

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015FL288		
<b>Name of Service:</b>	The Kids Den ASD Services Limited		
<b>Address of Service:</b>	The Scouts Den, Brackenstown Road, Swords, Co. Dublin		
<b>Eircode:</b>	K67 K079		
<b>Name of Registered Provider:</b>	Michelle Fitzgerald		
<b>Service type:</b>	Full Day, Part Time, Sessional		
<b>Date of Inspection:</b>	14/10/2025		
<b>No of pre-school children:</b>	AM	3	PM 4
<b>Address of the Early Years Inspectorate:</b>	2 <sup>nd</sup> Floor, Unit 4/5, The Nexus Building, Blanchardstown Corporate Park, Ballycoolin, Dublin 15		
<b>Inspection undertaken by:</b>	Y Kelly & AM Coyle		
<b>Title:</b>	Early Years Inspectors		
<b>Authority to Inspect</b>			
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.		

### Description of service

The Kids Den ASD Services Limited is a privately owned service that currently provides an Autism Spectrum Disorder (ASD) specific service. The service does not participate in the ECCE scheme and receives funding from the Department of Education. The service is registered to provide full day care but currently runs a part time session Monday to Friday from 8.30am to 12.30pm and 12.45pm to 16.45pm for children between the ages 2 to 6 years. The Kids Den operates from a 2 storey scouts hall adjoining a community centre in Swords Co. Dublin. The Early Years service has exclusive use of the premises during the operational hours of the service. The main care room is located in the scout's hall on the ground floor. On the day of inspection, a room off the scout's hall was in use for one-to-one activities with children. The service has access to an enclosed outdoor area on the premises.

### Staffing

The registered provider employs 8 staff members in this service to include the service manager and a team of 5 staff who work directly with the children. The service manager also works directly with the children. An area manager and a staff member for housekeeping duties are also employed but were not present on the day of the inspection. One student is participating in a study placement programme and was not present on the day of inspection. The registered provider is not present in the premises on a daily basis and attends the service when necessary. The registered provider was present in the service after the inspector's arrival to the service.

### Methodology

Tusla Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance, health, welfare and development of child and safety. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under the regulations 9, 10, 11, 15, 16, 19, 23, 25, 26, 27, 29 and 31. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under regulation 16. As a result, the scope of the inspection included The Kids Den care room.

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 inspection was carried out following receipt of information to Tusla Early Years Inspectorate.

The Child Safeguarding Statement has been referred to the Child Safeguarding Statement Unit for assessment and follow up if required.

### Acknowledgments

The inspectors wish 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

(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;

### Compliance Information

(1)(a) The service manager was the designated person in charge of the service and there was a named person to deputise as required.

(b) The service manager was present and in charge of the service when the inspectors arrived unannounced to the service at 09:40am and was present for the duration of the inspection. The registered provider arrived shortly after the inspector's arrival to the service.

(2) The files for ten adults were reviewed, and the following was recorded:

(a) Ten validated and written references were available from past employers.

(b) Five validated and written references were available from a reputable source other than a past employer.

(c) Garda vetting disclosures were available for the 10 adults whose files were reviewed. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring the service to renew Garda vetting every three years.

(d) International Police vetting was available for 3 adults who had lived outside of the state for a period of more than six months.

(4) Documentary evidence was available to confirm that 4 staff members including the registered provider and area manager whose files were reviewed and who may work directly with the children in the service held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Disability and Equality.

(7)(a) The registered provider ensured that employees were supervised and provided with appropriate induction. In discussion with recently appointed staff members the staff members were able to describe the induction process and the system in place regarding the review of the service's policies and procedures.

### Non-Compliance Information

(2)(a) &(b)

1. Two validated written references were not available for the student in the service.
2. One validated written reference was not available for 2 staff members.

(4) Documentary evidence was not available to confirm that 4 staff members whose files were reviewed and who work directly with the children in the service held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Disability and Equality. The 4 staff members held qualifications in the following:

Bachelor of Arts in Youth work

Graduate in Modern language & translation

Special needs assistant.

Master's degree in teacher training for compulsory secondary education.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective Action

(2)(a) &(b)

Validated written references have now been obtained for all individuals identified during the inspection, including the student and the two staff members. Each reference has been verified directly with the referees by phone/email, and all documentation has been uploaded to the staff files and cross-checked against the Tusla Regulatory Requirements.

(4)

All staff qualification files have been reviewed and confirmed as complete. The service has staff members who hold a recognised Level 5 ECCE qualification (or higher) in line with the Child Care Act 1991 (Early Years Services) Regulations 2016 and the DCDE Recognised Qualifications List. The non-compliance arose due to staff absences on the day of inspection, which resulted in no qualified ECCE staff member being physically present at that time. This has now been rectified through an updated staffing and rostering procedure. A Level 5-qualified staff member is now scheduled on every shift and present at all times children are in the service.

### Preventive Action

(2) (a) & (b)

To prevent this issue reoccurring, a revised recruitment checklist has been implemented. No staff member or student will commence induction or be included in the rota until two validated written references have been received, verified, and recorded. A monthly internal audit of staff files will be carried out by the Person in Charge/Manager to ensure all documentation remains complete and compliant. This process is now part of the service's standard operating procedures.

(4) To prevent a recurrence, the service has implemented the following measures:

- Two qualified ECCE Level 5+ staff members will now be rostered on all operational days, ensuring that if one staff member is absent, the second qualified person remains on-site.
- A 'Qualified Person in Attendance' check has been added to the daily opening checklist.
- Any roster changes due to sick leave or emergency absence will be approved by management only after confirming a qualified staff member is available to cover.

- Quarterly file audits will continue to ensure all qualification documents remain current and accessible.

### **Supporting documentation submitted**

- Recruitment checklist, Reference validation log, Monthly staff file audit log, Quarterly ECCE Qualification Audit.
- Daily opening checklist, Absence cover procedure, Staff qualification matrix, Roster compliance statement.

### **Summary Comment**

The inspector has reviewed the actions and evidence submitted. The non-compliance in relation to Regulation 9 (2)(a) & (b) has been adequately addressed.

The non-compliance under Regulation 9 (4) remains outstanding. However, the inspector acknowledges that the registered providers employs an adequate number of qualified staff to meet the regulatory ratio requirements.

The service receives funding to provide an ASD programme to the children in attendance with staffing requirements that differ to the requirements of Tusla Early Years Regulations.

## **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 relevant to this inspection were requested and reviewed.

- Recruitment Policy
- Complaints Policy
- Behaviour Management Policy
- Staff Training Policy
- Child Protection Policy with Safeguarding Statement

### 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 the day of the inspection there was an adequate number of staff members working directly with the children attending the service.

(2) The adult to child ratios were correct in the service when the inspector arrived unannounced at the service and remained so throughout the inspection.

The following adult to child ratios were observed during the inspection:

- In The Kids Den care room in the morning there were 3 children aged 3 years 6 months to 5 years 3 months being cared for by 1 staff member. Four adults were present in a supernumerary capacity.
- In The Kids Den care room in the afternoon there were 4 children aged 3 years 10 months to 5 years 5 months being cared for by 1 staff member. Four adults were present in a supernumerary capacity.

(8)(a) The registered provider ensured that 2 adults were present in the service at all times.

### Part IV – Information and Records

#### Regulation 15 – Record of pre-school child

*(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:*

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*

- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

### Compliance Information

(1) Seven registration forms were reviewed and all seven registration forms were appropriately completed with the required information as specified in sub-sections (a) to (i) in this regulation.

### 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:*

- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

### Compliance Information

(1) The registered provider ensured that there was a record kept in writing of the following information in relation to the service:

- (g) A record in writing was maintained of policies and procedures required in accordance with regulation 10, these were provided in written format in the service.
- (k) The registered provider ensured that accident and incident records were kept in written records. A sample of 7 accident and incident records were reviewed as part of the inspection and all 7 accident and incident records were completed and signed by parents as a means of ensuring that parents had been informed that their child had an accident/incident whilst attending the service. In addition, an incident report had been completed following an incident that occurred in the service on the 30 of June 2025.

### 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.

(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

(1)(b) Appropriate and suitable care practice was observed, as evidenced by the following:

- The staff interacted with the children in a respectful, warm and sensitive manner. Children were responded to when they required attention. Appropriate communication using soft tones was observed and children were provided with comfort when needed. This supported the development of relationships and a sense of belonging.
- Children bring their snack in from home. The children were observed having morning snack consisting of sandwiches, crackers, fruit and yoghurts. The children had drinks from their water bottles. The mealtime experience was observed to be a leisurely sociable occasion, where the staff sat together with the children and chatted and offered support and encouragement when needed.
- Nappy changing occurred as required during the morning. Staff members engaged positively with the children during this time using it as an opportunity for one-to-one interactions with the children.
- Staff supported children to wash their hands after nappy changing which promoted self-care practices amongst the children.
- There was a cosy area in the care room with child sized sofa's where children could select a book for reading and relaxation.
- Staff communicate with parents each day through discussions at arrival and departure times to share information about children's care needs.

(3) No practices that were disrespectful, degrading, exploitive, intimidating, emotionally, physically harmful or neglectful were observed during the inspection. Staff members were observed engaging with the children using a partnership approach and showed positive regard for the children at all times throughout the inspection.

During the inspection the staff members in the care room were observed approaching children's behaviour in a supportive manner, promptly re-directing and distracting the children at the earliest signs of conflict whilst showing respect for the children involved. This prevented any escalation or upset on the children's part. The staff members, in conversation with the inspectors, were clear on what are and are not acceptable and appropriate ways of responding to and caring for children and described how they would comfort and reassure any child if they became upset, tired or distressed. Staff members were observed engaging with the children using a partnership approach and showed positive regard for the children at all times throughout the inspection. Staff members discussed that they have developed individual plans for each child based on their strengths and needs. Visual schedules are displayed throughout the care room as a means of supporting communication approaches and choice with the children. This included visual schedules based on the daily routine, my school routine, tabletop activity choices, sensory play choices and circle time choices.

### 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

##### Child Safeguarding:

- The Child Safeguarding policy outlined the services' responsibility to provide induction training to all staff and students to ensure that they understand their obligations as a mandated person under the Children First Act 2015. Through discussion with staff during the inspection, staff demonstrated their familiarity with this policy and relating procedures, describing incidents that would require reporting if witnessed or suspected and naming the services Designated Liaison Person.

##### General Safety:

- On arrival to the service, the inspectors observed that the door was secure and monitored by staff.
- Cleaning agents were stored safely out of the reach of the children.

##### Infection Control:

- Thermostatically controlled warm water, liquid hand soap and dispensed handtowels were available in the sanitary facilities.
- Pedal operated bins were available for waste and disposal of contaminated items.

##### Administration of Medication:

- Staff reported that there are currently no children receiving medication.

### Fire Safety:

- Emergency exits were unobstructed in the event of an emergency evacuation.
- There were fire drill procedures displayed on the noticeboard in the service.

### Non-Compliance Information

#### Infection Control:

1. Although a fridge was on the premises, the children's packed lunches supplied from home were not refrigerated on arrival to the service. This increased the risk of bacteria growth in perishable food items.

### Action submitted by the Registered Provider

#### Corrective Action

#### Infection Control:

1. Children's packed lunches are now refrigerated immediately on arrival at the service. A designated food-storage container has been placed inside the fridge to separate children's items from staff products. All staff have been briefed on the updated food safety procedure, and signage has been placed at the reception area and kitchen reminding staff to store lunches immediately.

#### Preventive Action

#### Infection Control:

1. To prevent recurrence, the service has implemented a 'Packed Lunch Refrigeration Procedure' and a daily 'Food Safety Opening Checklist'. All staff have been trained in this procedure. A nominated staff member will ensure all lunches are placed in the fridge before 9:30am daily and will sign the checklist as evidence. Supervisors will audit compliance weekly.

#### Supporting documentation submitted

- Packed Lunch Refrigeration Procedure.
- Daily Food Safety Opening Checklist.
- Weekly Food Storage Audit.

### Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance under Regulation 23 has been addressed.

### 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) The registered provider ensured that an adequate number of staff were trained in First Aid Response (FAR) and a staff member trained in FAR was available on the premises throughout the opening hours of the service.
- (2)(a) An adequately stocked first aid kit was observed in the service.
- (b) This was stored out of reach of the children but available to staff as needed.

### 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

- (b) The number, type and maintenance record for firefighting equipment and smoke alarms were available. Firefighting equipment was last serviced on 28 August 2025, and the smoke alarms were serviced on the 22 September 2025.
- (4) Fire evacuation procedures were displayed on the noticeboard in the service.

#### Non-Compliance Information

- (1)(a) A recent record of fire drills was not available on the premises with the last fire drill dated as having been carried out on the 09 July 2025.

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

#### Corrective Action

(1)(a) A fire drill was carried out on the 15 October. The drill was recorded using the updated fire drill log. Fire safety documentation has been reviewed, and all records are now stored together in the fire safety folder on site. Staff received refresher training on fire drill procedures and documentation requirements.

### **Preventive action**

To prevent this issue reoccurring, a fire drill schedule has been created to ensure drills occur at least every four weeks. The fire drill log has been updated and will be checked monthly by management. A calendar reminder has been added to ensure fire drills cannot be missed. All fire safety documents will be kept onsite in a clearly labelled fire safety folder.

### **Supporting documentation submitted**

- Fire Drill Record

### **Summary Comment**

The inspector has reviewed the actions and evidence submitted. The non-compliance under Regulation 26 has been addressed.

### **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 registered provider ensured that all children attending the service were supervised at all times. Children were observed being appropriately supervised whilst in the care rooms and when accessing the sanitary facilities.

### Part VII - Premises and Space Requirements

#### Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-*  
*(d) cleaned, maintained and repaired, as required, and*

#### Compliance Information

(d)1. The outdoor play area was observed to be cleaned and maintained. There were no tall weeds or nettles present as had been observed on the previous inspection of the service that was conducted on the 06 June 2024.  
2. The play kitchen in the care room was observed to be in a good state of repair and suitable for use by the children.

### Part VIII - Notifications and Complaints

#### Regulation 31 - Notification of incidents

*A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:*

- (a) the death of a pre-school child while attending the service, including the death of a child in hospital following his or her transfer to hospital from the service;*
- (b) the diagnosis of a pre-school child attending the service, an employee, unpaid worker, contractor or other person working in the service as suffering from an infectious disease within the meaning of the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981);*
- (c) an incident that occurs in the service and that results in the service being closed for any length of time;*
- (d) a serious injury to a pre-school child while attending the service that requires immediate medical treatment by a registered medical practitioner whether in a hospital or otherwise;*
- (e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.*

#### Compliance Information

(d)There was evidence that the service manager completed a notification of incident form within 3 days informing the Early Years Inspectorate of an incident that occurred in the service on 30 June 2025. However, the incident is not included in the subsections listed within regulation 31.