

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2020DL006

Name of Service: Shelly's Childcare Service

Address of Service: 12 Logan Close, Ludden, Buncrana, Co. Donegal

Eircode: E93 K VX6

Name of Registered Provider: Michelle McKenna

Service type: Full Day, Sessional

Date of Inspection: 12/03/2025

No of pre-school children:	AM	47	PM	39

Address of the Early Years Inspectorate:	Tusla Early Years Inspectorate, 2nd Floor, St. Conal's Campus, Letterkenny, Co. Donegal. F95 XK94
Inspection undertaken by:	N McEndoo 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

Shelly's childcare service is a privately owned and operated early years' service situated in small rural housing development a short drive from the large town of Buncrana on the Inishowen peninsula. The service is registered to provide full day care and sessional preschool to children aged 0-6 years and operates between the hours of 6.30am-6.30pm each weekday. The service is also registered to provide school age care.

The premises consists of a detached dormer style dwelling house that has been purposely adapted for the provision of an early years' service. There are two care rooms on the ground floor namely the baby and toddler rooms and two rooms on the first floor providing both sessional and full day care provision to preschool children. Sanitary accommodation is available for children on both the ground and first floor, and a kitchen is also located on the ground floor. There is an enclosed garden area to the rear of the premises providing outdoor play for children.

Staffing

There are a total of 13 adults working in the service which includes the registered provider who is on the premises and works directly with the children on a daily basis. Of the 13 adults, 11 worked directly with the children and one adult works in the kitchen preparing meals. On the day of inspection there were 11 adults present in the service.

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.

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 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
- (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.

(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) The registered provider ensured that.

- (a) There was a designated person in charge and a named adult to deputise in their absence.
- (b) The designated person in charge was available on the premises throughout the period of inspection.
- (c) There was 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.

(2) On the day of inspection, 11 adults were present, 9 adults worked directly with the children, one adult in a supernumerary role and one adult who was the chef.

The following vetting information was available for 12 adults:

- (a) Ten written validated references from past employers for six of the adults.
- (b) Eight written validated references from reputable sources for four of the adults.
- (c) Garda vetting disclosures had been obtained for all 13 adults.
- (d) Police vetting from the police authorities in another state was available for one adult who had lived outside the state for a period of six consecutive months or more.

(4) Ten of the adult files reviewed, evidenced they held a major award at level 5 or above in early childhood care and education on the national qualification framework, or qualifications deemed by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to meet the regulatory requirement.

Non-Compliance Information

(2) The following vetting information was not available:

- (a) (b) Written validated references from past employers for 4 adults, or in the case where past employer references are not available, a written reference from a reputable source.

(4) One of the adult files did not contain evidence of a major award at level 5 or above in early childhood care and education on the national qualification framework, or qualifications deemed by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to meet the regulatory requirement.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(a)(b) A copy of written validated references from past employers for 4 adults or in the case where past employer references are not available, a written reference from a reputable source have been sourced and submitted,

(4) Evidence of a major award at level 5 or above in early childhood care and education for one adult has been sourced and submitted.

All documents required are now on file, going forward we will ensure that we have these all on file and will be double checked by both managers to ensure same.

Supporting documentation submitted

Copies of required documentation submitted.

Summary Comment

The actions and evidence submitted have been reviewed. The non-compliances identified under Regulation 9 have been adequately addressed.

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.

Compliance Information

- (1) On the morning of the inspection, 9 adults cared for 47 children between the aged of 9 months to 4 years 2 months.

Non-Compliance Information

- (2) Minimum ratios of adults to children were not adhered to in the following rooms. Required ratio of adults per children's age group are listed below. These instances occurred when staff were required to leave the care rooms for nappy changes.

Age Range	Required Ratio
0-1 years	1:3
1-2 years	1:5
2-3 years	1:6
3-6 years	1:8

- Baby room at 11:10am
One adult cared for eight children. Four aged 0-1 years and four aged 1-2 years.
- Wobbler Room from 11:12am

Two adults cared for 12 children. Ten aged 1-2 years, and two aged 2-3 years.

- Toddler room at 10:17am

Two adults cared for 14 children. All aged 2-3 years.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Management has reminded staff that during nappy changes, or whenever a staff member needs to leave the room, they must request a manager to step in and provide cover. This is standard practice at Shelly's Childcare; however, due to nerves on the day of inspection, it was not consistently followed.

Management has addressed the issue directly with staff in both rooms and emphasized that it must be always adhered to. Management will also be more vigilant during these periods to ensure appropriate cover is in place. A reminder has been issued to all staff.

Supporting documentation submitted

Copy of internal memo submitted.

Summary Comment

The actions and evidence submitted have been reviewed. The non-compliances identified under Regulation 11 have been adequately addressed.

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;*

Non-Compliance Information

(1) (i) It is acknowledged that records pertaining to a staff roster was held for adults working within the service, however details of break time and lunch time cover was not available within the roster.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The details are available on the back of the Rota. Breaks are always detailed on the Rota and on the white board at reception. Staff are always aware of what time their breaks are and who is covering.

Supporting documentation submitted

Copy of breaks submitted.

Summary Comment

The actions and evidence submitted have been reviewed. The non-compliances identified under Regulation 16 have been adequately addressed.

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 was found to be secured on arrival preventing unauthorised access or exit from the premises.
- The outdoor area was secured with tall wooden fencing and a bolted gate.
- A large climbing frame suitable for older age groups was observed to be gated, preventing younger children from accessing.
- Window restrictors were observed on windows as a safety measure, to prevent accidental falls by children.
- Wooden gates were present in the hallway and the stairwell to prevent children from accessing the staircase unsupervised.
- Materials were observed to be in a good state of repair.
- Warm running water was available for hand washing at a temperature below 43°C.
- Cleaning products and equipment were stored out of the reach of children.
- Waste disposal facilities were inaccessible to the preschool children.

Infection Control:

- Aprons and gloves were observed to be worn when handling and serving children their meals.

Administration of Medication:

- Medication records were kept detailing the name and date of birth of the child, the name and dosage of the medicine and the staff and parents' signature.

Safe Sleep:

- The service had a designated sleep room with appropriate cots available to children under 2 years of age.
- Sleep checks were observed to occur every ten minutes.
- The Sleep room temperature was recorded at 17.7°C within the acceptable range of 16 to 20°C on the day of inspection.

Fire Safety:

- Fire doors were observed to be unobstructed throughout the service.

Non-Compliance Information

General Safety:

1. The doors of the downstairs care rooms were observed to pose a potential risk of injury to a child. On three occasions, when entering the rooms, children were located behind the doors. As a result, the doors came into contact with the children, resulting in a bump to a head or body.
2. The radiator in the toddler room was observed to have a sharp point and was accessible to the children, posing a risk of injury.
3. Several paint tins and wooden building materials had been left accessible in the outdoor play area, posing a risk of harm.
4. A vent in the outer wall of the building was broken, posing a risk of harm and was easily accessible for vermin.
5. The covering on a large swing had torn, leaving the internal foam exposed and in need of repair.
6. Children in the baby room were seated on inappropriate height chairs for their age and stage of development. Children's feet were not able to touch the ground and therefore could not stabilize themselves.

Infection Control:

7. Swing top bins were present throughout the service, posing a risk of cross-contamination.
8. Handwashing practices were observed to be inconsistent among staff and children on the day of inspection. In the Baby room, baby wipes were used in place of warm water and soap; however, baby wipes are not an acceptable method for proper hand hygiene.
9. A roller cloth towel was observed to be in use in the downstairs sanitary area, disposable paper towels should be used.
10. Nappy changing mats in the changing room needed replacing as they were worn and could not be effectively cleaned.
11. Mattresses in the sleep room did not have a wipeable and waterproof cover and could not be effectively cleaned posing a risk of cross contamination.

Safe Sleep:

12. Children under the age of 24 months were observed to sleep on fold up foam mats in the Wobbler room and not the required floor bed for children under 24 months. Children over 24 months were observed to sleep on the same mats. The sleep mats did not measure above 6cm in depth. Floor beds for children under 24 months must have a firm, flat and waterproof mattress. Mats for all aged groups must be a minimum depth of 6cm, so that they offer the same level of support and comfort that they would have when sleeping in a cot or a bed.

Corrective & Preventive Action submitted by the Registered Provider

Corrective & Preventive Action

The registered provider has stated that all non-compliances have now been rectified and will not occur in the future.

General Safety:

1. The Fire Doors in both the Baby Room & Wobbler Room have now been replaced with fire doors with windows, so that staff can now view through the door to ensure that no child is behind the door when entering.
2. A new cover cap has now been put on the radiator in the toddler room.
3. Paint tins and building materials were removed immediately, works had been ongoing and hence why the materials were there. All is now removed.
4. The vent in the outer walls has now been replaced with a new one.
5. A new large swing is now in place.
6. Chairs will not be used in the Baby room for babies whose feet do not touch the floor. All babies in this room are now kept in Highchairs.

Infection Control:

7. New foot pedal bins have now been placed in all rooms.
8. It has been reiterated to all staff that children must be brought to the sink to have hands washed with soap and water. Baby wipes must not be used.
9. The roller cloth towel is now not in use and only disposable paper towels are now used.
10. Both nappy changing mats have now been replaced with new ones.
11. All mattresses in the sleep room now have a waterproof cover and these are cleaned daily.

Safe Sleep:

12. New floor mattresses have now been ordered for all children that are 10cm in depth.

Supporting documentation submitted

Photographic evidence submitted.

Summary Comment

The actions and evidence submitted have been reviewed. The non-compliances identified under Regulation 23 have been adequately addressed.

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.

Non-Compliance Information

(1) The registered provider did not ensure that a person trained in first aid response (FAR), was immediately available at all times to the children attending the service. There was one staff member who was trained in FAR, however this staff member was rostered to take a lunch break from 12:30 to 13:00 and to finish work at 16:00. During these times there was no staff member available to the children who is trained in FAR.

It is acknowledged that evidence was available on the day of inspection indicating that four staff were trained in paediatric first aid.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

It is important to clarify that all staff members in Shelly's Childcare Ltd. are fully trained in Paediatric First Aid. It mentions four staff were trained but all staff in Shelly's have this Cert.

We have also now had a total of 8 staff members now trained in FAR since the inspection.

We are now aware that Paediatric First Aid does not suffice, and you must have 1 FAR trained on the premises at all times as stated by the inspector. We since now have 8 staff members trained in FAR to ensure over 50% of our staff is now trained in FAR as well as their paediatric First Aid Qualification. 1 FAR trained staff member will be on the premises at all times.

Supporting documentation submitted

Copies of FAR qualifications submitted for eight staff members.

Summary Comment

The actions and evidence submitted have been reviewed. The non-compliances identified under Regulation 25 have been adequately addressed.

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.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,
 - (b) an employee, and
 - (c) an authorised person.
- (3) A registered provider shall ensure that a record referred to in paragraph (2) is retained for a period of 5 years after its creation
- (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 procedure was in place to practice and record monthly fire drills. The last documented fire drill was dated the 3 March 2025.
 - (b) A record of the number, type, and maintenance of firefighting equipment in the service was on file.
- Records indicated that the last annual maintenance for the firefighting equipment and the fire detection system was dated 8 October 2024.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The registered provider ensured adequate insurance was in place for the full day care service for 70 children up until 27 March 2025.