

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2024KK001
--------------------------	-------------

<b>Name of Service:</b>	Little Shamrocks
-------------------------	------------------

<b>Address of Service:</b>	Main Street, Ballyhale, Kilkenny, Co. Kilkenny
----------------------------	--

<b>Eircode:</b>	R95 X2X8
-----------------	----------

<b>Name of Registered Provider:</b>	John Whittle, Anne Whittle
-------------------------------------	----------------------------

<b>Service type:</b>	Full Day, Part Time, Sessional
----------------------	--------------------------------

<b>Dates of Inspection:</b>	26/11/2025
	27/11/2025
<b>Date of Regulatory Compliance Meeting:</b>	26/11/2025

<b>No of pre-school children day 1</b>	AM	24	PM	19
<b>No of pre-school children day 2</b>	AM	23	PM	N/A

<b>Address of the Early Years Inspectorate:</b>	Tusla Child and Family Agency, Early Years Inspectorate, Ely Hospital, Wexford.
<b>Inspection undertaken by:</b>	E Mc Garry
<b>Title:</b>	Early Years Inspector

### Authority to Inspect

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

<b>Conditions if applicable</b>	Not applicable
---------------------------------	----------------

### Description of service

This service is operated from a terraced house which has been adapted to provide a preschool service. The premises is situated in the village of Ballyhale Co Kilkenny. The service is registered to provide a full day care service to children aged from 1 to 6 years. The service is also registered to provide a sessional Early Years Care and Education programme (ECCE) from 09:00 to 12:00 daily. The service is open from 08:00 to 18:00 daily. The service consists of two preschool rooms, toilets, nappy changing facilities, and office and kitchenette, a sleep room and an outdoor area to the rear of the service.

### Staffing

There are seven staff employed in the service. The two registered providers do not work directly with the children. All staff held a major award in Early Childhood Care and Education at Level 5 and above on the National Qualifications Framework.

### 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.

Regulation 9 Management and Recruitment (1) (2) (a) (b) (c) (d) (4),

Regulation 10 Policies and Procedures,  
 Regulation 11 Staffing levels (1) (2),  
 Regulation 17 Information for parents,  
 Regulation 19 Health, welfare and development of child,  
 Regulation 22 Food and Drink,  
 Regulation 23 Safeguarding Health, Safety, and Welfare of the Child,  
 Regulation 25 First aid (1) (2) (a) (b),  
 Regulation 28 Insurance.  
 Regulation 29 Premises,

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 to the registered provider on the 26 November 2025 due to the absence of a working smoke alarm in the service. A referral was made to the fire officer on 26 November 2026. While a response was provided by the registered provider on the following day it did not resolve the risk. A regulatory compliance meeting was held with the inspection and registration manager and one of the registered providers on 26 November 2025 regarding this matter.

### Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered providers, 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.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

- (a) the policies, procedures and statements of the service specified in Schedule 5;
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and
- (c) these Regulations.

#### Compliance Information

(1)(a)(b)

The manager was the designated person in charge on both days. There was a designated deputy also employed in the service. One of the registered providers was in service on the second day of the inspection.

(2)(a)(b)

Following a discussion with the manager and on review of documentation, it was established that there were seven staff employed in the service. All staff files were reviewed on the day of inspection. All required written and validated references were available on file in the service.

(c)

There was evidence of Garda vetting available on file in the service for all staff members. The service demonstrated partial compliance (see regulation 23) with the Early Years Inspectorate Regulatory Notice to renew Garda vetting every 3 years for 7 staff.

(d)

Police vetting was not required as no staff member had lived in a state other than Ireland for a period of longer than six consecutive months.

(4)

All staff who were working directly with the children held a major award in Early Childhood Care and Education at Level 5 or above on the National Qualifications Framework.

(7)

The manager had ensured that all employees were appropriately supervised and provided with appropriate information and training to carry out their duties in the service. Staff who spoke to the inspector said they had regular staff meetings where they were given information in relation to any issues in the service. Staff stated they had one to one meetings with the manager who gave them the opportunity to discuss any issues they had in the service.

### Part III – Management and Staff

#### Regulation 10 - Policies, procedures etc. of pre-school service

*A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.*

#### Compliance Information

There were written policies, procedures, and statements, as specified in Schedule 5, available for the service. The policies on the healthy eating policy and the safe sleep policy were reviewed on this inspection and were found to be complete and specific to the setting.

### 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)

There was an adequate number of staff working with the children during the day of inspection.

(2)

#### Day 1

10:30

There were 24 children aged from 1 to 6 years in the care of 5 staff.

14:50

There were 19 children in the care of 4 staff.

#### Day 2

10:30

There were 23 children aged from 1 to 6 years in the care of 5 staff.

(2)

The minimum ratio of adults to children was always maintained for the duration of the inspection.

### Part IV – Information and Records

#### Regulation 17 – Information for parents

*A registered provider shall ensure that a parent or guardian of a child proposing to attend the service is provided with the information referred to in subparagraphs (a) to (g) of Regulation 16(1).*

#### Compliance Information

There was information for parents on the operation of the service. This information was available in a hard copy and was reviewed by the inspector. The service provided parents with information as required under regulation 17. The information booklet provided for parents contained an outline of the curriculum, the hours of operation,

contact details and the facilities available within the service. There was also information included on the day to day running of the service and how to contact the service.

## 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

The staff roster did not reflect the staff who were working daily in the service. There was a person who worked remotely rostered as working daily in the service.

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

##### **Corrective and Preventive Action**

The staff rota has been amended to reflect a record of the staff who are working directly with the children daily. New staff rotas will reflect only staff who are working directly with the children going forward.

##### **Supporting documentation submitted**

No evidence received.

#### Summary Comment

The response submitted is satisfactory to meet the requirements of the The Child Care Act 1991 (Early Years Services) Regulations 2016.

## 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

(1)(a)

The manager ensured each child's learning development and well-being were facilitated within the daily life of the pre-school service through the provision of the appropriate activities materials and equipment having regard to the ages and stages of the development of the child as evidenced by the following observations on both days of the inspection.

Children in the mighty shamrocks were observed enjoying circle time with staff. Staff were kind and attentive to their needs. For example, children were encouraged to take turns telling their friends their news from home.

Children who were initially shy were given time to express their thoughts and gently facilitated to speak to the group. Children in the mini shamrocks were observed playing in the outdoor area. Staff were kind and attentive making sure they were wrapped up in their coats and hats in the cold weather.

Both preschool rooms were equipped with stimulating play equipment and materials for children to use and enjoy.

The mighty shamrocks room upstairs had a family wall of photos of the children with their parents. There was a large wooden shelved unit with a selection of books for children to read, a supply of paints, crayons and paper for children to draw on, a home corner with child sized utensils and a construction area with a miniature construction bench. On the wall, staff had displayed original artwork of the children's handprints. Staff had taken the time to display each child's photo over a hook for children to store their coats and bags.

The mini shamrock room was equipped for the younger children in the service. There was a cosy nook under the stairs with books for children to enjoy. There were miniature toys and small word toys for the children to play with.

(1)(b)

Appropriate and suitable care practices were observed. Staff were prompt and attentive when attending to nappy changing in the service. Talking to the children and making them comfortable during the procedure. The sleep needs of the children were met in the little shamrocks room. Younger children were facilitated to sleep in the cots in the sleep room. Older children slept on cot beds in the main little shamrocks room. The lights were dimmed, and staff ensured the children had a quiet space to sleep in.

Children were given water to drink and younger children who needed to be helped with feeding were given assistance when required.

### Non-Compliance Information

The equipment in the outdoor area was worn and needed to be replaced. For example:

1.  
There was a large dolls house which was worn.
2.  
The large container which staff said usually contained sand for children to play with was empty.
3.  
The mud kitchen had a limited number of utensils for children to use to enjoy imaginative play in the area.

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

#### Corrective and Preventive Action

1.  
The dolls house has been removed.
2.  
The sand pit has been replenished. A back up supply of sand has been ordered to ensure there is a supply when the sand already in use needs to be replaced.
3.  
The mud kitchen has been updated to ensure existing utensils are accessible to the children.

## Supporting documentation submitted

1.  
No evidence received.
2.  
No evidence received.
3.  
A photograph of the mud kitchen set up for the children was received by the inspector.

## Summary Comment

The response and evidence received are satisfactory to meet the requirements of The Child Care Act 1991 (Early Years Services) Regulations 2016.

## 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 service had a healthy eating policy in place in the service. Most of the meals and snacks were provided by parents. The service has a supply of fruit and crackers for children who may need extra snacks in the evening time for a snack at 16:00. Children were observed to enjoy a variety of snacks on both days of the inspection. They had fruit, vegetables, yogurts, and sandwiches. Hot meals provided by their parents were reheated in the microwaves in the service.

Children were given water to drink, and staff were observed refilling the drink bottles as required.

## 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:

Access to the service was gained through the door which was secured on arrival and remained secure for the duration of the inspection. The outdoor area in the service was safe, suitable and secure.

##### Infection Control

The service was clean. There were daily and weekly cleaning schedules maintained. The service had an infection control policy. Staff were attentive to children's personal hygiene during the day. The staff were observed to support the children in washing their hands before meals, after using the toilet and after messy play. There was warm water to support hand washing, liquid soap, disposable hand towels and foot pedal operated bins provided across the service. The nappy changing area was well organised and situated beside an openable window to provide ventilation in the area.

##### Safe Sleep

The service had one designated sleep room. Individual bed linen was available. Staff who spoke with the inspector were aware of safe sleep practices. For example, they were knowledgeable on how often a sleeping child is physically checked, recording the observations such as colour, position and breathing rate and temperature of the sleep room. Observations on the sleeping children's colour, position and breathing were carried out and recorded every 10 minutes on the services mobile tablet.

##### Administration of medication:

The service had an administration of medication policy. The policy was reviewed by the inspector and was found to contain the elements required aspects for the safe administration of medication in a preschool setting.

##### Outings

The service did not facilitate outings.

### Non-Compliance Information

1. The inspector identified significant risk in the service regarding fire safety:
  - There was documentary evidence to demonstrate that the fire detection system was not working. A recent servicing record stated that the system was not functioning. The person in charge was not aware of any plans to address this risk when asked by the inspector.
  - The inspector found that the registered providers had failed to implement actions directed by the fire officer in the aftermath of a fire in the premises in 2023.
2. The Garda vetting for both registered providers had not been renewed in the past 3 years as required in compliance with the Early Years Inspectorate Regulatory Notice to renew Garda vetting every 3 years for all staff and registered providers.

### Action submitted by the Registered Provider

#### **Corrective & Preventive Action**

1.
  - The inspector has received documentary confirmation from the registered provider stating a person has been employed to replace the existing smoke alarm system on the 20 February 2026. This work is planned to be carried out over a weekend.
  - The additional work the registered provider had failed to implement following direction by the fire officer in the aftermath of a fire in the premises in 2023 is now reduced to the replacement of a fire box in the hallway of the service. This work has yet to be carried out. It is acknowledged the registered provider has engaged with the fire officer and is in the process of addressing this outstanding issue in the service with the direction of the fire officer.
2.

The inspector has received confirmation of the renewal of one of the registered providers garda vetting. The updated garda vetting for the remaining registered provider remains outstanding.

#### **Supporting documentation submitted**

1.

Confirmation from the registered provider that a person has been employed to replace the smoke alarm in the service on the 20 of February 2026 was received by the inspector.

2.

A copy of renewed garda vetting for one of the registered providers was received by the inspector. The renewed garda vetting for the remaining registered provider remains outstanding.

### Summary Comment

The response and evidence submitted is not sufficient to meet the requirements of The Child Care Act 1991 (Early Years Services) Regulations 2016. This regulation will be reviewed on the next inspection.

## 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)  
There were four staff trained in a first aid responder course and were available to cover the roster in the service.

(2)(a)(b)  
There was a suitably equipped first aid box stored in an easily accessible position on the premises and was available to the children attending the preschool service.

## Part VI - Safety

### Regulation 28 - Insurance

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

#### Compliance Information

There was insurance in place to cover the number of children the service was registered to accommodate.

## 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)

There were low sized couches in the outdoor area. The couches were torn at the side and open to the rain and elements. The sponge filling in the couches was wet from the rain. The couches needed to be replaced.

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

##### Corrective and Preventive Action

The couches have been disposed of.

##### Supporting documentation submitted

No evidence received.

#### Summary Comment

The response and evidence submitted is satisfactory to meet the requirements of The Child Care Act 1991 (Early Years Services) Regulations 2016.