

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2021CW013SA
Name of School Age Service:	Dolmen Nursery & Montessori School
Name of Registered Provider:	Linda Mellon
Address of School Age Service:	6 Dolmen Gardens, Co Carlow
Eircode:	R93 V576

Dates of Inspection:	10 April 2025			
Number of school age children present during inspection:	AM	N/A	PM	7
Registration status:	Registered			
Conditions (if applicable):	Not Applicable			

Address of the Early Years Inspectorate	Primary Care Centre, Castle Park, Arklow, Co Wicklow
Inspection undertaken by:	L O' Connor
Title:	Early years inspector

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:

Dolmen Nursery & Montessori School is located on the outskirts of Carlow town. It is registered to cater for up to 11 children aged 4 to 12 years old and operates from 7am to 9am and 1.30pm to 6.30pm Monday to Friday during term time.

The school age children have access to one care room in the service. There is an outdoor area to the rear of the premises.

There is a pre-school service operating onsite which is registered separately.

Staffing:

The service employs a total of 8 adults, including the registered provider who does not work in the service.

On the day of inspection, there were six adults present in the service. There were 7 school age children and 18 pre-school children aged 1 to 5 years old present.

Additional Information:

These findings were noted during an inspection of the pre-school service.

An Immediate Action Notice was issued due to the potential immediate risks relating to appropriate supervision under Regulation 9: Staffing levels. Please refer to the relevant regulation. An adequate response was received from the registered provider on the 11 and 14 April 2025.

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:

- a) caters for children under the age of 15 years enrolled in a school providing primary or post-primary education,
- b) 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
- c) 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 inspector wishes to acknowledge the co-operation of the children, person in charge, and staff who were present on the day of inspection.

Summary of Findings:

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

- Regulation 8(1)(2): Vetting disclosures;
- Regulation 9(4): Staffing levels;
- Regulation 12: Insurance;
- Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Conclusion and follow up actions:

Based on the actions and supporting documentation submitted, the requirements have been met for and will be assessed on the next inspection.

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)

In discussion with staff members, it was outlined that one staff member was assigned to work directly with school age children. A second adult was available, and support was available from the manager of the service. However, in the afternoon, the school age children were supervised intermittently by all six staff members present within the early years service. As a result, a total of eight staff files were reviewed and the following was noted:

(a)(b) Written validated references were available for the eight adults from a previous employer and/or a source other than a previous employer.

(c) The required Garda Vetting disclosures were in place for the eight adults. However, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice.

Regulatory Requirement not met

(1)(d)

Police vetting was required for four adults and two were available for review. Evidence of police vetting was not available for one staff member who required it. While there was a police vetting record available for another staff member, it was not evidenced that this had been considered as it had not been translated.

(2) Recruitment and vetting procedures were not carried out in advance of appointment for all staff. The service did not consider the police vetting for two staff prior to their appointment.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)(d)

One of the police vetting records has been translated and the other staff member no longer works in the service. All documents for recruitment will be in place prior to the appointment of staff going forward/ added to staff files.

(2) All documents for recruitment will be in place prior to the appointment of staff going

forward and added to staff files. A checklist is now in place for Manager and Deputy to complete before the commencement of new staff

Summary of Findings

The regulatory requirement has been met for Regulation 8: Vetting disclosure.

Regulation 9: Staffing levels

(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 not met

(4)

The school age children were not appropriately supervised by an adult at all times by sight or sound on two occasions. An Immediate Action Notice was issued to the service on 11 April 2025 due to the following concerns;

- a. The inspector observed three school age children aged five to seven years by themselves eating dinner in the Montessori room at 2.15pm. A staff member was not supervising them by sight or sound at this time. The inspector asked a pre-school staff member who should be working in the school age service. The school age staff member named was then seen leaving the service to collect children from school at 2.25pm. At this point the pre-school staff member went to the room with the school age children.
- b. At 3.25pm, there was seven school age children aged 5 to 12 years alone within the Montessori room. A staff member was not supervising the school age children by sight or sound at this time as they were in the kitchen area preparing the snack for teatime for the children in the pre-school and school age service. The staff member returned to the room at 3.40pm.

This posed an increased safety risk for the school age children as the children were not appropriately supervised during these times.

Corrective & Preventive Action Response submitted by the Registered Provider

(4) The supervision was revised and the importance was expressed to staff members by management. Clear responsibilities are now set out for all. Additional staff were hired, including a staff member to prepare food. This will prevent the need for staff members to leave the area of supervision.

The service submitted a roster which reflects the groups of children allocated to staff, additional staff hired and staff breaks.

Summary of Findings

Actions and supporting documentation was submitted regarding the staffing in place and supervision measures. Based on the implementation of these actions, the inspectorate is assured that reasonable measures have been taken by the registered provider. Regulation 9: Staffing levels will be assessed on the next inspection.

Regulation 12: Insurance

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

Regulatory Requirement met

The service was insured for 11 school age children to attend at any one time. The policy was dated from 28 March 2025 to 27 March 2026.

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 service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. On review two Garda Vetting disclosures were dated over 3 years ago.

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Corrective & Preventive Action Response submitted by the Registered Provider

The service has re-vetted all staff and all re-vetting will be carried out in the specified timeframe going forward. The Garda Vetting documentation was submitted to the inspectorate.

Summary of Findings

The requirement has been met for Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. and will be assessed on the next inspection.