Early Years Inspectorate Regulatory Report
School Age Services

TUSLA Identifier:	TU2021GY020SA
Name of School Age Service:	Jack and Jill Montessori & Afterschool
Name of Registered Provider:	Rosaleen Carr
Address of School Age Service:	61 Seacrest, Knocknacarra, Salthill, Co Galway
Eircode:	H91 TN59

Date of Inspection:	1 May 2024		
Number of school age children present during inspection:	**PM**	46	
Registration status:	Registered		
Conditions (if applicable):	Not applicable		

Address of the Early Years Inspectorate	Brunel Building, Saint John's Road West, Heuston South Quarter, Dublin 8. D08 X01F
Inspection undertaken by:	A. Bradshaw M. McDonnell
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).

Description of Service:	The service is operated from a residential premises in Salthill, Co Galway. The registered provider is registered to operate a school age service and a pre-school service. The school age service is registered to care for 50 children aged 4 to 12 years of age. The registered operating hours are from 12.00pm to 6.00pm during the school term and from 9.00am to 6.00pm outside of the school term. The children have access to two playrooms and the kitchen on the ground floor and two care rooms on the first floor. There is an outdoor area for the children at the rear of the service.

Staffing:	On the day of the inspection, there were six staff members including the registered provider and the administrator caring for the children. An additional staff member was employed to collect the children from school.

Additional Information:	The inspection was completed as a result of information received by the Inspectorate. On inspection, there were 8 eight pre-school children in attendance contrary to Article 58D, Part 12 of the Child & Family Agency Act 2013. The matter was referred to the Escalation & Enforcement Department of Tusla on 28 May 2024. The registered provider has informed the Inspectorate there are no longer pre-school children attending the service and this matter is considered to be resolved.

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

Summary of Findings:

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

- Regulation 8: Vetting disclosures;
- Regulation 9(1)(2): Staffing levels;
- Regulation 10: Policies etc. of school age service;
- Regulation 12: Insurance;
- Regulation 13(1)(2)(3): Complaints.

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

- Regulation 7(1): Notification of change of circumstances;
- Regulation 9(4): Staffing Levels;
- Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Conclusion and follow-up actions: The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have adequately addressed the non-compliances identified. These actions will be reviewed on next inspection.

Regulation 7: Notification of change in circumstances

(1) A registered provider of a school age service shall, subject to paragraph (2), notify the Agency in writing of any proposed change in the details in relation to the school age service contained in the register pursuant to section 58C (2) of the Act or Regulation 6(2) or 6(3) at least 60 days before it is proposed that the change would take effect.

Regulatory Requirement not met

The service was found to be operating outside of their approved registration status. The service's registered operating hours were 12.00pm to 6.00pm during the school term. Records reviewed on the day of the inspection indicated that up to 14 children attended the school age service between 8.00am and 9.00am from the 8 to the 19 April 2024.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider submitted written assurance on the 3 May 2024 to indicate that the service would only operate within the hours the service was registered to operate for.
A change in circumstance application was submitted to the Agency by the registered provider. This was a request to increase the service's operational hours to include a morning school age service from 8.00am to 9.00am. This application was approved on 8 May 2024.

Summary of Findings

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have addressed the non-compliance identified on inspection and will be reviewed on the next inspection. This will be reviewed 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 Síochana 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)(2)

The inspector reviewed nine files, including the files of two directors of the company. The registered provider had ensured that validated references were available. Garda vetting was available for seven staff as required. However, 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. Please refer to the information outlined under the following section of this report: Child Care Act 1991, Section 58 (G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Documentation available indicated that police vetting was not required for staff members. The evidence available demonstrated that relevant vetting disclosure procedures were carried out before staff members worked directly with the children.

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)

On the inspection day, the registered provider ensured there was an adequate number of adults on the premises while the service was operating. There were 46 children attending the service and there were 6 adults present.

Regulatory Requirement not met

(4)

Children were not appropriately supervised at all times, and this posed a potential risk to their safety. During the inspection, the inspectors observed the following:

- Between 5.06pm and 5.21pm a child was alone and unsupervised in a room on the first floor with the door closed;
- On two other occasions during the inspection, children were unsupervised in a

room on the first floor. • During a discussion with children, they indicated that the staff just 'keep an eye on them' in the afternoons.
Corrective & Preventive Action Response submitted by the Registered Provider
(4) The registered provider has stated that individual staff members have been rostered to work in specific rooms where the children are present. Staff members will remain in these rooms with the children. They also stated that the manager has been assigned a roaming supervisory role to ensure compliance in all rooms and adequate supervision of the children attending the service.
Summary of Findings
The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have addressed the non-compliance identified on inspection and will be reviewed on the next inspection. This will be reviewed on the next inspection.

Regulation 10: Policies of a school age service
A registered provider of a school age service shall ensure that the policies and statements specified in Schedule 6 are in place for the service.
Regulatory Requirement Met
The inspectors reviewed the service's complaints policy and behaviour management policy. The policies contained information as per Schedule 6 of the regulations to support staff in their practice.

Regulation 12: Insurance
A registered provider shall ensure that the school age service is adequately insured.
Regulatory Requirement Met
The service had insurance cover in place for a maximum of 50 school age children. The insurance cover was valid from 28 November 2023 to 27 November 2024.

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.* *(2) A registered provider of a school age service other than a childminding service shall ensure that—* *(a) a record in writing is kept of a complaint made to the provider in respect of the school age service, and* *(b) the complaint is duly dealt with in accordance with the provider's complaints policy.* *(3) A record in writing referred to in paragraph (2)(a) shall—* *(a) include the nature of the complaint and the manner in which the complaint was dealt with, and* *(b) be open to inspection on the premises by an authorised person.*
Regulatory Requirement Met
(1)(2)(3) The complaints policy detailed the procedure for making a complaint and how verbal and written complaints would be dealt with. There was an informal, formal, and escalation process

documented in the policy. The policy referenced how a complainant would be informed of the complaints procedure and the appeals process. Evidence of a previous complaint was available to the inspectors. This included a copy of the investigation report and the outcome, all of which were within the parameters of the complaints policy.

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. The registered provider did not ensure a child protection concern was referred to the Tusla Social Work department in a timely manner. The service became aware of the concern on 5 January 2024 and contacted Tusla regarding this three months later. The delay in referring a child protection concern to Tusla Social Work department may pose a risk to the safety and protection of children.
2. On the day of the inspection, Garda vetting was available for seven staff members. However, one Garda vetting disclosure was not dated within the previous three years in adherence to the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.
3. On review of the Child Safeguarding Statement, it was found that the registered provider did not comply with the requirements set out in it. This created a risk of ambiguity for staff caring for children, in relation to their roles and responsibilities concerning child protection and safeguarding children. For example:

- The Child Safeguarding Statement referenced specific documents such as policies and procedures that were in place to help manage identified risks and safeguard children from harm. However, the following named documentation was not available:
  - A written risk assessment identifying areas of risk;

- A supervision policy;
- A code of behaviour for pupils;
- An ICT policy in respect of use by children;
- Child Protection and Welfare Reporting policy;
- Policy for dealing with Allegations of abuse or neglect against employees of a child attending the service;
- Procedures for managing Child Protection Records.

- Three staff had not completed the Tusla e-learning module - Introduction to Children First, which contravened the service's Child Safeguarding Policy. It is acknowledged that of the seven staff working directly with the children, four had completed the training.

4. The registered provider did not comply with the service's Managing Behaviour Policy. This created a potential risk to the continuity of care provided to the children by the staff. The following was noted:
   - On discussion with the registered provider and during observations on the day of inspection, there was no evidence of a 'key worker system' in place for the children;
   - There was no code of conduct for staff relating to behaviour management;
   - During discussions with the children, and the staff and a review of the policy document, there was no evidence of a code of behaviour developed by the school age children.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider has stated that should a similar concern be raised in the future; a referral will be made to the Tusla Social Work department and an independent third party can investigate the concern.
2. The registered provider stated that the Garda vetting disclosure has been updated and they stated that an alert reminder system has been put in place to ensure Garda vetting will be kept up to date. A copy of the updated Garda vetting was submitted as evidence.
3. The registered provider stated they have adopted a new Child Safeguarding statement. This has been approved by the agency's Child Safeguarding Statement Compliance Unit (CSSCU). A copy of the compliance letter from the CSSCU was submitted to the

inspectorate.

The registered provider confirmed that all staff members have completed the Tusla e-learning module – Introduction to Children First. Evidence of the completed training was submitted to the inspectorate. The registered provider stated that it would be a pre-requisite for all staff to complete this training before commencing service employment.

4. The registered provider submitted a corrective action, however no preventive action was submitted.
    - The registered provider stated that a 'key worker system' has been introduced and all staff members are familiar with the system. A copy of the Keyworker system policy was submitted to the inspectorate.
    - A copy of a code of conduct for staff relating to behaviour management was submitted to the inspectorate.
    - The registered provider stated that they do not have a code of behaviour developed by the school age children and they have amended the Managing behaviour policy to reflect this. A copy of the amended policy was submitted to the inspectorate.

Summary of Findings

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have addressed the non-compliance identified on inspection and will be reviewed on the next inspection.

There was no preventive action submitted to support the actions under point four. The actions as stated by the registered provider will be reviewed on the next inspection.