

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KY085
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Name of Service:	Muire Gan Smal Childcare
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Address of Service:	Presentation Primary School, Castleisland, Co. Kerry
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Eircode:	V92 P803
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Name of Registered Provider:	Seamus Moynihan
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Service type:	Part Time
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Date of Inspection:	02/03/2026
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No of pre-school children:	AM	12	PM	7
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Address of the Early Years Inspectorate:	2 nd Floor, Estuary House, Henry Street, Limerick, V94 XT5F
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Inspection undertaken by:	S O'Brien
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Title:	Early Years Inspector
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Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

Conditions if applicable	N/A
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Description of service

Muire Gan Smal Childcare is an early years service, located in Presentation primary school in the town of Castleisland, Kerry. The service offers a part time service along with the Early Childhood Care and Education (ECCE) programme. The service caters for children aged 2 to 6 years. The service operates from 8.30am to 1.30pm, Monday to Friday. The service consists of two care rooms, sanitary facilities, a kitchen and office area. The service has an outdoor area to the rear of the service. The service is also registered to cater for school age children.

Staffing

There are seven staff members employed in the service. The registered provider is not based in the service. On the day of inspection, four staff members were present.

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.

The inspection focused on an examination of compliance under:

- Regulation 9: Management and recruitment

- Regulation 11: Staffing levels
- Regulation 16: Record in relation to a pre-school service
- Regulation 19: Health, welfare and development of child
- Regulation 22: Food and drink
- Regulation 23: Safeguarding health, safety and welfare of child
- Regulation 24: Checking in and out and record of attendance

However, on inspection additional non-compliance which posed a risk was identified under Regulation 29: Premises. These findings are outlined within the relevant regulation within this report.

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
- (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.

Compliance Information

(1)

- (a) The service had a designated person in charge and a named person who was able to deputise if needed.
- (b) The designated person in charge and the named person was present in the service for the duration of the inspection.
- (c) There was a clear management structure in the service, and all staff were aware of their roles and responsibilities.

(2) Seven staff files were reviewed which included the file of the registered provider.

- (a) Ten references were available from a past employer and were validated.
- (b) Four references were available from a reputable source and were validated.

(c) Garda vetting disclosures had been obtained for all seven staff members. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) Two police vetting disclosures were available in respect of one staff member who had lived outside of a state for longer than six consecutive months.

(4) Six of the seven staff members worked directly with the children and held a relevant qualification in early childhood care and education from level 5 to level 8.

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 ensured there was an adequate number of staff caring for the children for the duration of the inspection.

(2) The following adult to child ratios were observed and adhered to the minimum adult to child ratios.

In the morning:

- In the Buds room, there were 4 children aged between 3 and 4 being cared for by 2 staff members.
- In the Blossom room, there were 8 children aged between 4 and 5 years being cared for by 2 staff members.

In the afternoon:

- In the Buds room, there were 7 children aged between 3 and 5 being cared for by 4 staff members.
- (8) There was a minimum of two staff members present in the service while the service was in operation. This was observed on review of the staff roster made available to the inspector.

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:

- (i) details of staff rosters on a daily basis;
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;
- (k) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance Information

(1) The following records were reviewed:

- (i) There was staff roster available which indicated each staff members start and finish times.
- (j) Ten accident and incident reports were reviewed and were observed to be fully complete and contained the relevant information required.
- (k) Seven medication forms were available and reviewed and were observed to be fully complete and contained the relevant information required.

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 observed freely moving around the care rooms partaking in activities of choice.
- All the children were observed spending time in the outdoor area during the inspection. The staff outlined the importance of outdoor play for the children.
- The children were supported with toileting and handwashing as needed while the staff promoted independence skills.
- The children were encouraged to clean their noses throughout the day which promoted personal hygiene.

Supporting relationships:

- The staff were observed showing empathy towards children who were showing signs of upset and tiredness. The staff spoke to the children with gentle tones of voice and ensured they were at the child's level when communicating with them.
- A family picture and birthday wall were on display in the care room which support the children's sense of identity and belonging.
- The staff were observed working as a team and supported each other as needed during the inspection.
- The children were observed chatting to the staff during their morning snack making it a relaxed environment for the children to sit and enjoy their snack.
- The person in charge outlined the importance of partnership with parents and guardians. The service used an electronic application to communicate with them.

Physical and material environment:

- Interest areas were evident in both care rooms. The toys and equipment were clearly labelled and displayed for the children to play with.
- Children's artwork was on display. It was observed that children in the Blossom room had made daffodils which was based on the theme of spring.
- A range of books were available in the reading corners with soft couches for the children to sit and rest which promoted communication and emotional regulation.
- The children in the Buds room were observed painting their hands with different colour paint for St. Patrick's day art and craft. This promoted the children's sensory development.

- Children in the Blossoms room were observed singing songs and dancing which promoted the children's physical development. Physical development was also encouraged while in the outdoor area. Children were observed running, jumping, and playing on the swings and slides.

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

- The morning and afternoon snacks were supplied by the service. Some children's parents and guardians supplied the morning and afternoon snacks. Morning snack consisted of bananas, cheese and bagels.
- Children present in the afternoon and who were attending the service on a part time basis, had fruit and yoghurt.
- The children had individual water bottles that were observed to be used at mealtimes and throughout the day.
- The service had additional foods for the children in the event of additional portions being required.
- The foods available to the children on the day of inspection were observed to be balanced and nutritious.

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 main entrance to the service was secured which prevented any child from exiting unsupervised or any unauthorised access to the service.
- The outdoor area was secured with a gate and a fence which allowed the children to play in a safe and secure area.
- Cleaning products were observed to be stored out of reach to the children during the inspection.
- Blind cords were observed to be secured on inspection.

- Unsafe areas were observed to be secured to prevent children from gaining access.

Infection Control:

- Perishable food items were observed to be stored in a refrigerator which prevent foods from spoiling.
- Warm water, hand soap and paper towel were available in the sanitary areas. Water temperatures were recorded between 25.1°C to 33.2°C which allowed for effective hand washing.

Administration of Medication:

- No medication was observed to be administered on the day of inspection. On discussion, the staff were aware of the procedure to follow in the event of administration of medication being required.

Fire Safety:

- Fire exits were observed to be clear and unobstructed during the inspection.

Non-Compliance Information

General Safety:

1. In the Blossoms room, it was observed that an open window did not have a mechanism in place to secure the window to prevent a child from exiting or falling. A child was observed climbing on a couch and lying on the windowsill near the opened window. This posed a safety risk to the children.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

The registered provider stated in their response:

Corrective action

The windows have been secured with a key. The key is hung in a secure place out of reach to children. The service has contacted a window company to get safety hinges for the windows.

Preventive action

Ensure that the windows are locked until the safety hinges are fitted.

Supporting documentation submitted

General Safety:

Photographic evidence of the locked windows and key was submitted.

Summary Comment

The registered providers response and documented evidence was reviewed and has met the regulatory requirements. This will be reviewed at the next inspection.

Part VI - Safety

Regulation 24 - Checking in and out and record of attendance

(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.

(3) A registered provider shall ensure that-

(a) no person other than-

(i) pre-school child attending the service,

(ii) a person dropping or collecting such a child,

(iii) an employee, or

(iv) an unpaid worker, can enter the premises without his or her entry being approved by an employee, and

(b) a daily record in writing is kept of the entry on the premises of any such person.

Compliance Information

(1) The staff recorded the children's attendance on an electronic application and each child was checked in and out of the service on a daily basis.

- (3)
- (a) The person in charge requested the inspector to check in and out of the service on arrival and departure to the service.
- (b) A written record was available which outlined any visitors to the service.

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

Non-Compliance Information

(d) The following areas of the service were observed to be unclean and required repair:

- In the Blossom room, the wall near the sink was observed to be unclean.
- In the Buds room, the area around the sink was unclean and had exposed timber visible.

This posed a safety risk to the children as the areas had not been cleaned, maintained and repaired.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider stated in their response:

Corrective action

The sink area has been painted in the Blossom room. Exposed gaps around the sink has been filled and the area has been painted in the Buds room

Preventive action

Ensure that all areas are cleaned and maintained.

Supporting documentation submitted

Photographic evidence of the areas was submitted.

Summary Comment

The registered providers response and documented evidence was reviewed and has met the regulatory requirements. This will be reviewed at the next inspection.