

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KY076
Name of Service:	Happy Valley Childcare
Address of Service:	St Josephs National School, Castlemaine, Co. Kerry
Eircode:	V93 R273
Name of Registered Provider:	Katarzyna Dumka
Service type:	Full Day
Date(s) of Inspection:	15/04/2025
No of pre-school children:	AM 20 PM 06
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
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Description of service

Happy Valley Childcare is a full day care centre that caters for children attending the Early Childhood Care Education Scheme (ECCE) and school going children (SAC). The ECCE scheme was offered during the current Easter holidays, a planned Easter camp was offered between the hours of 9am and 2pm. The service is registered to provide care to children from 2 to 6 years. The registered hours of operation are 07:45 am to 6pm Monday to Friday. The service operates from a prefabricated structure on the grounds of the National school. There is one playroom, a kitchen, an office, sanitary accommodation and designated outdoor play areas available and accessible to the children each day.

Staffing

There are currently 7 staff employed in the service of which 6 are working directly with the children, this includes the registered provider. There is 1 adult employed under the Access and Inclusion Model (AIM) Support Scheme.

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 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.

Additional Information

A change in circumstance (CIC) submitted by the registered provider in respect of moving to the prefabricated building is still in progress with the inspectorate.

The service was escalated to the service operating outside registration status (SOORS) process within Tusla.

A referral was sent to the Fire Safety Officer in consultation with the registered provider for advice on fire safety measures in the service.

Acknowledgments

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

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

Non-Compliance Information

- The service was founded to operating outside the terms of its registration status on the last inspection 29.08.'23. The service was operating from a prefabricated building. A Change in Circumstance (CIC) has been submitted to the inspectorate, it is still in progress.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The service is waiting for planning permission approval.

Summary Comment

The CIC application is still in progress. This will be assessed at the next 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 registered provider is the designated person in charge and there is a named deputy to deputise in her absence as required.
 - (b) When the announced inspection commenced, the registered provider was on duty to assist with the inspection process.
- (2) The recruitment records in relation to each of the seven adults attached to the service were inspected.

- (a) Of the fourteen references required, there were nine references from previous employers on file with records of validation.
- (b) Of the fourteen references required, there were five references on file from a source other than a previous employer with records of validation.
- (c) Garda vetting was on file for each of the seven adults. The service had demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years in respect of each of the applicable adults.
- (d) Police vetting was available on file for three adults who resided outside the jurisdiction of Ireland for greater than six consecutive months.
- (4) Six of the seven adults working directly with the children had achieved major awards in Early Childhood Care and Education, as listed on the National Framework of Qualifications (NFQ) or a qualification as deemed by the Minister with copies of the relevant qualifications on file.

Non-Compliance Information

(2)(d)

- Of the three Police vetting on file, one vetting was not translated into English by a verified translation company.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The staff member was asked for the translation as soon as was possible.

Supporting documentation submitted

A copy of the Police vetting translated into English by a verified translation company was received.

Summary Comment

The requirement for this regulation has been met.

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)

The registered provider did ensure that an adequate number of adults were working directly with the children on the day of the inspection as evidenced in the roster provided.

(2)

Morning:

Age Range of Children	Number of Children present	Number of Adults present
(2 years – 3 years)	4	5
(3 years-4 years)	7	
(6 years – 10 years)	9	

Afternoon:

Age Range of Children	Number of Children present	Number of Adults present
(3 years-4 years)	4	5
(6 years – 10 years)	2	

The adult child ratio was correct and maintained.

(8)(a) The registered provider did ensure that a minimum of 2 adults were on the premises at all times 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:

- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*

Compliance Information

(1)

A record in writing was kept in relation to the following: -

(i) details of staff roster on a daily basis.

Non-Compliance Information

(1) The following records were not maintained in writing: -

(h) The children's arrival times to the service in respect of the children present on the day of the inspection. The inspector observed that 20 children were present in the room at 9:15 am for which the arrival time for 8 children was not recorded. This posed a risk to the safety of the children in the event of a fire evacuation as the staff had not recorded the children present. This was brought to the attention of the staff member who immediately completed the record.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The staff were corrected to evidence the children's in and out times properly for all children.

Supporting documentation submitted

Copies of children's attendance records demonstrating the arrival and departure times for the children each day.

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

Basic Needs:

- Staff supported children with toileting. Staff encouraged independence and provided support as required. The children were accompanied promptly by an adult from the outdoor area when they needed to use the toilet.

- Handwashing routines were evident on the day of inspection. Staff supervised children to wash their hands before the meal observed, after using the toilet and after playing outside.
- Parents provide the food served for morning snacks and evening snacks. These included a variety of fruit, sandwiches, cheese and yogurts.
- The children were seated at their tables during snack time with the staff who assisted them as was need with opening food packaging and water bottles for example.
- The children were observed to have plenty of time to eat their food in a relaxed and unhurried environment.
- The children had free access and movement within the playrooms and the outdoor setting.
- Some children requested to come indoors to play whilst other children played in the outdoor area were accommodated to do so.
- A rest/quiet area was available in the playroom that consisted of soft seating and a den created under a tree structure with blankets and cushions.
- The service had low level beds and linen available to children who wished to lie down and rest/ sleep. The beds were not observed in use on inspection.

Physical Environment:

- The playroom had a selection of the children's activities and arts crafts displayed.
- There were a variety of toys and play materials provided in the playroom that included toy kitchen and accessories, a dolls house, tabletop activities and sensory activities.
- The service had developed a designated outdoor play area at the rear of the building since the last inspection. It consisted of a concrete and some artificial grassed surfaces. There was a range of ride on toys including tractors and bikes, a playhouse, low level seating for children, planting boxes, a mud kitchen, water and sand tables, a musical wall and a water wall. benches. A shed was provided to store additional outdoor toys.
- In addition, the children attending the service have access to a play area used at alternate times to the children attending the National school. This play area had soft matted a variety of fixed equipment in place.
- The children enjoyed outdoor play time in the said areas during the course of the inspection.

Non-Compliance Information

1. The children's drinks bottles were not freely accessible to them during the course of the inspection. The bottles were stored in their respective bags stored in the entrance hall some of which were on high level hooks above the children's reach.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

There is a designated blue shelf in the playroom for the children's drinks bottles. When going to the outdoor area the bottles will be taken in a cool bag.

Supporting documentation submitted

Photographs of the bottles in place on the blue shelf in the playroom.

Summary Comment

The requirement for this regulation has been met.

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:

- Upon the inspector's unannounced arrival at the service, the entrance door with the viewing panel was secured, entry was via a keypad entry system.
- The kitchen was secured.
- The openable windows were out of reach of children.
- Water temperatures were recorded in each sanitary facility between 34°C to 39.5°C.
- The cables of the low-level touch screen monitor were secured.
- Secure fencing and a gate were put in place at the front of the building since the last inspection.

Infection Control:

- Windows in the playroom were open which allowed for fresh air circulation.
- There was a supply of warm water, liquid hand soap and paper hand towels at each of the wash hand basins for effective hand washing by the children and the adults.
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Non-Compliance Information

General Safety:

1. There was a handbag belonging to a staff member stored in an unsecured low-level staff locker located near the children's sanitary accommodation posing a risk of injury to children.
2. There were opening plastic bags of nappies, plastic aprons, a barrier cream and plastic nappy sacks accessible in the unsecured press under the nappy changing unit in the sanitary accommodation.
3. The office door was not secure posing a safety risk to children from computers and unsecured cables.
4. There was an unsecured gate that did not restrict unauthorised persons access to the outdoor play areas used by the children at alternate times to the children attending the National school.
5. There was an uncovered light bulb on the wall near the rest area posing a risk of injury to children. The inspector was informed that the cover had fallen off and was not replaced.

Outdoor area located at the rear of the building

6. There was a section of a blocked wall attached to the modular building that was not plastered, it had rough sharp sections posing a risk of injury to children.
7. There was a painting fixed to the timber fencing that had exposed rusting nails posing a risk of injury to children.
8. There was a disused roll of carpet in the middle of the concrete surface posing a risk of tripping over and causing injury to children.

Infection Control:

9. The children's perishable food items provided by the parents/guardians observed on inspection were not stored in the fridge posing a risk of illness to children due to food spoilage.
10. There was a tub of unlabelled barrier cream stored in the nappy changing unit posing a risk of cross infection to children.
11. The covering on the vinyl couch was torn all the way across the seat, posing a risk of cross infection as it could not be adequately cleaned.

Fire Safety:

12. The records on file demonstrated that Fire drills were not conducted on a monthly basis. The most recent fire drill that took place on 21.11.'24.
13. The record of file demonstrated the smoke alarm was not serviced on an annual basis. The last service took place on 31.08.'23.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. All the staff lockers are now locked at all times. The staff have been informed that all lockers are to be locked at all times.
2. The press under the nappy changing unit now has a child lock. The staff will ensure the cupboard is locked at all times.
3. The office door is now secure with a high-level eye and hook lock at adult height. The staff were informed that the office is to be locked at all times.
4. The gate has a padlock in place to prevent unauthorised person's access. The gate has been added to the daily risk assessment.
5. The light bulb is covered, it is checked daily.
6. The service is waiting for the builder to complete the work by 30/5/'25. The inspectorate will be informed when the work is complete.
7. The painting was removed. The fencing will be checked weekly to ensure there are no hazards.
8. The roll of carpet was removed. The staff will ensure that there are no hazards on the ground.

Infection Control:

9. All lunch boxes are stored in the fridge. The staff will put the children's lunches in the fridge when they arrive to the service.
10. The cream was removed. Parents will be asked to label all the children's items.
11. New seating has been ordered. The seating will be checked on a monthly basis.

Fire Safety:

12. The fire drills will be carried out each month. A fire drill was carried out on 30/04/'25.
13. The maintenance cert was submitted, the next service will be in 6 months.

Supporting documentation submitted

General Safety:

1. A photograph of the staff lockers secured.
2. A photograph of the press with the child lock in place.
3. A photograph of the office door with the high-level closure.
4. A photograph of the gate with the padlock in place.
5. A photograph of the light bulb with the cover in place.
6. The statement is accepted as evidence.
7. A photograph of the outdoor area where the picture was removed.

8. A photograph of the area from where the roll of carpet was removed.

Infection Control:

- 9. A photograph of children's lunches in the fridge.
- 10. The statement is accepted as evidence.
- 11. An invoice demonstrating the purchase of a small corner seating set.

Fire Safety:

- 12. The statement is accepted as evidence.
- 13. The certificate for servicing and testing of the fire detection and alarm system carried out on 22.4.'25.

Summary Comment

The requirement for the 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) It was evident from the staff rota that there were 2 adults with up to date First Aid Responder (FAR) training and one adult with up to date Paediatric First aid with the said certifications on file.
- (2)
 - (a) There was a first aid box stored in the secured kitchen.
 - (b) The first aid box was suitably stocked, and it was available for staff to attend to the children if required.

Non-Compliance Information

- (1) The staff roster evidenced that a person trained in first aid for children was not at all times immediately available to children. It was acknowledged the registered provider demonstrated that 2 staff members have enrolled for a FAR course commencing on the second week in May 2025.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (1) The roster was changed to provide cover at all times by a staff member with a FAR qualification. A further 2 staff members completed FAR training on 9.05.'25. All staff will be trained before the summer of 2025.

Supporting documentation submitted

The statements and rosters are accepted as evidence.

Summary Comment

The requirement for this regulation has been met.

Part VI - Safety

Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-
- (a) any fire drill that takes place in the premises, and
 - (b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

Compliance Information

- (1) The service had maintained in writing a record of the following: -
- (a) A record of each fire drill that had taken place in the service. The last recorded fire drill took place on 21.11.'24.
 - (b) A record of the number, type, and maintenance checks of the firefighting equipment and the smoke alarm. The records on file demonstrated the last check for the smoke alarm was 31.08.'23 and for the firefighting equipment was 07.07.'24.
- (4) A notice of the procedures to be followed in the event of fire was displayed in the service.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

A copy of the insurance certification for the service was furnished to the inspector.

The information provided on the insurance certificate included:

- the contact details for the insurance provider
- the name and address of the service insured
- the category of insurance cover for the service.
- the number of children covered by the insurance was for 22 children.
- The expiry date of the current insurance cover was 27/03/'26.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

A registered provider shall ensure that the premises of the service are-

- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required,*

Compliance Information

(c)

- Within the playroom and sanitary accommodation, natural lighting was provided through the windows and this was supplemented with artificial lighting.
- Adequate heating was provided in the playroom to ensure the room temperature was maintained within the range of 18-22 degrees Celsius.
- The air temperature of the children's sanitary accommodation was maintained within the range of 18-22 degrees Celsius. Since the last inspection an electric heater mounted on the ceiling outside the sanitary accommodation was put in place.
- The playroom and the sanitary facilities were supplied with natural ventilation, through openable windows.

Non-Compliance Information

- (d)
1. The fire door with the low-level push bar handle used to open the door located in the playroom was not opening freely on occasions. The release catch located on the top of the door was not freely releasing.
 2. There was no lid on one pedal operated bin in the children's sanitary accommodation.
 3. There was an area of the wall cracked with the paint peeling away in the children's sanitary/nappy changing room.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. The fire door was fixed. It will be checked each month to ensure that it is in working order.
2. A new bin was provided.
3. The wall was cleaned and painted.

Supporting documentation submitted

1. A video demonstrating the fire door opening freely.
2. A photograph of the new bin provided.
3. Photographs of the painted wall.

Summary Comment

The requirement for this regulation has been met.