being was facilitated within the service through the provision of appropriate activities, interactions, materials, and equipment having regard to the age and developmental stage of the children. Two care rooms were in operation during the inspection.

### Basic needs of children

The adults treated the children in a respectful manner and positive behavioural strategies were used during interactions. The adults praised and encouraged the children, conversed with the children at their level, used soft tones of voice, responded promptly to their cues for assistance and comfort. The children were encouraged to be independent in play and learning, whilst caring for their belongings, at mealtime and whilst using the toilet. The adults supervised and treated the children in a respectful manner during nappy changes and toileting. Nappies were changed frequently and on an individual need's basis. The children were encouraged and supported to manage their own personal care and prompted to wash their hands at appropriate intervals such as after toileting and outdoor play and before eating. The children's sleep was attended to on an individual basis and an alternative area and activities were offered for children who did not wish to sleep. The infants were encouraged to feed themselves and promoted to be independent. Appropriate crockery and feeding utensils were provided at mealtimes which were observed to be relaxed and sociable occasions. Meals were freshly prepared at the service. The children were offered chicken casserole with potatoes and vegetables for their dinner and provided additional food if required. Bottles of formula milk were pre-prepared at home and stored in a fridge off the baby room. Drinks of water were freely available to children throughout the day in each room. The adults supported the children's choice of individual and group engagement in activities. The children in each room were offered a range of developmentally challenging play and learning activities. The children transitioned from the indoor to the outdoor area for play based activities. Children's care and daily learnings were communicated with the parents/guardians in a positive manner as they collected their children from the service.

### Physical and Material Environment:

The care rooms were bright, spacious and well-resourced and were laid out to enable the children to freely access the equipment and materials. The two rooms operating on the day of the inspection were laid out and designed to be stimulating, challenging and interesting for children. The room accommodating the younger children had soft matting to facilitate floor play activities such as crawling, rolling and sitting. Throughout the day, the children were offered a range of developmentally challenging play and educational activities and observed to be fully engaged as they transitioned from the indoor to the outdoor environments. A variety of opportunities for play and learning activities were available and accessible in the indoor and outdoor environments with defined areas of interest. The care rooms were appropriately resourced with home and shop corners, art stations, sensory areas, pretend play houses, wooden activity units and dress up areas. Seating with soft furnishings and mats with adjacent reading materials were used by the children to rest and relax. Low level shelving units were accessible to

the children with a range of manipulative, sensory, imaginative and constructive toys and learning materials for the age and level of development of the children.

The outdoor play areas were located to the side of the premises. The play area was enclosed with a high-level fencing and accessible from each playroom in the service. Awnings were provided over the outdoor play areas to facilitate regular access throughout the year. The children had access to a range of outdoor play activities and ride on vehicles and bicycles, swings and slides and push along toys. The children were observed to enjoy their time in the indoor and outdoor environment.

### 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:

On inspection the following was observed:

All external doors were appropriately secured with a magnetic lock to prevent children accessing unsafe areas or allowing unsupervised access to the building.

All highchairs used by the younger children at mealtimes were in good condition and fitted with safety harnesses.

The outdoor areas were secured with fencing and gates to protect the children within.

The children were signed in and out on arrival and departure to the service.

Storage facilities were secured and inaccessible to the children.

The blind cords were appropriately secured to the windows throughout the service.

Cleaning agents were stored in locked cupboards or on high shelves in the playrooms.

##### Infection Control:

The service was maintained in a clean and hygienic condition. Completed cleaning schedules were available demonstrating measures taken by staff to clean and maintain the service.

The sanitary facilities were equipped with liquid soap, paper hand towels and lidded, lined pedal operated bins.

Suitable nappy changing areas were available, and a nappy changing procedure was clearly displayed on the wall close to the change mats.

Wipeable mattress covers were provided on all mattresses located in the cots.

The children were supported by staff to wash their hands at appropriate intervals such as after activities, after using the toilet and after outdoor play and before mealtime.

The children's perishable food items such as infant formula were stored in a refrigerator until required for consumption.

### Administration of Medication:

The adults demonstrated an awareness of the service's administration of medication policy and procedure. Documentation was available for the adults to record medication administered to the children in attendance.

### Safe Sleep:

A safe sleep policy was in place at the service and staff adhered to the best practice sleep guidelines for all children under 2 years of age. Standard sized cots and beds were used. A risk assessment was conducted to ensure the safety of children moving from cots to beds when they were under 2 years old.

The adults demonstrated an awareness of the service's safe sleep policy.

The children's sleep observations were recorded by the adults every ten minutes.

The sleep rooms accommodated standard cots with for the children to sleep. Low level beds with individual blankets and bedlinen were available for the older children who required sleep.

An electronic thermometer was available for the adults to measure and monitor the room temperatures.

### Fire Safety:

The adults had evidence on file of up-to-date fire safety training.

The fire exit routes and passageways were clear from obstruction.

The fire exits routes and fire assembly points were readily identified with signage. A fire action notice was displayed at all the fire exit points in the building.

The service demonstrated evidence of completing monthly fire drills to prepare the service to respond in the event of fire.

## 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)

Two adults working in the service had a record of up to date First Aid Responder (FAR) training.

(2)(a)

A suitably equipped first aid box was stored in each playroom in the service. The adults working in the service were familiar with the location of the first aid boxes.

(b)

The first aid boxes were available for use by the adults if its contents were required at any time.

## Part VI - Safety

### Regulation 27 – Supervision

*A registered provider shall ensure that pre-school children attending the service are supervised at all times.*

## Compliance Information

The adults ensured that children were appropriately supervised during the inspection. The ratio of adults supervising children was maintained at all times in each care room. A relief person was available to cover breaks in each room. The children’s arrival and departure time were recorded on the electronic application system. The inspectors observed that the adults were deployed effectively to maintain suitable levels of supervision both in the indoor and outdoor areas. Children were within sight and hearing of adults. Appropriate supervision was observed during open ended play, structured activities, mealtime, nappy changing, toileting and sleep periods. Staff demonstrated an awareness of the service policies most notably their roles in maintaining children’s safety.

## Part VI - Safety

### Regulation 28 - Insurance

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

## Compliance Information

The registered provider ensured the service was adequately insured. The insurance policy commenced on 28 March 2025 and expires on 27 March 2026.

## Part VII - Premises and Space Requirements

### Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-*  
*(e) equipped with adequate and suitable sanitary facilities.*

#### Compliance Information

(e) An adequate number of nappy changing units were provided for the children who required nappy changing. Two nappy changing units and two wash hand basins were available for the seventeen children who required nappy changing.