

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2015KY048

Name of Service: Fossa Community Pre-school

Address of Service: Fossa, Killarney, Co. Kerry

Eircode: V93 FC9F

Name of Registered Provider: Bernie Osterloh

Service type: Part Time, Sessional

Date(s) of Inspection: 11/12/2025

No of pre-school children:	AM	16	PM	10
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Address of the Early Years Inspectorate: Áras an Phobail, Deans Lane, Tralee, Co. Kerry.

Inspection undertaken by: N. Reidy

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 N/A

Description of service

Fossa Community Pre-school is a community based early years service registered to provide part-time and sessional care to children between the age of 2 years and 6 years. The service operates between the hours of 8.50am to 1.50pm Monday to Friday.

There is 1 care room in operation with the sanitary accommodation in the room. The children attending the service have access to a designated enclosed outdoor area located at the front of the building, to a spacious indoor hall and to a community playground located at the rear of the premise.

Staffing

There were 6 adults attached to the service, 5 of whom work directly with the children. This includes 1 Community Employment (CE) participant who is studying towards achieving a major award in Early Childhood Care and Education and 2 adults employed under the Access and Inclusion Model (AIM) Support Scheme. The registered provider is not service based and does not work directly with the children who attend the setting.

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. The inspections 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.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the 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.

Compliance Information

- (1)
- (a) The service had a designated person in charge and a named deputy person in charge.
- (b) The person in charge was on the premises at all times during the operation of the service on the day of inspection.
- (2) There are 6 staff attached to the service.
- (a) Of the 12 references required, 5 written references were available from past employers with 3 records of validation.
- (b) Of the 12 references required, 3 references were available from a source other than a past employer with 1 validation.
- (c) Garda vetting disclosures had been obtained for all 6 adults. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
- (d) Police vetting was deemed to be required for 3 of the 6 adults attached to the service. The copy of the Police vetting was stored on file for the 3 staff members.
- (4) All staff working directly with children held relevant qualifications in Early Childhood Care and Education at least at Level 5 on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

Non-Compliance Information

- (2)
- (a)&(b)
1. There was 1 adult without 2 written validated references on file.
 2. A 2nd written validated reference was not on file for 2 adults.
 3. There were 2 written references on file from past employers that did not each have a written validation on file.

4. There were 2 written references on file from a source other than past employers that did not each have a written validation on file.

(d) The Police vetting on file for 1 adult that required to be translated was not translated by a certified translation service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1.& 2. All the staff files have been updated with the validated written references. Going forward all the files will be kept up to date.

3. The 2 written references from past employers have been validated and kept on file.

4. All written references have been followed up on. The manager will ensure that all new staff will have validated references before commencing work.

(d) The Police vetting has been translated and verified by a registered translator. The translated vetting will be kept on file.

Supporting documentation submitted

1. The 2 written validated references required for the 1 adult.

2. A 2nd written validated reference required for each of the 2 adults.

3. The 2 validations required for the 2 past employer references.

4. The 2 validations required for the 2 references that were supplied from a source other than a past employer.

5. The translated Police vetting required for the 1 adult.

Summary Comment

All documentation received was examined and was deemed to meet the requirement for this regulation.

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) There was an adequate number of staff working with the children at all times on the day of the inspection.
- (2) There were 5 staff working with 16 children in the service on inspection. The children present were aged between 2 years 11 months and 5 years. There were 11 children attending on a part-time basis and 6 children attending on a sessional basis.

The minimum number of adults was maintained on the day of the inspection.

- (8) (a) The registered provider did ensure that a minimum of 2 adults are on the premises during the hours of operation.

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:

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (i) details of staff rosters on a daily basis;*

Compliance Information

- (a) The service had a written record of the name, position, qualifications and experience in respect of the 6 adults attached to the service.

Non-Compliance Information

- (i) There was no attendance record maintained for 3 of the 5 adults working in the service for week beginning 8.12.'25.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (i) The staff will check in and check out each day going forward on the attendance record.

Supporting documentation submitted

Completed staff attendance records demonstrating the arrival and departure times recorded.

Summary Comment

The requirement for this regulation has been met.

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, welfare and development of child

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

(a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and

Compliance Information

(1)(a)

Basic Needs: -

- The children were encouraged and supported to manage their own personal care appropriate to their individual level of independence. This was evidenced for example when children were washing their hands after playing in the hall, prior to the snack times and after playing in the outdoor area.
- The children were afforded enough time to eat and enjoy their food without being rushed as observed at the snack times on inspection.
- The children observed to finish their food before the others went to play. Some children picked books from the book rack and sat on the soft matting area and others did tabletop activities for example colouring Christmas trees.
- The children had opportunities to move about freely in the playroom.
- The staff facilitated opportunities for individual, small and large group activities and play as evidenced during the inspection.
- Individually the children played with matching games, a large group activity for example was practicing songs for the upcoming Christmas play for parents and small group time included playing with blocks in the tuff tray.
- During the session the children were observed to use the rest/ soft area consisting of matting, cushions and matting and the Santa's Den located near the rest area with a selection of matting and bean bags was also used by the children for play and relaxation time.
- The person in charge informed the inspector that she plans to provide additional matting and low-level bedding for children's rest/relaxation.

- The staff were cognisant of children’s needs as observed when a child requested a particular staff member to assist with toileting. The staff member responded to the child in a timely manner.
- The children had unrestricted access to the toilets located in the playroom and the inspector observed the children using the toilets independently, with the staff on hand to provide assistance as was needed.
- The staff were observed to interact with the children in a kind, caring, supportive manner.
- The care room and entrance hall was beautifully decorated with a selection of Christmas themed children’s artwork. There was a selection of educational posters, wall murals and a family tree situated at the children’s eye level.
- The children were facilitated to watch a rehearsal of the national school children’s Christmas play. The inspector was informed that siblings of some of the children attending the service were partaking in the rehearsal.
- The children availed of play time in the designated outdoor play area located at the front of the building and within the indoor hall.
- The inspector observed the children were appropriately dressed for outdoor play with coats and some hats.

Part V - Care of Child in Pre-school Service

Regulation 22 – Food and drink

A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.

Compliance Information

- Food for the children’s meal breaks was supplied by their parents or guardians.
- On the day of inspection, examples of the food provided for the snacks for the children were noted to include rice cakes, sandwiches, a selection of fruit, cheese and yogurts.
- The children attending the service on a part-time basis had food for the second snack consumed during the inspection.
- The children’s water bottles were stored at child height in a designated storage box, accessible to the children during the session.

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:

- The cleaning agents observed were in secured cupboards and high shelving out of the reach of the children.
- The first aid box was stored in a secure under counter cupboard in the care room.
- The outdoor play area located at the front of the building was secured.
- The entrance door to the building was secured.

Infection Control:

- The children's perishable food items were stored in the fridge in the care room.
- There was warm water, liquid hand soap, pedal operated lidded bins and disposable paper hand towels supplied at the sinks in the service to facilitate effective hand washing to reduce the spread of infection.

Administration of Medication:

- The staff when asked, informed the inspector when asked that no child in the service was in receipt of medication.

Non-Compliance Information

General Safety:

1. Through discussion with staff, the inspector was informed that children had popcorn to eat on occasions in the service, posing a risk of choking.
2. During children's play time in the hall, there was a double door unsecured that led to the kitchenette, meeting room, sanitary accommodation and the open main entrance door to the building posing a risk of injury to children.
3. There was a double fire door with low-level push bar handles that opened out to the community playground with an unsecured gate exiting to the national school and the road way and in the care room the alarm on the fire door was not in working order, the door had a low-level push bar handle that opened out to an unsecured yard, car park and roadway posing a risk of injury to children.

Infection Control:

4. Handwashing practice was inadequate to control the spread of infection. The inspector observed that staff dried their hands with a cloth towel after wiping a child's nose.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Going forward popcorn will not be allowed at pre-school to avoid any risk of choking. This was communicated to the parents in the January 2026 newsletter and also in the parent's manual.
2. The double doors leading out to the front of the building, kitchen area and staff toilets will have a wooden partition fitting securely between the door frames. The outside door is kept closed for security of the children. There will be 5 adults with 18 children, one staff member will be alert to the movement around the area of the doors.
3. The alarms are fitted to the 2 fire doors. Ensure the adult child ratio of 5 adults to 18 children while the children are using the hall.

Infection Control:

4. The towel has been removed.

Supporting documentation submitted

General Safety:

1. A copy of the newsletter issued to parents.
2. A photograph of the wooden partition and the statement is accepted as evidence.
3. The statement is accepted as evidence.

Infection Control:

4. The statement is accepted as evidence.

Summary Comment

The documentation received was reviewed. The requirement for this regulation has been met.

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 in-date certifications for First Aid Responder (FAR) training were furnished to the inspector to evidence that 1 staff member had completed the (FAR) training. The inspector was informed that a 2nd staff member is enrolled to complete FAR training for January 2026.
- (2)(a) There was a suitably equipped first aid box provided for the children in the service, it was stored in a secured low-level cupboard under the sink in the care room.
- (b) The suitably equipped first aid box was available to the children in the service at all times.