

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015KY041
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<b>Name of Service:</b>	Duagh Community Development Ltd.
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<b>Address of Service:</b>	Duagh Village, Listowel, Co Kerry
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<b>Eircode:</b>	V31 FH67
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<b>Name of Registered Provider:</b>	Bernie Keane
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	29/07/2025
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<b>No of pre-school children:</b>	AM	35	PM	34
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Administration Building, St Mary's Health Campus, Gurrabraher, Cork T23 X440.
<b>Inspection undertaken by:</b>	D Prendergast & N O' Donoghue
<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).

<b>Conditions if applicable</b>	N/A
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### Description of service

Duagh Community Development Ltd. is registered to provide full day, part time and sessional care and education to children aged 0 to 6 years, along with school age care. The service participates in the Early Childhood Care and Education (ECCE) scheme and operates a sessional service from 9.15am to 12.15pm, over 38 weeks of the year. Daily opening hours are from 8.00am to 6.00pm Monday to Thursday and from 8.00am to 5.00pm each Friday. The childcare facility is open throughout the year, with the exception of Christmas and public holidays.

Located in the village of Duagh, in north Kerry, the premises consists of a two storey, detached building. On the ground floor, there are four care areas, with adjacent sanitary facilities, two sleep rooms, a sensory room and a kitchen. The Junior Preschool 1 room is located on the first floor, along with Senior Preschool 2, a school age room, sanitary facilities, a kitchen and an office. The children have the use of a large outdoor play space, which includes a sheltered area.

### Staffing

A total of 24 adults are currently attached to the setting, of whom 19 work directly with the early years children. The registered provider is not involved in the direct, day to day care of the children. Fifteen adults were present at the time of 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.

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 conducted in response to information received by the inspectorate.

During the onsite inspection on 29 July 2025, an Immediate Action Notice (IAN) was issued to the person in charge in relation to elevated water temperatures at one of the children's wash hand basins. A response to the IAN was subsequently received on 30 July 2025 and was deemed adequate in mitigating the risk.

### Acknowledgments

The inspectors wish to acknowledge the cooperation of the person in charge, administrators, 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;

#### Compliance Information

- (1)
- (a) A manager had been appointed to the service and a deputy had been assigned to deputise in her absence. This information was available in writing.
  - (b) The manager was working at the setting when the inspectors arrived and remained for the duration of the inspection.

- (c) A wall display in the main entrance area clearly set out the names and roles of the service's staff members and included individual photographs.
- (2) Four staff files which had not been reviewed previously were the focus of the inspection. Qualifications were also sought in respect of four additional adults, who, at the time of the previous inspection, had been working at the service as students and had since become employees.
- (a) There were four written and validated references on file from past employers.
- (b) The remaining four required references and validations were from sources other than previous employers.
- (c) Garda vetting disclosures had been obtained for all four adults. However, the service did not adhere to the re-vetting timeframes 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) Not applicable. Review of the relevant employment and education records demonstrated that police vetting from other jurisdictions was not required.
- (4) One of the four adults worked directly with the children and had attained a major award in Early Childhood Care and Education. Evidence of a level 5 award in Early Learning and Care was also on file in respect of three of the four staff members, who had previously worked at the setting as students.
- (7)
- (a)
- The person in charge advised the inspectors that for new staff members, a formal induction was provided by an office-based staff member, while the practical induction was ensured by the person in charge, or the deputy, depending on which area of the service the new staff member was allocated to.
  - This was confirmed during discussion with a new staff member, who stated that they had undergone induction training and had read the service's policies and procedures, prior to working directly with the children. Written records were on file to this effect and had been signed by the employee and by the staff member who provided the induction. It was also noted that the induction record included provision for reviews at the end of the employee's first week and month, which had been completed. A review after three months was also included as part of the process.
  - Staff appraisals were facilitated approximately once per year, and corresponding records were available. The inspectors were also informed that informal one-to-one meetings were accommodated, as needed.

- Management were in the process of organising non-contact time for each staff member to avail of refresher training in the service's policies and procedures, which was scheduled for the following month.

### Non-Compliance Information

(4) Evidence was unavailable to demonstrate that one of the adults, who worked with early years children, had attained a major award in Early Childhood Care and Education. While this staff member was based in the school age care room on the day of the inspection, the adult stated that they covered in the early years care rooms and it was also noted that the adult was included on the staff roster.

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

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

The written reply outlined that the person in question was based in the school age setting and has now been advised that they are not permitted to assist in the early years rooms. Management met with the staff member and the full team, to ensure that said staff member person is no longer requested to assist with any tasks in the early years rooms.

#### **Supporting documentation submitted**

The statement submitted is accepted as evidence.

### Summary Comment

The stated response is accepted in meeting the requirements of the regulation.

### 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 assessed for compliance and were deemed to meet the necessary requirements:

- Behaviour management
- Staff training
- Staff supervision
- Accident and incidents
- Complaints

### 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) At the time of inspection, there was an adequate number of adults responsible for the direct care of the children.

(2) The adult child ratios during the day of inspection met the requirements of the regulations.

- During the morning, there were 8 adults working with the 35 children in attendance, who were aged 1 to 5 years.

- There were 34 children, aged 1 to 5 years present in the afternoon, and these children were under the direct care and supervision of 7 adults. The person in charge was also available to assist and provide break cover in the care rooms, over the course of the day.

(8)

(a) According to the staff roster, the service was operated with a minimum of two adults present 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:

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

#### Compliance Information

(1)

(k) A sample of 10 accident, injury or incident forms involving a pre-school child, were assessed across all care rooms. These records detailed all of the required and relevant information.

### 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

(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

(1)(a)

#### Basic needs:

- During mealtimes, a relaxed social environment was evident, with conversation encouraged. In the Baby 2 area, it was noted that children were assisted with feeding, according to their developmental needs. Children also had the opportunity to choose what they wished for dinner.
- Drinking water was available to the children throughout the day, should they become thirsty at any stage.
- Staff in the upstairs care rooms advised that nappy changing was attended to at designated intervals and as required. For toilet trained children, supervised access to the adjacent sanitary facility was ensured, with appropriate verbal reminders provided by the adults.
- Cosy areas were evident in all care rooms. This allowed children to have quiet time and space to relax.
- The available space within the care rooms supported the children to explore their environment and to freely engage with materials. Outdoor play was facilitated for all children as part of the daily programme of activities.

#### Supporting relationships:

- The inspectors were informed that a key worker system was in place within the care rooms and that each key worker's role included undertaking child observations and ensuring appropriate communication with the children's parents.
- The staff were observed to be kind, caring and attentive towards the needs of the children in their care. For example, staff interacted with the children at their level, used soft tones of voice and alerted children to upcoming transitions.
- Children had the opportunity to choose the activities they wanted to take part in. This was observed in the Baby 2 area, when a child wanted to climb on the foam mats. Staff supported the child and placed the mats out for them to play on.
- Children were supported to resolve minor conflicts before such disagreements escalated, as was observed in the Junior Preschool 1 room. During free play, one of the adults intervened calmly and discussed the issue with the children involved.
- The person in charge outlined the various methods of communication used to exchange information with parents or guardians. These included informal discussion at arrival and collection times, a digital

application, email and phone calls. Examples of the information shared via the digital application were shown to the inspector and included pictures and messages, to which the parents could respond.

Staff from the Baby 2 area explained how parents of children settling in are kept up to date on their progress.

- It was reported that staff meetings were held frequently, with minutes from a recent meeting presented for review. The inspectors were advised that topics covered at said meetings included planning and discussion around issues arising and areas for improvement. A messaging application and a staff notice board were also used to share information.

### Physical and material environment:

- A good supply of child sized tables and chairs were provided in the older care rooms.
- The indoor environments were suitably resourced with age-appropriate equipment, which was displayed on low-level shelving and therefore within easy reach for the children:
  - Opportunities to enhance fine motor skills were provided through jigsaws, connectable shapes, magnetic tiles, peg boards and Montessori materials.
  - Play resources such as building blocks, train sets and hand-held vehicles encouraged construction play.
  - Imaginary play was promoted through the availability of dress up clothes, play kitchens, shop stalls, dolls and action figures.
  - A variety of art and craft materials and play dough facilitated creative and exploratory play.
  - A range of books and colourful wall displays supported language development.
- The outdoor play area included equipment such as climbing frames, slides and ride on toys, to accommodate active play and gross motor development, while sand and earth boxes promoted messy play and exploration.

(2) The use of corporal punishment against a child was not observed over the course of the inspection.

(3) Disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful practices towards children were not observed at the time of inspection. In conversation with staff who cared directly for the children, an awareness of appropriate strategies in responding to and managing challenging behaviour was demonstrated.

### 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:

- Entry to the building was via an entrance door and pathway, which was secured by an electromagnetic lock.
- Low-level storage cupboards were secured, which reduced the risk of a child accessing harmful materials.
- Fire extinguishers were safely wall mounted.
- First aid boxes were stored out of the children's reach.
- Suitable tension devices were in place to secure blind cords.

##### Infection control:

- Children's wash hand basins were equipped with liquid soap, paper towels and foot pedal operated bins. The children were observed to wash their hands after using the toilet, after nappy changing and prior to mealtimes.
- Wall hook storage was in place to store the children's bags and coats.
- All cots were fitted with waterproof mattress covers, which reduced the risk of cross infection.
- The care rooms and sanitary facilities were provided with a supply of natural ventilation, through open windows.
- The children's perishable snacks were refrigerated.

##### Administration of medication:

- It was noted that prescribed medication was in-date, labelled and was safely stored in a location that was inaccessible to children.

##### Safe sleep:

- Staff in the Baby 2 area were observed conducting 10-minute sleep checks throughout the day. These checks included room temperature, position of the child, breathing pattern of the child and colour of the child.

- The sleep room temperature was recorded at 19.0°C.

### Fire safety:

- There were no fire safety concerns noted
- Fire exit signage was illuminated.

### Non-Compliance Information

#### General safety:

1. It was identified on inspection that the water temperatures in the Wobbler 1 area exceeded 50°C, which posed a risk of scalding to a child. At 10.31am, the water temperature was recorded at 60.3°C, at 10.33am, it was recorded at 57.1°C and at 10.35am, it was recorded at 55.5°C. This was immediately brought to the attention of the staff in the room, who took measures to mitigate the risk of scalding to the children. The person in charge was also made aware of this safety issue and ensured that children had access to a separate sink, until the water temperature was suitable. An Immediate Action Notice was issued on 29 July 2025, in response to this non-compliance.
2. The Garda vetting disclosures available for three of the adults who worked at the service, were not dated within the previous three years, in adherence to the Early Years Inspectorate Regulatory Notice, 'EYI-RN12.3 Renewal of Garda Vetting'.
3. There were three activity chairs stored on a low lying shelf in the Baby 2 area. As it was possible for a child to pull these chairs down, this posed a risk of injury to a child.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General safety:

1. The wash hand basin was sectioned off upon receipt of the notice regarding the high water temperature. Hand washing facilities are available in the adjoining, unused room. A plumber is currently working on the thermostat controller, to ensure that the temperature is controlled at all times. The service expects this issue to be resolved shortly.
2. Garda vetting was applied for and has been received in respect of all childcare staff whose vetting had expired. As a preventive measure, during a recent staff meeting, management have asked that each staff member keeps track of their Garda vetting record. In addition, an internal file has been created to highlight expiring dates.

- The activity chairs were removed at the time of inspection and are no longer stored in this area. All non-compliances were reviewed at a staff meeting on 11 August 2025 and the safe storage of such items was re-iterated to staff.

### **Supporting documentation submitted**

#### **General safety:**

- Photographic evidence to demonstrate that the wash hand basin in question has been sectioned off and that an alternative wash hand basin is being utilised.
- Updated Garda vetting in respect of the three adults.
- The statement submitted is accepted as evidence.

### **Summary Comment**

The response and evidence submitted are accepted in meeting the regulatory requirements. The water temperature at the wash hand basin in the Wobbler 1 area will be reviewed at the next inspection.

## Part VI - Safety

### **Regulation 28 - Insurance**

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

#### **Compliance Information**

Adequate insurance was noted to be in place. The service was covered to provide full day care for a maximum of 100 children and the policy was valid until 27 March 2026.

## 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) The care rooms and sanitary facilities appeared clean. Staff members were observed to carry out cleaning tasks such as sanitising tables. Cleaning records from 7 July to 29 July 2025 were assessed and completed daily by staff. Cleaning records were stored on the service's digital application and hard copy records were also available.

## Non-Compliance Information

(d)

The following posed a risk of injury to a child:

1. One of the inner gates in the outdoor play area was maintained in poor repair. Some of the wooden slats were missing, while others were loose and there were nails protruding from the gate.
2. There was a broken toilet seat in the children's sanitary facility downstairs.
3. The foam corner guards were torn in both the Baby 2 and Wobbler 1 areas.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

(d)

1. The gate has been repaired, so that there are no loose slats or exposed nails protruding. The wooden slats were modified and shortened to prevent them from dragging on the ground, which caused them to come loose.
2. The toilet seat has been repaired. All non-compliances were discussed at the staff meeting on 11 August 2025 and the importance of notifying management regarding items that require repair, was highlighted.
3. The damaged foam padding was removed and restored. Additional padding has been ordered to remove and replace all current padding.

### Supporting documentation submitted

Photographic evidence was submitted in relation to all three corrective actions.

## Summary Comment

The non-compliances identified under Regulation 29 have been adequately addressed.

### 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.
- (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.

#### Compliance Information

- (1) The complaints policy was reviewed on the day of the inspection and included the following:
- (a) The procedure for reporting a complaint informally and formally.
  - (b) The procedure for dealing with complaints.
  - (c) It detailed how the person making the complaint is kept up to date with the manner in which the complaint is being dealt with.
- (2) The person in charge advised the inspector that no complaints had been received in the previous two years.
- (a) The complaints policy identified that a hard copy of the complaint would be stored on site.
  - (b) The staff explained the process by which a complaint would be dealt with and this was in accordance with the complaints policy.
- (4) The management team assured the inspectors that complaints in writing would be retained on site for a period of two years.