

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015SO017
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Name of Service:	Happy Days Creche
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Address of Service:	Clarion Village, Ballytivnan, Sligo, Co. Sligo
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Eircode:	F91 A2FP
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Name of Registered Provider:	Sandra Loftus
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	25/02/2025
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No of pre-school children:	AM	89	PM	85
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Address of the Early Years Inspectorate:	Early Years Inspectorate, TUSLA Child & Family Agency, Markievicz House, Barrack St, Sligo, F91 XC84
Inspection undertaken by:	L Costello and K Folan
Title:	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).

Conditions if applicable	Not applicable
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Description of service

Happy Days Creche is situated within the Clarion village complex of Sligo town and is privately operated. The service is registered to provide a full day care service catering for children aged 0 - 6 years. The hours of operation are from 7.30am to 6.30pm catering for a maximum of 95 children. A school age service is also provided.

Staffing

On the day of inspection there was 31 adults in the service. This included the deputy person in charge who was supernumerary on the day, two adults were working in the kitchen and a bus driver. The registered provider is also the person in charge and was available on the day of inspection. There is one person employed in an administration capacity.

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 regulations 9 ,11, 16, 19, 23, and 25 however, on inspection additional non-compliance which posed a risk was identified under Regulation 30. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under:

Regulation 16 Records in Relation to preschool service

Regulation 19 Health welfare and development

Regulation 23 Safety

As a result, the scope of the inspection included the following rooms: Baby Room, Playschool Room, Sessional and Tweenies.

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 Regulatory Compliance meeting was held with the registered provider on the 6th of May 2025 due to outstanding non-compliances that were not addressed through the Corrective and Preventative Action (CAPA) process within the timeframes set out. Following the Regulatory Compliance Meeting, an additional CAPA response was submitted to the inspectorate on 12th of May 2025. This was deemed to satisfactorily address some of the non compliance outlined in the inspection report. The outstanding non-compliances will be subject to review at the services next inspection.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, person in charge, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Compliance Information

(1) (a)

There was a person in charge and a person available to deputise as required.

2) (a) (b)

All employee files were reviewed on the service last inspection in June 2024. It was confirmed by the registered provider that eight adults were employed since the last inspection and these files were reviewed.

Of the eight adult files thirteen written and verified past employer references and three written and verified references in the absence of a past employer were available.

(c)

A garda vetting disclosure was available for all 31 adults in the service. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years

(d)

Two of the eight adults recently employed had international police vetting as the adult employed in the service that had lived outside the state for a period of longer than six consecutive months.

(4)

Five adults had attained major awards in Early childhood care and education at level 5 or above on the national framework of qualifications, or qualifications deemed by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to meet the regulatory requirement.

Non-Compliance Information

(4)

One staff member who worked directly with the children attending the service did not have written documentation to confirm that the qualifications they held was at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs (DCEDIY).

Inspectors were informed at a closing meeting that a letter has been sent to the DCEDIY for equivalence of qualification and proof of this was forwarded to the inspectorate on 26/02/25.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

In a written response the registered provider stated:

We are awaiting confirmation of the qualification, We will aim to have this verified prior to the start date but it can take a while for DCEDIY to respond.

Supporting documentation submitted

A copy of the email sent to the department was sent to the inspectorate on the 12th of May.

Summary Comment

The corrective and preventive actions submitted by the Registered provider adequately address the non-compliance found on inspection.

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 that an adequate number of staff were working on the premises to work with the preschool children.

(8) (a)
There were at least two adults present in the service during the inspection.

Non-Compliance Information

(2)
The registered provider did not ensure that the minimum adult to child ratios were provided in the service as follows:

- In the Toddler room on the morning of inspection at 09.45 to 13:00, three adults cared for 16 children aged from one year to two years. The minimum adult to child ratio for children aged one to two years is one adult to five children.

- In the Tweenies room, during adult lunch breaks between 14:19. and 14:35, two adults cared for 18 children between the ages of 1 year 11 months and 3 years. The minimum adult to child ratio for children aged from 1- 2 years is one adult to five children and for children aged 2-3 years is one to adult to six children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

In a written response the registered provider stated:

The Registered provider stated that staff rosters have been reviewed and adjusted to ensure required ratios are met at all times. The Registered Provider will complete regular review of staffing and children's attendance to ensure ratios are adhered to.

Supporting documentation submitted

A copy of a roster with staff's break times was sent to the inspectorate on the 12th of May.

Summary Comment

The corrective and preventive actions submitted by the registered provider adequately address the non-compliance found on inspection and this regulation is now compliant.

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;

(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.

(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records referred to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.

Compliance Information

(1)

(h) Daily attendance records were available for the preschool service.

(j) The service demonstrated adequate medication administration records.

(k) Details of accidents and incidents were recorded in book in each care room.

(3)

The records detailed in (h) (i) (j) and (k) were made available to the authorised person on the day.

Non-Compliance Information

(1) (i)

The registered provider had a rolling roster in place where the staff members were aware of their weekly hours and start and finish times. However, the service did not provide times when staff members take their break or the name of the staff members that provides break cover. It is acknowledged that at closing meeting the inspectors were informed that the staff that also work in the school age service staff provide break cover, however the roster did not demonstrate this on the day.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

In a written response the registered provider stated:

The Registered provider stated that staff rosters have been reviewed and adjusted to ensure required ratios are met at all times. The Registered Provider will complete regular review of staffing and children's attendance to ensure ratios are adhered to.

Supporting documentation submitted

A copy of a roster with staff's break times was sent to the inspectorate on the 12th of May.

Summary Comment

The corrective and preventive actions submitted by the registered provider adequately address the non-compliance found on inspection and this regulation is now compliant.

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

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

(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

Compliance Information

BASIC NEEDS:

- Healthy eating is promoted in the service with the service providing all meals to the children. On the day of the inspection the children had coconut bread for morning snack, turkey and vegetable pasta bake for dinner and breadsticks with cheese and fruit for tea. Water was available to children throughout the day. Adults sat with the children during mealtimes and engaged in conversation, providing support when required.
- In the sessional room, children used the toilet by themselves, and adults provided support where needed, for example reminding children to wash their hands after using the toilet.
- In the 'Tweenies' room, children in nappies were changed on schedule at least three times per day and more regularly when needed.
- Some children in the 'playschool room' were being toilet trained at the time of inspection, and this was promoted within the service. Children's toileting needs were attended to in a timely and appropriate manner.
- A schedule for sleep is in place in the toddler and tweenies room. Children who displayed sleep cues outside of the scheduled time were facilitated to sleep and did not have to wait for the scheduled time.
- Sleep in the 'Babies room' was on response to children's individual needs and occurred at various times throughout the day.
- Sleep time in the 'playschool' room was structured and those who required sleep were supported to have their rest time in stackable beds in the sleep room.

- A rest time was facilitated in the 'playschool' room after lunch with a screen showing of a cartoon to allow children to relax.
- Children had appropriate clothing for going outdoors such as coats and hats and on the day of the inspection 'tweenies' 'sessional' and 'play school' spent time outside.

SUPPORTING RELATIONSHIPS:

- In the rooms, Interactions between adults and children were warm and the children displayed familiarity with the adults caring for them. Children who were settling in were given extra reassurance and comfort by adults. Soft tones were used by adults when speaking to children.
- A written record of each child's day was kept by the service, and this was given to parents at the end of each day. This record included a list of activities completed by the child, meals and drinks, sleep or rest times and toileting/nappy changing.
- In the 'tweenies' room, a key worker system was in place.
- In the 'sessional' room, children's artwork was stored in folders with each child's name and picture on it. The children took pride in their achievements and enjoyed showing the inspector their individual folders.

PHYSICAL AND MATERIAL ENVIRONMENT

- The children enjoyed spending time in the fully enclosed outdoor area. The children were observed to play energetically, using a range of ride on tricycles with varying passenger capacity.

Non-Compliance Information

Physical and Material Environment:

1. In the 'sessional room' there was a lack of age-appropriate play materials for the children to engage in outside of adult led craft activities. Child initiated activity was limited to engaging with a small number of books, magnet boards and alphabet magnets, wooden blocks and plastic bricks and a small selection of dinosaurs. The range of materials was inadequate for the effective provision of challenging, diverse, creative and enriching experiences for children to promote all areas of development. For example, sensory materials such as sand and water were not available to children, nor were equipment or materials with real world representation to support imaginary play such as dress up, small world materials, a home corner or figurines. Materials to support fine motor development such as play dough, puzzles or jigsaws were not available to the children.

2. The quantity and accessibility of play equipment and materials in the 'playschool room' was inadequate to meet the learning and development needs of the 20 children attending the play school room. The room had no defined areas of interest and resources were scattered across the room resulting in children having limited opportunities for play as observed in the following situations:
 - One child was playing with a jigsaw and unable to finish this jigsaw as there was missing pieces, resulting in the child becoming upset at not being able to accomplish a task.
 - There were limited resources stored on shelving, one play kitchen was provided, however resources to facilitate imaginative and role play in this area were not available to the children.
 - Drinking water was brought into the classroom at approx. 11.47, A group of children drank some water and then proceeded to place their hands in the cups and flick water as a sensory experience. A water table would provide the appropriate sensory play opportunity for children.
3. The insufficient number of resources in the 'Playschool's room led to children becoming frustrated and a number of disagreements and physical altercations between children occurred. These included children being hit on the head with train tracks, pulling chairs away from other children, throwing blocks at each other and hitting out. While staff members intervened to deescalate these situations easy access to resources would reduce confrontation and disagreements.
4. In the baby room, staff members could not sit comfortably and hold and comfort the young children when required throughout the day as there was no adult sized armchair provided. This was evident when adults were trying to comfort children prior to sleep time in a plastic chair with no arm support and when feeding the younger children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

In a written response the registered provider stated:

1. The Registered Provider stated that following discussion with staff, re: equipping of the room with suitable and sufficient materials A regular review of rooms to ensure there are sufficient and stage appropriate materials provided for the children using the room.
2. The Registered Provider stated that following discussions with staff members, suitable and appropriate materials have been introduced into the room. Water play will be regularly provided for the children There will be ongoing review to ensure staff members comply with the changes.

3. The Registered Provider stated that additional materials have been provided, and all staff members have attended positive behaviour support training provided by Canavan Byrne. There will be on-going review to ensure practices are appropriate to the children being cared for in the room.
4. The Registered Provider stated I am currently trying to source an appropriate chair as requested. The Registered Provide will provide a chair for the adults.

Supporting documentation submitted

1. Photographs of shelving equipped with a variety of resources was submitted on the 12th of May.
2. Photograph of the room was submitted to the inspectorate on the 12th of May.
3. No evidence submitted.
4. No evidence submitted.

Summary Comment

The registered provider submitted corrective and preventive actions with some evidence of completion. This regulation will be reviewed on next inspection. Points 3 and 4 remain outstanding.

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 door was secure on the inspectors unannounced arrival to the service.
- Windows were fitted with restrictors.
- Cleaning materials were stored safely on high shelving, out of the reach of children.
- The outdoor area was inaccessible to members of the public.

Infection Control:

- In the 'tweenies' room, adults and children were observed to follow correct hand hygiene procedures. Adults reminded children to wash their hands after using the toilet, before eating and upon returning from the outdoors.

Administration of Medication:

- On interview staff members were aware of the medication administration procedures and could explain the safe steps of administration if required.

Safe Sleep:

- Six standard cots and individual floor beds were available for children under two years of age.
- Stackable floor beds were available for children over two years of age.
- Sleep room temperatures were maintained within the safe temperature limits.

Fire Safety:

- Emergency exit doors were free of hazards on the day of inspection.
- Fire evacuation routes were displayed on the walls in the care rooms.

Non-Compliance Information

General Safety:

1. Leads from electric heaters were not secure in the 'Tweenies room' and 'Playschool room' posing a risk to the preschool child.
2. A blind cord in the 'Tweenies room' was unsecured to the wall. It is acknowledged that the cord was out of reach of the children.

Infection Control:

3. One mattress in the baby sleep room was torn exposing foam, resulting in an inability to clean the mattress effectively and posing a risk of infection control. This was also a noncompliance on the most recent inspection in June 2024.
4. A fish tank in the 'Playschool room' had large accumulations of algae on the glass and surface of the water, resulting in stagnant water. This was also a non-compliance on a previous inspection in December 2023.
5. All walls in the 'Playschool' and much of the 'wooden shelving' were covered with crayons and markers and required cleaning and painting.

6. Waste bins in the 'playschool room' and 'sessional room' were not the required foot operated pedal bins to reduce the risk of cross contamination. This was identified on the most recent inspection as a non-compliance in June 2024.
7. The general hygiene of the care rooms required attention for infection control reasons as follows:
 - Floors in the toddler room and Play school room had evidence of a build-up of black dirt.
 - Windows in the 'playschool room' 'toddlers' and 'tweenies' had a build-up of a white substance.
 - Nappy changing areas in the 'Toddler room' did not appear to be cleaned with a build-up of dust under the nappy mat.

This was previously identified as a non-compliance on a previous inspection in December 2023.
8. Appropriate delph was not provided to the children at snack time. In the sessional room, coconut bread was served to the children on paper napkins posing a risk of infection control.
9. There were no hand towels available in the sanitary accommodation in the sessional room to allow for adequate hand hygiene.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. The Registered Provider stated that all leads have been secured appropriately and will be secured at all times.
2. The Registered Provider stated that the cord has been secured, and all cords will be checked regularly.

Infection Control:

3. The registered Provider stated that there was a mattress cover in place which protected the mattress. Unsure why Inspector removed cover Previous inspection agreed that mattress covers were acceptable. The Registered provider stated they will try and source alternative mattresses.
4. The Registered Provider stated that the fish tank has been removed
5. The Registered provider stated that the room has been cleaned, and painting will be completed over the Easter break when the service is closed.
6. The Registered Provider stated that new bins have been purchased.

7. The Registered provider stated that the cleaner has been advised of shortfalls and deep clean of areas has taken place. The Registered provider will review the areas regularly.
8. The Registered Provider stated that appropriate delph will be provided for snacks.
9. The Registered Provider stated that the dispensers have been refilled with towels and will be checked regularly.

Supporting documentation submitted

General Safety:

1. Photographic evidence of secure area submitted to the inspectorate on the 12th of May.
2. Photographic evidence of secured blind chord submitted to the inspectorate on the 12th of May

Infection Control:

3. Photographic evidence of mattress submitted to the inspectorate on the 12th of May.
4. Photographic evidence of windowsill where fish tank was placed submitted on the 12th of May.
5. Photographic evidence of painting submitted to the inspectorate on the 12th of May.
6. Photographic evidence of new bins purchased submitted on the 12th of May.
7. Photographic evidence of cleaned areas submitted to the inspectorate on the 12th of May.
8. Photographic evidence of appropriate delph submitted to the inspectorate on the 12th of May.
9. Photographic evidence of towel dispenser submitted to the inspectorate on the 12th of May.

Summary Comment

The corrective and preventive actions submitted by the registered provider adequately address the non-compliance found on inspection and this regulation is now complaint.

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)
Two adults were trained in first aid responder and available to the children at all times.
- (2) (a)
A suitably stocked first aid box was stored in the main office of the service.
- (2)(b)
The first aid box was available to the children when required.

Part VII - Premises and Space Requirements

Regulation 30 - Minimum space requirements

(1) Subject to paragraphs (2) to (6), a registered provider shall ensure that adequate clear floor space is available in the premises for the work, play and movement of children attending the pre-school service.

Non-Compliance Information

(1)
There was insufficient floor space provided for the children in attendance in the Toddler and Tweenies play rooms on the day of inspection. The minimum floor space required in line with regulations for the children in attendance in correspondence with their age and length of time in the service.

Name of Room	Age Range of Children	Type of care Provided	Number of Children in Attendance	Required clear floor space	Available Floor space	Maximum children allowed for available floor space
Tweenies Room	1 year 11 months-3 Years	Full day care	18	2.35m ² Per child (42.3m ²)	31.195m ²	13 children
Toddler Room	1 years to 2 years	Full day care	15	2.8m ² per child (42m ²)	31.31m ²	11 children

Therefore, an additional 11.10 square meters was required in the Tweenies room to meet the clear floor space required for the number of children in the full day care service. An additional 10.69 square meters was required in the Toddler room to meet the needs of the children on the day of inspection.

Adequate floor space in the toddler and tweenies room was identified as a non-compliance on a previous inspection in 2022.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The Registered Provider stated that the groups have been split, and they are utilising the physical room to avoid congestion. This will be reviewed regularly.

Supporting documentation submitted

Documentary evidence of the rooms divided was submitted to the inspectorate on the 12th of May.

Summary Comment

The non-compliance identified under point (1) remains outstanding as the service did not submit evidence to demonstrate that regulatory compliance had been achieved. This will be reviewed on next inspection.