

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2016KE009
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<b>Name of Service:</b>	Tender Years Creche
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<b>Address of Service:</b>	Old Caragh Road, Naas, Co. Kildare
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<b>Eircode:</b>	W91 NX77
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<b>Name of Registered Providers:</b>	Claire Doyle, Tracy Smullen
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	10/03/2025
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<b>No of pre-school children:</b>	AM	62	PM	42
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Suite 7, Vista Primary Care, Ballymore Eustace Rd, Naas, Co Kildare
<b>Inspection undertaken by:</b>	R. Brien & S. Early O' Brien
<b>Title:</b>	Early Years Inspectors

### Authority to Inspect

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

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

Tender Years Creche is one of three privately owned services operated by the registered providers. The service provides full day, part time and sessional care for children aged 0 to 6 years. The service is registered to operate from 07:00 to 18:30, Monday to Friday.

The service is located in a purposely adapted single storey premises on the outskirts of Naas in Co. Kildare. There are four care rooms in the main building and a fifth care room is located in a prefabricated unit to the side of the premises. The Baby room caters for children aged 11 months to 1 year. The Toddler room caters for children aged 1 to 2 years. The Preschool 3 room caters for children aged 2 to 3 years. The Preschool 1 and 2 rooms cater for children aged 3 to 4 years.

There is a dedicated cot room adjacent to the Baby room. A fully enclosed outdoor area is available to the side of the premises.

### Staffing

The service currently employs 17 staff. There were 14 adults working directly with the children on the day of inspection including a manager who works across the services operated by the registered providers and who arrived following the inspectors' arrival. The service also employs a chef, a cleaner and a staff member who carries out administrative duties.

The registered providers do not work directly in the service and were not present on the day of inspection.

### Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation

- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ records/ health, welfare and development of child/ safety/ premises and facilities. The inspection may also focus on other areas as required.

9 (1)(a)(b),(2)(a)(b)(c)(d),(4) – Management and recruitment,  
11 (1),(2),(4),(8)(a) – Staffing levels,  
16 (1)(h)(i)(j)(k) – Record in relation to pre-school service,  
19 (1)(a)(b) – Health, welfare and development of child,  
23 – Safeguarding, health, safety and welfare of child,  
25 – First aid,  
26 (1),(4) – Fire safety measures,  
29 (e) – Premises,  
30 – Minimum space requirements.

However, on inspection additional non-compliance was identified under the following regulations:

8 (1)(3) – Notification of change in circumstances,  
31(c) – Notification of incidents.

These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under the following regulations;

16 (1)(h) – Record in relation to a pre-school service,  
19 (1)(a),(b) – Health, welfare and development of child,  
23 – Safeguarding, health, safety and welfare of child.

As a result, the scope of the inspection included the Baby, Toddler and Preschool 3 care rooms.

A sampling process was used to assess compliance under regulation 16 (1)(j),(k) – Record in relation to a pre-school service.

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

An Immediate Action Notice was issued on the day of inspection for non-compliance identified under Regulation 23 General safety. A number of toys found in the Baby and Toddler rooms were unsuitable and unsafe for children under 3 years of age as detailed under regulation 23. These toys were removed from the room on the day of the inspection by the inspector. The registered providers submitted a response on 12<sup>th</sup> March 2025 which should address the risk identified on inspection.

### Acknowledgments

The inspectors wish to acknowledge the cooperation of the person in charge, 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.*

*(3) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) or (2), as the case may be, of a 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), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.*

#### Non-Compliance Information

(1)(3)

The registered providers did not notify the Agency in advance of implementing changes to the service's registered details as follows;

- The number of children the service can accommodate at one time. The service is registered to provide care to a maximum of 60 children, however on the morning of inspection there were 62 children present.
- The person in charge on the service's registered details was not present on inspection and does not work directly in the service. On the inspector's arrival, the manager identified themselves as the person in charge.

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

##### Corrective and Preventive Action

We have submitted additional documentation to the Change of Circumstance team and are now awaiting their next course of action. This will either involve a Fit for Purpose inspection or the approval of the Change of Circumstance.

We will constantly monitor future booking to ensure that our numbers are correct at all times.

##### Supporting documentation submitted

Written evidence was presented to demonstrate the preventive actions submitted by the registered providers.

### Summary Comment

Evidence of the completed change in circumstances process was not submitted. The corrective actions as stated by the registered providers have not addressed this non-compliance. This non-compliance remains outstanding. The regulatory requirement has not been met.

### 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,*

*(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.*

*(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.*

*(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)(b)
- The service had a designated person in charge and a named person to deputise as required who were both on the premises throughout the inspection.
- (2)
- The files of 19 adults were reviewed as part of the inspection. This included nine staff members who had commenced working in the service since the last inspection on 26<sup>th</sup> July 2022 and one student. Documentation was reviewed in respect of these adults and met regulatory requirements as follows:
- (a)(b)
- Of the 38 validated, written references that were required, 30 were available from a past employer and 8 were available from a reputable source.
- (c)
- Garda vetting disclosures from the National Vetting Bureau of An Garda Síochána were available for 19 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 required for eight staff members and was available for five staff members who had lived outside the State for a period exceeding 6 months as an adult.
- (4)
- Records were available evidencing that the 15 staff members who were employed to work directly with the children held the required qualification or equivalent.

## Non-Compliance Information

- (2)(d)
- Police vetting was not available for three adults who had lived outside the State for a period of longer than 6 consecutive months.

(3)  
The registered providers did not take appropriate measures to ensure that all employees were suitable to work in an early years service prior to commencing employment as outlined below;

- The registered providers did not ensure that a Garda vetting disclosure was obtained for one adult prior to them commencing work in the service. The staff member commenced working in the service on the 16<sup>th</sup> September 2024 and Garda vetting was obtained on the 30<sup>th</sup> September 2024.
- It is acknowledged that two validated references were available for a staff member who had previously been employed in the service and who had returned to work in the service in September 2024. However, the validated references available were dated from 2022 and had not been renewed before the staff member commenced employment on 16<sup>th</sup> September 2024.

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

#### Corrective and Preventive Action

(2)(d)

Police vetting was sought for the 2 staff members and is on their file. We have followed up with the NPCC regarding the status of the police vetting and are awaiting its return. As of today, we are on day 18 of the process, with an expected completion within the coming week.

All CV's will be double checked to ensure that if any staff member has worked outside of Ireland for 6 months police vetting will be sought

(3)  
It will be communicated with all new staff members that their start date will be moved until garda vetting is received. Start dates of all staff will be delayed until the garda vetting has been received.  
We have now received and validated the reference from last employer. All returning staff will have a full New Hire Checklist completed and new file.

#### Supporting documentation submitted

Written evidence was presented to demonstrate the corrective and preventive actions submitted by the registered providers.

### Summary Comment

(2)(d)

Evidence of police vetting for one adult was not submitted. This non-compliance remains outstanding. The regulatory requirement has not been met.

(3)

The corrective and preventive actions as stated by the registered providers have been deemed to address this non-compliance.

## 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.*

*(4) Subject to paragraph (5), where a registered provider contemporaneously provides-*

*(a) a sessional pre-school service, and*

*(b) a full day care service or a part-time day care service, or both, the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).*

*(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)

An adequate number of adults were working directly with the children at all times during the inspection.

(2)(4)

The minimum ratio of adults to children for full day care services and services that contemporaneously provide a sessional and full day care service were adhered to at all times during the inspection. There were 62 children attending the service being supervised by 14 adults on the day of inspection.

(8)(a)

There were at least two adults on the premises at all times.

## Part IV – Information and Records

### Regulation 16 – Record in relation to pre-school service

*(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:*

*(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.*

### Compliance Information

(h)

Details of the attendance of each child in the Baby, Toddler and Preschool 3 rooms were recorded at the time of entering and leaving the service.

(i)

The staff roster was available on the day of inspection and reflected the adults working in the service.

(j)

A sample of 10 medication administration records were reviewed. These records were signed by staff and parents and were completed appropriately.

(k)  
A sample of 10 accident and incidents records were reviewed. These records were signed by staff and parents and were completed appropriately.

### 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*
- (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

The service had a healthy eating policy in place and all meals are provided by the service for children who attend on a full day care basis. Children who attend on a sessional basis bring in their own lunch from home. Meals were provided at regular intervals. Dinner was served at 12:00. Staff were observed asking children if they wanted more and additional servings of dinner were provided to all children who requested more. Children were encouraged to feed themselves and staff supported younger children who needed assistance with their dinner. Younger children were given bibs for dinnertime. Drinking water was accessible to children throughout the inspection and children were given a drink with their meals.

Children's care needs were observed to be met promptly. Staff were observed cleaning children's noses as required and children's hands and faces were cleaned after dinner as required. Younger children's nappies were changed regularly, and staff were observed engaging warmly with children when providing this care.

Children in the Baby room were placed to sleep when they displayed signs of tiredness and there was a designated nap time for children attending the Toddler room and younger children attending the Preschool 3 room. Cots and suitable beds were provided appropriate to the children's age and stage of development. All children were made comfortable for sleep; staff removed children's shoes and outer clothing; they provided the children with blankets, and they offered soothers to those who used them. The environments were calm and conducive to sleep, with staff soothing the children as needed during this time.

The service had a key person system in place. Staff demonstrated a good awareness of the needs of each child in their care and responded to children's cues promptly. Staff demonstrated warmth and sensitivity during their interactions with the children throughout the inspection. Children were comforted promptly when they became upset. Staff were observed holding children and speaking to them softly. Staff provided an appropriate level of supervision whilst supporting the children's independence during play and mealtimes. Staff were observed to use distraction, gentle tones and praise when promoting positive behaviour in line with the service's behaviour policy.

The staff described how they communicate with parents daily about their child using an online application detailing information on food, sleep and nappy changes and at arrival and collection time.

The care rooms were arranged into areas of interest including arts and crafts materials, home corners, construction toys, rest areas with books and sensory play materials providing children with the freedom to play and explore. The care rooms provided a range of developmentally appropriate play experiences for the children and were adequately resourced with a variety of materials. Family photos and children's art work were displayed in the care rooms.

The environments were laid out to support the children's independence. Play materials were observed to be accessible to the children on low level shelving. Low level tables and chairs were available in the care rooms.

A fully enclosed outdoor play area was located to the side of the premises and was separated into three sections. A range of developmentally appropriate play equipment was provided in each of the outdoor play areas. Children from the Toddler and Preschool 3 rooms were provided with the opportunity to play outdoors and were dressed appropriately to the weather.

### 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 entrance door to the service was adequately secured to ensure the safety of the children within and to avoid unauthorised persons accessing the service or children exiting unsupervised.
- All blind cords were secured.
- Cleaning agents were stored safely out of reach of children.
- All storage facilities were inaccessible to children.

##### Infection Control:

- Liquid soap, warm water and paper towels were available to facilitate hand washing. Staff and children were observed to wash their hands in line with the infection control policy.
- Children's nappies were changed in line with the service's nappy changing policy to reduce the risk of the spread of infection.
- A system was in place for the effective sterilisation of soothers.
- Individual bed linen was provided for children and was stored separately when not in use. Staff stated that bed linen is laundered weekly or as required.
- All cot mattresses in use had waterproof covers.

##### Administration of Medication:

- The service had an administration of medication policy in place. There were documented care plans available for three children attending the service who required emergency medication. Staff working in the rooms with the children were aware of the treatment plans and demonstrated a thorough knowledge of the procedures to follow if the medication was required.
- Staff demonstrated, through discussion, that they were familiar with the procedures and practices in place for the administration of medication in line with the services policy on medication administration.

##### Safe Sleep:

- Children were physically monitored while sleeping and sleep checks were documented. Discussion with staff demonstrated that staff were familiar with safe sleep guidelines.
- An adult remained in the room at all times where children were sleeping on low level beds.

### Non-Compliance Information

#### General Safety:

1. An Immediate Action Notice was issued on the day of inspection as a potential choking risk was identified on inspection. The registered providers did not take reasonable measures to ensure play equipment was safe and appropriate to the age of children attending. Inspectors observed and removed two boxes of unsafe equipment from the Baby room and three boxes of unsafe play equipment from the Toddler room. The boxes contained toys that were unsuitable for children under three years of age and were accessible to the children in the Baby and Toddler rooms. The items contained small parts and posed a risk of choking. In the Baby room, 1 child present was aged 11 months and 4 were aged 1 year. In the Toddler room, 9 children present were aged 1 year and 1 was aged 2 years.
2. Two children in the Preschool 3 room were observed to have whole grapes in their lunch. Whole grapes are not suitable for young children as they pose a risk of choking. Staff in the room cut the grapes when it was brought to their attention by the inspector.

#### Infection Control:

3. In the Preschool 3 room, children were observed lifting the lid of the pedal bin to dispose of waste posing a risk of the spread of infection.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

1. All toys were risked assessed after the inspection and any that were deemed a risk were removed and replaced with more age-appropriate toys. Room risk assessments carried out monthly.
2. All parents have been reminded that when providing snacks for their children that grapes should be cut in half. Staff have also been re-trained on the food handling policy. Food handling training and note for parents.

#### Infection Control:

3. The children are reminded to use the pedal of the bin when placing rubbish in the bin and that staff ensure that the pedal is always accessible to the children. Room risk assessment to check that the bin can be operated by its pedal where it is situated.

#### Supporting documentation submitted

## General Safety:

Written evidence was presented to demonstrate the corrective and preventive actions submitted by the registered providers.

## Infection Control:

Written evidence was presented to demonstrate the corrective and preventive actions submitted by the registered providers.

## Summary Comment

The corrective and preventive actions as stated by the registered providers have been deemed to address this non-compliance.

## 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)

A person trained in first aid was immediately available to the children at all times on the day of inspection.

(2)

(a) First aid boxes were safely stored in an easily accessible and conspicuous location within the Toddler and Preschool 2 rooms.

(b) First aid boxes were available to the adults and children in the service at all times.

### 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)

(a)

A written record was available detailing monthly fire drills that had taken place in the service. The last fire drill had been recorded as undertaken on the 27<sup>th</sup> February 2025.

(b)

The number, type and maintenance record of firefighting equipment and smoke alarms on the premises was available. There was a record to show that fire fighting equipment had been serviced 6<sup>th</sup> November 2024 and that maintenance of the smoke alarm system had taken place on 11<sup>th</sup> February 2025.

(4)

The procedures to be followed during a fire drill and in the event of a fire were displayed in a conspicuous location within the service.

### Part VII - Premises and Space Requirements

#### Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-*  
*(e) equipped with adequate and suitable sanitary facilities.*

#### Compliance Information

(e)  
There were an adequate number of toilets and handwashing facilities available to adults on the day of inspection.

### 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.*

*(2) A registered provider of a full day care service or a part-time day care service shall ensure that the minimum amount of clear floor space specified in column (3) of Schedule 7 opposite a particular reference number specified in column (1) of that Schedule in respect of the age range of children specified in column (2) thereof at that reference number is available for each child in that age range attending the service.*

*(3) A registered provider of a sessional pre-school service or a pre-school service in a drop-in centre shall ensure that a minimum of 1.818 square metres of clear floor space is available for each child attending the service.*

*(4) Where a registered provider contemporaneously provides-*

*(a) a sessional pre-school service, and*

*(b) a full day care service or a part-time day care service, or both,*

*the minimum clear floor space applicable for the duration of the sessional preschool service in respect of the children attending that service shall be the floor space specified in paragraph (3).*

### Compliance Information

(1)(2)(3)(4)

As detailed under Regulation 8, the service is registered to provide care to a maximum of 60 children, however on inspection, 62 children were present. Staff stated that on the busiest day, 68 children were present. As a result, the five care rooms were measured to determine if adequate clear floor space was available to the children in attendance on the day of inspection.

Adequate clear floor space was available for the work, play and movement of 66 children attending on a full day care and sessional basis as demonstrated below:

Room Name	Age of children	Space available m <sup>2</sup>
Baby Room	0-2 years	16.49m <sup>2</sup>
Toddler Room	1-2 years	32.16m <sup>2</sup>
Preschool 1 Room	3-6 years	33.17m <sup>2</sup>
Preschool 2 Room (Sessional only)	3-6 years	33.7m <sup>2</sup>
Preschool 3 Room	2-3 years	37.8m <sup>2</sup>

## Part VIII - Notifications and Complaints

### Regulation 31 - Notification of incidents

*A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:*

*(c) an incident that occurs in the service and that results in the service being closed for any length of time;*

#### Non-Compliance Information

(c)

The registered providers did not notify the Agency within 3 working days of an incident which resulted in the closure of the service on 26<sup>th</sup> February 2025.

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

##### Corrective and Preventive Action

(c)

It was complete oversight that we did not inform the Agency that we had to close the service due to a power cut on the 26th February. Please note we did submit the form after our inspection. We have added to our emergency produce file that should we have to close the service due to any reason other than been notified by the department that we have to inform Tusla.

##### Supporting documentation submitted

Written evidence was presented to demonstrate the corrective and preventive actions submitted by the registered providers.

#### Summary Comment

The corrective and preventive actions as stated by the registered providers have been deemed to address this non-compliance.