

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2019RN003SA
Name of School Age Service:	Ballymurray Afterschool
Name of Registered Provider:	Ellen Kenny
Address of School Age Service:	Ballymurray Co. Roscommon
Eircode:	F42 PW52

Date of Inspection:	4 December 2024			
Number of school age children present during inspection:	AM	Not applicable	PM	21
Registration status:	Registered			
Conditions (if applicable):	Not applicable			

Address of the Early Years Inspectorate	Early Years Inspectorate Primary Care Centre Church Avenue Tullamore Co Offaly R35K1W4
Inspection undertaken by:	A Spain K Folan
Title:	Early years inspectors

Authority to Inspect
Tusla's 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).

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Description of Service:

Ballmurray Afterschool is a standalone school age service located in a rural primary school in south Roscommon. The service cares for children in the age range 4 to 15 years between the hours of 1.55 and 6.00pm. A breakfast club is also provided by the service between the hours of 8.10 and 9.10am. The service has the use of the school resource room and a second classroom in the school. A Pitch and the school playground at the back of the building are available for outdoor play. Children provide their own food and snacks and reheating facilities are available in the service.

Staffing:

The service is staffed by three adults. On the day of inspection, there were two staff present in the service. The registered provider also works directly in the service.

Additional Information:

An Immediate Action Notice was issued on the 7 December 2024 as it was deemed that there was an immediate risk to the safety of the children. The entrance door to the school building was unsecured on arrival of the inspectors and for the duration of the inspection allowing unauthorised access to the service.

Legislation

Tusla's Early Years Inspectorate is the independent statutory regulator of School Age Services in Ireland, and its role is to promote and monitor the safety and quality of school age care provision in accordance with the following legislation:

- The Child and Family Agency Act 2013, Part 12.
- Child Care Act 1991 (Early Years Services) (Registration of School Age Services) (Amendment) Regulations 2022.
- The Child Care Act 1991 (Early Years Services) Registration of School Age Services

Regulations 2018 (S.I. 575 of 2018).

A school age service means any early years service, play group, day nursery, crèche, day-care or other similar service which:

- caters for children under the age of 15 years enrolled in a school providing primary or post-primary education,
- provides a range of activities that are developmental, educational and recreational in manner, which take place outside of school hours, the primary purpose of which is to care for children where their parents are unavailable, and
- the basis for access to which is made publicly known to the parents and guardians of the children referred to in point (a) above.

It is the responsibility of a registered provider to ensure the safety and well-being of school age children and the above legislation authorises Tusla to assess compliance with the Regulations.

Inspection Methodology:

The inspection is unannounced to assess compliance with the Child Care Act 1991 (Early Years Services) Registration of School Age Services Regulations 2018 (S.I. 575 of 2018), Child Care Act 1991 (Early Years Services) (Registration of School Age Services) (Amendment) Regulations 2022, and the Child Care Act 1991, Section 58 as amended by Part 12 of the Child and Family Agency Act, 2013.

The findings on inspection are gathered through a triangulation method, including:

- Information obtained through examination of documentation.
- Direct observation.
- Discussion with relevant staff.

This inspection aims to determine the extent to which service is appropriate for the care, safety, and wellbeing of children in accordance with the regulations cited above.

Inspection findings are documented in the School Age Services 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 corrected the non-compliance and how they will prevent them 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 CAPA 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.

Acknowledgements:

The inspectors wish to acknowledge the co-operation of the children, registered provider and staff member who were present on the day of inspection.

Summary of Findings:

On inspection, the registered provider was found to be compliant in relation to:

Regulation 8(1)(a)(b)(c)(d): Vetting disclosures;

Regulation 9 (1) (2)(4): Staffing levels;

Regulation 12: Insurance;

On inspection, the registered provider was found to be non-compliant in relation to:

Regulation 8(2): Vetting disclosures;

Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013

Conclusion and follow up actions:

The inspector reviewed the actions and evidence that the registered provider submitted. The non-compliances found on inspection have been adequately addressed.

Regulation 8: Vetting disclosures

(1) A registered provider of a school age service other than a childminding service 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.

(2) The procedures specified in paragraph 1 shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the school age service.

Regulatory Requirement Met

(1)(a)(b)(c)(d)

Two references were held on file in respect of the three staff members working in the service. Four references were sourced from past employers and two references were sourced from a source other than a past employer. A Garda vetting was held on file in respect of the three staff members and the registered provider. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years. The service had documented evidence of the ongoing measures taken to

secure Police vetting for one staff member who had lived outside of the state for over six consecutive months as an adult

Regulatory Requirement not met

(2)

Staff references were not validated prior to staff having access to the children in attendance in the service. This could pose a risk to the safety of the children.

Corrective & Preventive Action Response submitted by the Registered Provider

(2)

The registered provider submitted written confirmation of validation of all staff references as conducted on the 5 December 2024. The validations were noted on the staff references. As a preventive measure, it was indicated on the CAPA response received on the 23 December 2024 that new staff will not be recruited to the service until references are validated.

Summary of Findings

(2)

The registered provider provided actions to correct and prevent the reoccurrence of the non-compliance identified under Regulation 8:Vetting disclosures. This has been accepted by the inspectorate and is deemed to meet the regulatory requirement.

Regulation 9: Staffing levels

- (1) *Subject to this Regulation, a registered provider of a school age service other than a childminding service shall ensure that there is at all times an adequate number of competent and suitable adults on the premises while the service is operating.*
- (2) *Without prejudice to paragraph (1), a registered provider of a school age service other than a childminding service shall ensure that there is a minimum ratio of 1 adult to 12 children at all times while the service is operating.*
- (4) *A registered provider of a school age service shall ensure that the school age children attending the service are appropriately supervised at all times.*

Regulatory Requirement Met

(1)(2)

Two staff members cared for 21 children of arrival of the inspectors. At 4.30pm, 16 children remained in the service and were cared for by the two staff members present. The children's attendance records for the service and the staff roster confirmed that all children were signed into the service on arrival with two staff members rostered present. The children's departure from the service was recorded as parents arrived at staggered collection times. The inspector reviewed the attendance records and staff roster for the week of the 11 November 2024. Records for the week confirmed that the maximum number of children in attendance for the breakfast club was 16 children with two staff members present on both the 12 and 13 November 2024. The maximum number of children in attendance, after school was the same week was recorded as 24 children with 3 staff members present on the 13 November 2024.

(4)

The staff were observed to supervise and engage in conversation with the children as children made snowmen and Christmas trees to decorate the school windows. Children were observed to be provided with colours and pictures to engage in colouring activities.

Regulation 12: Insurance

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

Regulatory Requirement Met

The service had insurance cover for a maximum of 24 children in daily attendance in a school age service. Insurance cover was valid from the 28 March 2024 to the 27 March 2025.

Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013

It shall be the duty of every person providing an early years service to take all reasonable measures to safeguard the health, safety and welfare of children attending the service and to comply with regulations made by the Minister under this Part.

Regulatory Requirement not met

The registered provider did not ensure that all reasonable measures were in place to safeguard the health, safety and welfare of children attending the service on the day of inspection.

1. The entrance door to the school building was unlocked which allowed unauthorised access by a member of the public. An Immediate Action Notice was issued to the registered provider on 5 December 2024 as there was a potential immediate risk of unauthorised access to and exit from the service.
2. None of the staff had up to date first aid training. This could pose a risk to the safety of the children for example in the event of a medical emergency. It was acknowledged that one staff member present in the service had First Aid Responder Training which had expired in March 2024. Subsequent to the inspection written confirmation was received from the registered provider to indicate that four staff members in the service had enrolled in an online First Aid

Course. It was also advised that certification will be submitted as each staff member completes the course.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider submitted a response to the Immediate Action Notice on the 6 December 2024 which outlined that the following actions were put in place.

In agreement with the school principal, the entrance door to the school building will be locked at all times after school hours with immediate effect. Parents will be required to present themselves at the window of the afterschool room to notify staff of their arrival to collect a child. Children will be taken to the school door for collection which will be relocked when children have left. All teaching staff in the school building have been aware of the new security measures put in place to ensure the school door can be locked if school staff leave during operational hours of the service.

The registered provider advised that a doorbell will be installed on the school door. Once installed, parents will be required to ring the bell to gain access to the school to collect their child. The registered provider also advised that parents have been contacted to inform them of the measures taken by the service to secure access to the premises during operational hours of the service.

2. The registered provider submitted a copy of the certification to confirm that one staff member had successfully completed an online Paediatric First Aid course on the 30 December 2024. It was advised in CAPA response to the inspection report that the registered provider will take responsibility for ensuring that staff complete first aid training before certification expires. The registered provider submitted two further copies of certificates on the 12 January 2025 to confirm that two additional staff members had completed an online Paediatric First Aid course on the 11 January 2025.

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Summary of Findings

1.2.

The non-compliances found on inspection have been adequately addressed. This will be reviewed on the next inspection of the service.