

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DL033
--------------------------	-------------

Name of Service:	Desertegney Preschool CLG
-------------------------	---------------------------

Address of Service:	Linsfort, Bunrana, Co. Donegal
----------------------------	--------------------------------

Eircode:	F93 FKV5
-----------------	----------

Name of Registered Provider:	Michelle Kearney
-------------------------------------	------------------

Service type:	Sessional
----------------------	-----------

Date(s) of Inspection:	13/02/2025
-------------------------------	------------

No of pre-school children:	AM	12	PM	n/a
-----------------------------------	----	----	----	-----

Address of the Early Years Inspectorate:	Tusla Early Years Inspectorate, 2nd Floor, St. Conal's Campus, Letterkenny, Co. Donegal. F95 XK94
Inspection undertaken by:	N. McEndoo.
Title:	Early Years Inspector.

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

Desertegney Preschool CLG is a community governed service which was first established in 1998 and moved to their current location in the rural area of Linsfort, Buncrana in 2012. It is situated opposite the local National School. A sessional service is provided for children aged two to six years. The service operates on weekdays from 9:05 AM to 12:05 PM for the duration of the preschool year.

The premises consists of a detached former national school which was upgraded to provide an early year's service. The building contains one playroom with adjoining sanitary and storage facilities. The outdoor play area extends along the front, side and rear of the buildings. Children attending the service are provided with the choice of playing indoors or outdoors.

Staffing

A total of two adults and one transition year student were present in the service at the time of inspection. The registered provider and one adult both worked directly with the children. The transition year student was on a work experience placement from the local school. One college student, who is on educational placement, was not present 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 and 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 the following regulations.

- Regulation 9 – Management and recruitment (1), (2), (4), (7).
- Regulation 11 - Staffing levels (1), (3).
- Regulation 16 – Record in relation to pre-school service (1)(i).
- Regulation 23 - Safeguarding health, safety and welfare of child.
- Regulation 26 - Fire safety measures (1)(a)(b), (4).
- Regulation 28 – Insurance.

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 inspector wishes to acknowledge the cooperation of the registered provider, 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.

(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.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

- (a) the policies, procedures and statements of the service specified in Schedule 5;
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and
- (c) these Regulations.

Compliance Information

(1)

The registered provider ensured that.

1. There was a designated person in charge and a named adult to deputise in their absence.
2. The designated person in charge was available on the premises throughout the period of inspection.
3. There was 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.

(2)

On the day of inspection, two adults were present; the registered provider and one adult, both worked directly with the children. One transition year student was also present on a work experience placement. One student who was on a college placement was not present on the day of inspection.

The following vetting information was available for three adults:

- (a) Three written validated references from past employers for two of the adults.
- (b) Two written validated references from reputable sources for one of the adults.
- (c) Garda vetting disclosures had been obtained for 3 adults. However, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under regulation 23 of this report.
- (d) Police vetting from police authorities in another state was available for one adult, who had lived outside the state for a period of six consecutive months or more.

(4)

Two of the adult files reviewed, evidenced they held a major award at level 5 or above in early childhood care and education on the national qualification framework, or qualifications deemed by the Department of Children, Disability and Equality (DCDE) to meet the regulatory requirement.

(7)

The registered provider ensured that the transition year student on work experience placement was appropriately supervised throughout the duration of the inspection.

Non-Compliance Information

(2)

The registered provider did not ensure the following vetting information was available on the day of inspection.

- (a) One written validated reference, from a past employer was not available for one adult.

- (d) (i) Police vetting from police authorities in another state was not available for one adult, who had lived outside the state for a period of six consecutive months or more.
- (ii) It was not possible to ascertain if police vetting from the police authorities in another state was required for one adult.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider has stated that

(2)

(a) Both references are now on file, and both have been validated by Manager.

(d) (i) Previous police vetting paperwork could not be found. New vetting has been applied for.

(ii) Staff have only lived in Ireland and England.

Supporting documentation submitted

A sample of a staff file checklist was submitted.

(2)

(a) Copy of reference, validated submitted.

(d)

(i) Copy of Police vetting from authority in another state received.

(ii) Copy of updated CV received.

Summary Comment

The submitted evidence has been reviewed and accepted. The non-compliances identified under Regulation 9 have been sufficiently 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.

(3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 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) therefore at that reference number is satisfied.

Compliance Information

On the day of inspection,

(1)

There was an adequate number of adults working directly with the children attending the service.

(3)

The minimum specified adult to child ratio was consistently maintained throughout 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:

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

Compliance Information

(1) (i)

Records pertaining to a staff roster was held for adults working within the service.

Part VI - Safety

Regulation 23 - Safeguarding health, safety and welfare of child

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

Compliance Information

On the day of inspection, the following was observed.

General Safety:

- The front entrance gate to the premises was found to be locked and secured upon arrival to the service, preventing unauthorised exit or entry. The rear entrance door to the premises was also locked and secured. The gate was secured whilst children were outside.
- Internal doors were appropriately secured to prevent children accessing areas not in use by the preschool.

- Emergency exits were unobstructed and easily accessed in the event of an emergency.
- Materials and resources were maintained in a good state of repair.
- Adults were observed to use thermal lidded cups, limiting the risk of scalding to a child if spilled.
- Cleaning products, storage facilities and waste were not accessible to the children.
- The hot water provided at the children's wash hand basins was controlled to a safe temperature below 43°C for hand washing.
- Grapes in children's lunches were observed to be cut in half to prevent any risk of choking.
- Lunch boxes were stored in the fridge to prevent perishable foods from spoiling.

Infection Control:

- The premises was observed to be maintained in a clean and hygienic condition. Regular cleaning of tables and floors was observed.
- Sanitary areas were observed to be kept maintained and clean.
- Aprons and gloves were available and observed in use by staff when changing of a child was required.
- Soap was readily available to children to wash their hands prior to eating and after toileting. Handwashing was supervised by the adult to ensure all hands were cleaned effectively.
- Foot pedal bins were observed throughout the premises.

Fire Safety:

- Fire extinguishers were on the premises and easily accessible.
- Fire doors were unobstructed on the day of inspection to ensure safe evacuation in the event of a fire or other emergency.

Non-Compliance Information

General Safety:

1. Garda vetting was available for two staff members. However, these vetting disclosures were not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.
2. A large bordering fence in the outdoor area needed to be secured following a recent weather event. This could pose a risk to children should it collapse.
3. A single person trampoline was observed in the outdoor area. Trampolines are prohibited items within an early childhood setting.
4. Tarpaulin which had originally been covered with soft play bark, had become uncovered and posed as a trip hazard in various parts throughout the outdoor play area.

5. A large tup of stagnant water was accessible to the children in the outdoor area and posed a risk to children.
6. Low hanging wires were accessible to children from IT equipment, a lamp and a radio. These posed as a risk to children.

Infection Control:

7. The sand pit in the outdoor area was left uncovered when not in use, posing as a risk of infection should vermin access it.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Garda vetting has since been renewed and received for one staff member. A Garda vetting renewal application for the registered provider has been submitted to the relevant department.
2. The fence was fixed straight away.
3. The trampoline was removed.
4. The surface area has been filled with bark.
5. The tub of water has been emptied and sanitized, and the lid replaced.
6. Wires have been secured to the walls with tacks to hold in place.

Infection Control:

7. Tarpaulin has been purchased and is now placed over the sandpit at the end of each session. It is removed for the duration of the session to allow children access the sand.

Supporting documentation submitted

General Safety:

A sample of a new daily risk assessment was submitted.

1. The registered provider submitted a copy of updated vetting for one adult on 04/04/2025. Confirmation of vetting for the second adult was received on 13/08/2025.
2. Photographic evidence submitted.
3. Photographic evidence submitted.
4. Photographic evidence submitted.
5. Photographic evidence submitted.
6. Photographic evidence submitted.

Infection Control:

7. Photographic evidence submitted.

Summary Comment

Following the review of the submitted evidence from the registered provider, the documentation has been accepted. As a result, the previously identified non-compliances under Regulation 23 have now been sufficiently addressed and resolved.

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) A procedure was in place to practice and record monthly fire drills. The last documented fire drill took place in December 2024.
 - (b) A record of the number, type, and maintenance of firefighting equipment in the service was on file. Records indicated that the last annual maintenance for the firefighting equipment and the fire detection system was dated October 2024.
- (4)
- A notice displaying procedures to be carried out in event of a fire was displayed in a conspicuous place within the service.

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 adequate insurance was in place for the preschool service for 22 children up until 27 March 2025.