

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2021DR002SA
Name of School Age Service:	Bright Minds Childcare and Montessori Ltd
Name of Registered Provider:	Stephanie Gratton
Address of School Age Service:	128 Balally Drive, Dundrum, Dublin 16.
Eircode:	D16 P025

Date of Inspection:	30 September 2024			
Number of school age children present during inspection:	AM	n/a	PM	26
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:

Bright Minds Childcare and Montessori Ltd is located in Dundrum, Dublin 16. The service is registered to accommodate pre-school and school age children. It is registered cater for up to 40 school age children aged 4 to 12 years old. The service operates accommodates for school age children from 8.00am to 8.45am and 1.30pm to- 6.00am Monday to Friday.

The service operates from a converted residential property. The school age children have access to one care room on the ground floor. The school age children are provided with an outdoor area within the adjoining primary school.

Staffing:

There are four adults within the service who work directly with the school age children, including the registered provider.

On the day of inspection, there were four adults working directly with the school age children.

Additional Information:

The inspection was conducted following receipt of feedback and concerns. A response was received from the registered provider on 27 September 2024.

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, registered provider, 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 compliant in relation to the following:

- Regulation 8(1)(a)(b)(c)(d)(2): Vetting disclosures;
- Regulation 9(1)(2)(4): Staffing levels;
- Regulation 12: Insurance;
- Regulation 13: Complaints.

The registered provider was found to be non-compliant in relation to the following:

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

Conclusion and follow up actions:

The registered provider submitted actions and supporting documentation to demonstrate the remedial works undertaken for the sanitary accommodation for the school age children. This non-compliance has been addressed.

The service is registered to accommodate a maximum of 40 school age children. The registered provider, through their CAPA outlined that the indoor space available can accommodate a maximum of 24 school age children at any one time. It is noted that an application has been made to the Registration Office of the Early Years Inspectorate. However, as this application is ongoing, this non-compliance will be assessed on the next inspection.

The requirement of Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. have not been met 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)(d)

Four staff files were reviewed. There were eight references available from a previous employer and/or a from a source other than a previous employer. These were validated as required. Four Garda vetting disclosures were available, and the service adhered to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Police vetting was not required for the four staff.

(2)

It was demonstrated that the required documentation was in place prior to the four staff being appointed, assigned or allowed access to or contact with a child attending the school age service.

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)(4)

The adult to child ratio was maintained throughout the inspection. On the day, there was four adults present with 26 school age children. There was an adequate number of adults working with the children and the registered provider explained that assistance, if required, was available from the staff who worked with the preschool children.

The children were appropriately supervised throughout the inspection. The two groups of children were observed to be outdoors in the adjoining school yard throughout the inspection. Two adults were with each of the groups and while outdoors the adults used similar strategies for supervision. This included the adults observing the children from a reasonable distance by sight, providing verbal reminders for the boundaries in place for the children and freely moving around the area to supervise the children by sight.

Regulation 12: Insurance

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

Regulatory Requirement met

The service was insured for 60 children to attend at any one time. This includes preschool and school age children. The policy was in place until 24 March 2025.

Regulation 13: Complaints

- (1) A registered provider of a school age service other than a childminding service shall ensure that the complaints policy of the service specifies—*
- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,*
 - (b) the manner in which such a complaint shall be dealt with, and*
 - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.*

Regulatory Requirement Met

(1)

The complaint policy for the school age service was available for review. The policy detailed the required procedures to include the procedures to follow to make a complaint, how it should be dealt with and how the person is kept informed.

Staff were familiar with the complaint's procedure in place within the service and outlined the procedure to follow.

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

1. Reasonable measures were not put in place by the registered provider to provide an accessible indoor environment for all of the children at all times. On the day of inspection, sufficient space was not available indoors to support the routine of the 26 children present. The registered provider outlined the daily practice of the service was to have two groups of children until the number of children attending the service reduced during the course of the afternoon and/or evening.

On the day of inspection at 2.15pm, there were 10 school age children aged between 4- 6 years present. In discussion with the registered provider and a staff member, the routine of the younger children was described as when the children arrive, they eat their snack and complete their homework until 2.30pm. At which time, the registered provider outlined this group of children are brought to the adjoining outdoor area located in the school. It was outlined that the children are brought outdoors each day at 2.30pm to allow for the older children to have their snack and a quiet space to complete their homework. This was the practice observed on the day of inspection.

At 2.30pm, 16 children aged 7-12 years old arrived at the service. The registered provider and staff members said that this group would go out to play at 3.30pm. At 3.30pm, the older children were brought outdoors, and the younger group of children were brought indoors.

The inspector queried whether all children could be indoors at one time, for example during bad weather or to care for a tired or sick child. It was outlined that in the case where a child was sick or tired, this child would be brought indoors. The registered provider and staff were unable to describe how the full group of children could be inside at the same time.

2. The dignity of the children aged 4-7 years was not maintained at all times in the sanitary area. The sanitary accommodation did not support the dignity of the children and posed an increased likelihood that children were visible to other children and passing adults while using the toilet. The following was noted:
 - a. The registered provider confirmed that two children from the younger group are permitted to use the sanitary area at the same time. The partition between the two toilets which was used by the younger school age children was too low to provide privacy when both toilets were in use.
 - b. In discussion, the registered provider outlined the door to the sanitary area remained ajar while the younger children were in there. However, when the door was ajar, the toilet located at the entrance to the sanitary area was visible to passing children and adults.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider responded to the CAPA on 28 November 2024 and stated that the service would apply to use prefabricated building in the adjoining school next door. The registered provider outlined that the prefabricated building would be used when there was more than 24 school age children attending. If it becomes a possibility in the future that the service cannot use the prefab, after school numbers will be reduced to ensure health and safety measures and adhered to. Supporting documentation was not provided by the registered provider to demonstrate the actions submitted.

Through a CAPA response on the 29 January 2025, the registered provider outlined that the service proposed to look for a second building. And that in the interim period, the service would avoid exceeding the capacity of 24 school age children at any given time. To do this, the registered provider outlined that the service would implement a rotation system for the children between the main building and outdoor space. the registered provider stated that if a second building could not be secured to accommodate the additional school age children, the service would reduce the number of school age children to fit within the existing room capacity.

Through further correspondence on 14 March 2025, the registered provider stated that an application was made to the Registration Office within the Early Years Inspectorate to register a secondary building to accommodate the school age children. Supporting documentation to demonstrate an application to the Registration Office was submitted.

2. The sanitary area has been changed to accommodate two doors to each toilet for privacy. New partitions and doors have been put into the sanitary area. The registered provider submitted photographs to demonstrate the works carried out.

Summary of Findings

Based on the actions and supporting documentation submitted, the Inspectorate is assured that the registered provider has addressed non-compliance 2 relating to the sanitary accommodation.

The service is registered to accommodate a maximum of 40 school age children. The registered provider, through their CAPA outlined that the indoor space available can accommodate a maximum of 24 school age children at any one time. It is noted that an application has been made to the Registration Office of the Early Years Inspectorate. However, as this application is ongoing, this non-compliance will be assessed on the next inspection.