

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DR047
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<b>Name of Service:</b>	Simbas Childcare Limited
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<b>Address of Service:</b>	12 Stradbrook Park, Blackrock, Co. Dublin
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<b>Eircode:</b>	A94 W599
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<b>Name of Registered Provider:</b>	Kim McCarthy
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<b>Service type:</b>	Part-time
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<b>Date of Inspection:</b>	08/08/2025
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<b>No of pre-school children:</b>	AM	24	PM	N/A
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<b>Address of the Early Years Inspectorate:</b>	The Brunel Building, Heuston South Quarter, St. John's Road West, Dublin 8.
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<b>Inspection undertaken by:</b>	R. Duff S. Quigley
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<b>Title:</b>	Early Years Inspectors
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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).

<b>Conditions if applicable</b>	Not applicable
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### Description of service

Simba's Childcare is a privately owned early years service that provides sessional care and education to preschool children aged two to six years. The service is located in a residential area of Blackrock, South Co Dublin. Three care rooms are provided in the service, two of which are located in a purposely adapted residential property. The third care room is located to the rear of the premises in a purpose-built log cabin. An outdoor play area is available to the children.

### Staffing

The service currently employs ten staff members, including the registered provider. Eight staff were present on the day of inspection including the registered provider.

### 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 areas of governance, health, welfare and development of child, information and records and safety. The inspection may also focus on other areas as required. The following regulations were reviewed:

Regulation 9 (1) (2)(3)(4) (7) Management and recruitment.

Regulation 11(1)(2) Staffing levels.

Regulation 19 (1)(b) (2)(3) Health, welfare and development of child.

Regulation 23 Safeguarding the health, safety, and welfare of child.

Regulation 27 Supervision

Regulation 30 Minimum space requirement

Regulation 32 Complaints

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

This inspection was triggered by the receipt of information which was furnished to the Early Years Inspectorate on the 23 July 2025. On the 16<sup>th</sup> July 2025, the registered provider made an application to change the type of service provision offered from sessional to part-time with the proposed change being facilitated within the existing three care rooms available.

The proposed change was assessed as part of the inspection process.

Based on the space available and the proposed age groups of the children in attendance within the existing care rooms, the requirement has been met to alter the type of service provision from sessional to part time, with a decrease in the maximum number of children catered for from 39 to 31 at any one time.

### Acknowledgments

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

### Part III – Management and Staff

#### Regulation 9 – Management and recruitment

*(1) A registered provider shall ensure that-*

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

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

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

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

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

(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;

### Compliance Information

- (1)
- (a)(b) The service had a designated person in charge and a named person to deputise as required who were both on the premises throughout the inspection.
- (2)
- The inspection focused on regulations (2)(a)(b), (d), and (4) for 3 adults who had commenced employment since the previous inspection on the 04 December 2024. Records for all adults were inspected for regulation 9(2)(c). The following documentation was available;
- (a)(b)
- Of the 6 written and validated references that were required, 4 were available from a past employer and 2 were available from a reputable source.
- (c)
- Garda vetting disclosures from the National Vetting Bureau of An Garda Síochána were available for 10 staff members employed to work in the service. Garda vetting disclosures from all staff members were assessed and met compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
- (d)
- Documentation reviewed showed police vetting was required for 2 adults employed in the service since the last inspection dated the 04 December 2024 who had lived outside the State for a period of longer than six consecutive months as an adult. The required documentation was available for 2 adults.
- (4)
- Records were available evidencing that 1 adult who was employed since the last inspection to work directly with the children held the required qualification or equivalent.

### Non-Compliance Information

(4) There was no evidence available to show that 2 adults who were working directly with the children held a relevant major award in Early Childhood Care and Education on the National Framework of Qualifications.

(7)(a)

The registered provider did not demonstrate that they had taken all reasonable measures to ensure that all employees were appropriately supervised and provided with appropriate information, training and policies to safeguard the health, safety and welfare of children attending the service and to comply with the regulations as follows:

1. The registered provider was unable to provide completed training and induction records for 3 adults who had recently commenced employment in the service.
2. Staff stated during discussions with the inspectors that they did not have any formal induction training and were emailed the service policies and procedures by the person in charge when they commenced employment. Staff members stated they were not asked to confirm they had read and understood the policies and procedures. This may directly impact on the care provided to the children and is at variance with the staff training policy in the service.
3. The registered provider was unable to provide evidence that regular staff meetings, support and supervision sessions or individual meetings had taken place in the service, this is at variance with the supervision policy in the service which states that staff meetings and supervision meetings will be held on a monthly basis.
4. The registered provider was unable to provide evidence that four staff members including the registered provider had completed Children First training, the four staff members work directly with the children in the service

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

#### Corrective and Preventive Action

9 (4) The registered provider has stated that the 2 adults working directly with the children have now enrolled in an early years training programme to secure a recognised early years qualification. One adult was employed for the summer and is no longer employed in the service, and the second adult remains in the service to complete her early years qualification. Both adults were surplus staff and not included in ratio.

7(a) The registered provider has stated that:

1. The 3 adults recently employed in the service have now completed necessary training and induction.
2. All staff have now received policies and completed induction and training. All staff have signed to confirm they have received policies and completed training.

3. Staff meetings are now documented, and a formal meeting is scheduled for each month. A formal meeting was held in September and documented.
4. Four adults who work directly with the children have completed Children First training.

### **Supporting documentation submitted**

9 (4) Supporting documentation was submitted by the registered provider and reviewed by the early years inspector.

7(a) Supporting documentation submitted to the inspectorate.

### **Summary Comment**

The actions as stated by the registered provider have addressed the non-compliance. This regulation will be assessed on the 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.*

### **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 for sessional services was adhered to at all times during the inspection. There were 29 children attending the service being supervised by 8 adults on the day of inspection.

## **Part V - Care of Child in Pre-school Service**

### **Regulation 19 - Health, welfare and development of child**

*(1) A registered provider shall, in providing a pre-school service, ensure that-*

*(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.*

*(2) A registered provider shall ensure that no corporal punishment is inflicted on a pre-school child whilst attending the service.*

*(3) A registered provider shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful are carried out in respect of a pre-school child whilst attending the service.*

### Compliance Information

The inspectors observed appropriate care practices in place. The children moved freely in all 3 rooms – exploring their environment, playing and engaging with each other and the staff. All rooms appeared calm and relaxed. Staff demonstrated warmth and affection in their interactions with the children. They addressed children by name, used gentle tones and interacted with them in a positive manner. Language used by the staff members was observed to be encouraging, supportive and informative. Child sized tables and chairs allowed the children to eat and engage in tabletop activities. There was evidence that toys and equipment provided were based on the children’s individual needs and emergent interests. Toys and equipment were laid out on low level shelving units and accessible to children. Children were given advance warnings to support transitions to a new activity and for mealtimes. Children brought snacks from home and they were stored in fridges in each room. Drinks were readily available within the 3 care rooms. Mealtimes were social occasions with children and adults sitting eating together, staff provided children with help when needed. Children were encouraged to clean up after themselves and were assisted to clean their faces and hands at appropriate times. Older children used the toilet independently and children wearing nappies had these changed regularly. Children spent time outdoors throughout the day and were dressed appropriate to the weather. Areas were provided within all rooms where children could rest or take a break from activities.

(2) On the day of inspection, inspectors did not observe corporal punishment being inflicted on any pre-school children whilst attending the service.

(3) On the day of inspection, inspectors did not observe any care practices that were disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful to the children in attendance.

### 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:

- When the inspector arrived at the service, access to the main door was monitored and controlled by staff to restrict unauthorized persons from gaining access to the premises and to prevent children from exiting the service unsupervised.
- There were no flexes or cables observed that were accessible to the children.
- Cleaning agents and medication were stored in a locked press or out of reach of children.

##### Infection Control:

- The sanitary facilities were equipped with warm water, liquid soap, and pedal operated bins.
- The children and staff members washed their hands at appropriate intervals throughout the inspection.

##### Administration of Medication:

- A sample of medication records were reviewed. The forms were completed correctly. This included ensuring written consent was obtained from parents or guardians, having a second staff member present as a witness during administration, and maintaining detailed records shared with parents or guardians upon collection.

##### Fire Safety:

- The designated fire escape routes were clearly indicated and free from obstruction on the day of inspection.

#### Non-Compliance Information

##### General Safety:

1. In the outdoor area, the wooden fence in the middle of the garden was loose and leaning over this posed a potential risk of harm to children if it fell over.
2. In the outdoor area, an elastic strap was used to keep an opening on the fence closed, the strap contained hooks at both ends, these hooks were rusted and sharp and assessable to children posing a potential risk of harm.
3. In the outdoor area, close to the main building, the fence was broken and sharp with a metal bracket exposed, this was assessable to children and posed a potential risk of harm.

### Infection Control:

4. In the toddler room, the pedal on the pedal operated bin was broken, the bin was in use and required staff and children using their hands to open bin to dispose of waste. This posed a potential risk of cross contamination.
5. In the toddler room the tap on the sink was loose and difficult to use, as a result the sink surround was water damaged, and the laminate and tiled surface above and below the sink had broken away in places exposing unfinished, porous wooden surface. This could not be cleaned effectively posing a potential risk of infection to children.
6. In the toddler room, appropriate infection control measures were not taken during nappy changing. A staff member was observed to use the same gloves throughout the full nappy changing procedure, including re-dressing the child. This is at variance with the nappy changing policy of the service and poses a significant risk of cross contamination to children.
7. In the nappy changing area used by the toddler room, a child's potty was used by a child but was not cleaned and sanitised after use, this poses a significant risk of cross contamination to children.
8. In the toddler room, the lacquered surface on the 2 tables was worn with porous wood exposed, this table was used for play activities and for eating. The surface could not be cleaned effectively and poses a risk of cross infection to children.
9. In the outdoor area a bin containing mixed waste was overflowing and unlidged, this bin was accessible to children and poses a potential risk of cross contamination.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

The registered provider has stated:

1. The fence has now been secured and is no longer loose or leaning, the fence is now included in the daily risk assessment carried out by staff.
2. The elastic strap has been removed from the fence, any additions to the fence will be assessed for suitability before use.
3. The metal bracket has been removed from the fence, any additions to the fence will be assessed for suitability before use.

### Infection Control:

4. The pedal operated bin has been removed and replaced by a new bin. Pedal bins will be purchased from a new supplier in the future.
5. The taps on the toddler room sink have been replaced and the surround has been repaired. The taps are included on the daily risk assessment completed by staff.
6. Staff have received additional training on nappy changing policy and have all staff have been reminded of the policy and procedures for nappy changing and hand hygiene during the recent staff meeting. Staff have been supervised during nappy changing procedure to ensure they are following the policy.
7. Staff have been reminded of the importance of sanitising the potty following use. Staff have been supervised during the potty sanitising procedure.
8. The two tables in the toddler room have been removed and replacement tables have been ordered. Temporary tables are in place until the new tables are delivered. Regular checks will be carried out to ensure tables are suitable for use.
9. The bin in the outdoor area has been removed. Only lidded bins will be used in the service.

### Supporting documentation submitted

#### General Safety:

Supporting documentation was submitted by the registered provider and reviewed by the early years inspector.

#### Infection Control:

Supporting documentation was submitted by the registered provider and reviewed by the early years inspector.

### Summary Comment

The actions taken by the registered provider have addressed the non-compliance. This regulation will be assessed on the next inspection.

## 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 supervision of the children attending the 3 care rooms was found to be adequate on the day of inspection. Children were directly supervised by staff members in both the indoor and outdoor play environments. Staff were observed to move around the indoor and outdoor environments to supervise children by sight and sound.

## Part VII - Premises and Space Requirements

### Regulation 30 - Minimum space requirements

*(1) Subject to paragraphs (2) to (6), a registered provider shall ensure that adequate clear floor space is available in the premises for the work, play and movement of children attending the pre-school service.*

*(2) A registered provider of a full day care service or a part-time day care service shall ensure that the minimum amount of clear floor space specified in column (3) of Schedule 7 opposite a particular reference number specified in column (1) of that Schedule in respect of the age range of children specified in column (2) thereof at that reference number is available for each child in that age range attending the service.*

#### Compliance Information

(1) (2)

The inspection of regulation 30 was included to assess a change in circumstances submitted by the registered provider on the 16<sup>th</sup> July 2025 to change the type of service provision from sessional to part time. As a result, the minimum amount of clear floor space in each care room was assessed to determine the space available in each care room for children attending on a part time basis. The following clear floor space was available:

Room name	Toddler Room	Junior Montessori	Senior Montessori

<b>Clear floor space</b>	24.1sqm	22.5sqm	27.28sqm
<b>Proposed age range</b>	2 – 3 years	2 – 4 years	2 – 5 years

Based on the clear floor space available and the proposed age range of the children in each care room, the requested change to alter the service provision can be accommodated with a decrease in the maximum number of children accommodated at any one time from 39 to 31.

### Part VIII - Notifications and Complaints

#### Regulation 32 – Complaints

- (1) A registered provider shall ensure that the complaints policy of the service specifies-
- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,
  - (b) the manner in which such a complaint shall be dealt with, and
  - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.
- (2) A registered provider shall ensure that-
- (a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and
  - (b) the complaint is duly dealt with in accordance with the provider's complaints policy.
- (3) A record in writing referred to in paragraph (2)(a) shall-
- (a) include the nature of the complaint and the manner in which the complaint was dealt with, and
  - (b) be open to inspection on the premises by an authorised person.
- (4) A registered provider shall ensure that a record in writing referred to in paragraph (2)(a) is retained for a period of 2 years from the date on which the complaint has been dealt with.
- (5) The requirement in paragraph (4) is without prejudice to any requirement to retain the record in writing referred to in paragraph (2)(a) under any other enactment or rule of law.

## Compliance Information

(1) A complaints policy was in place in the service and adequately outlined the following;

(a) Details of the procedure to be followed by a person for the purposes of making a complaint in relation to the service.

(b) Details of the manner by which a complaint will be dealt with by the service.

(c) Details of the procedures in place outlining how the person who makes such a complaint in relation to the service will be informed of the manner by which the complaint is being dealt with.

(2)

(a) (b) The registered provider stated that no complaints had been made directly to the service in recent times. The provider detailed the procedures in place in the service for dealing with complaints, including maintaining a record in writing, in line with the complaints policy in place.

(3)

(a)(b) The registered provider stated they are aware of their obligation to detail the nature of any complaint made and the manner in which it will be dealt with. The provider stated a record of any complaint made will be kept in the service and available for inspection on the premises.

(4)(5)

The person in charge in the service stated during discussions with the inspector that all records relating to any child and family who have attended the service are retained for the required period of time, including any complaints made.