

Early Years Inspectorate Regulatory Report

School age services

TUSLA Identifier:	TU2021KK010SA
Name of School age service:	Muckalee Community Project CLG
Name of Registered Provider(s):	Noel O'Brien
Address of School age service:	Clorinka Ballyfoyle Co. Kilkenny
Eircode:	R95 YR26

Dates of Inspection:	20 June 2024 24 June 2024			
Number of school age children present during inspection:	Day 1	18	Day 2	22
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 A Spain
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:

Muckalee Community Project CLG is a school age service located in a rural area of Co. Kilkenny. The service is open from 7.30 to 9.00am and from 2.00 to 6.00pm caring for children in the age range 4 to 12 years. The service is operational during school holidays. The service is registered to cater for 36 school age children at any one time.

There is one care room for the school age services. The children in the school age service have access to a toilet located within the main building. An adjoining outdoor area and a separate grass area is available for the school age children.

There is a registered pre-school service in operation on the premises.

Staffing:

There are twenty-one adults employed to work in the school age and pre-school service. This does not include the registered provider who does not work within the service. Eleven of the twenty-one adults work directly with the school age children. The service also employs three ancillary staff employed by the service.

Additional Information:

The inspectors conducted a follow up inspection of the service. The service was previously inspected on 13 June 2022.

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, 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:

- Regulation 8(1)(a)(c)(d): Vetting disclosures;
- Regulation 9(1)(2)(4): Staffing levels;
- Regulation 10: Policies etc. of a school age service;
- Regulation 12: Insurance;
- Regulation 13(1)(2)(3): Complaints;
- Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

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

- Regulation 7(1): Notification of change in circumstances;
- Regulation 8(1)(b)(2): Vetting disclosures;
- 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 registered provider has submitted actions which demonstrate that the non-compliances identified during the course of the inspection have been addressed. Preventive actions were submitted alongside this to outline measures in place within the service to prevent the likelihood of the reoccurrence of the non-compliances.

The actions submitted by the registered provider will be assessed on the 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

(1)

The registered provider did not notify the Agency in advance of implementing a change of person in charge of the service. During the course of the inspection, the named person in charge was at variance with the national register. The service was therefore operating outside of their approved registration status.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider stated through their response that all registration details will be kept under review on ongoing basis by the manager and that all changes will be notified in a timely manner. The service submitted a copy of the email sent to the registration office within the inspectorate.

Summary of Findings

The requirements for Regulation 7; Notification of change in circumstances (1) have been met by the actions submitted by the registered provider.

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)(c)(d)

Fifteen staff files were available and reviewed during the inspection. Garda vetting disclosures were available for fifteen adults and police vetting was available for one adult. Twelve validated references from a previous employer were available.

Regulatory Requirement not met

(1)(b)(2)

Eighteen references were available from a reputable source, and of these, sixteen were validated. Two references for one staff member were not validated.

The vetting disclosure procedures were not carried out for one adult prior to them being appointed, assigned or allowed access to or contact with a child attending the school age service.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)(b)

The service have validated all references. The one staff member who did not have validated references is no longer working with the service. The service will make a new recruitment folder with all the necessary paperwork needed for a new employee and verify their references before they start working with us.

(2)

All future staff will be subject to all recruitment procedures including garda vetting prior to beginning their roll in our service. The service will make a new recruitment folder with all the necessary paperwork needed for a new employee and verify their references before they start working with us.

Summary of Findings

Based on the actions submitted, the registered provider has met the requirement for Regulation 8: Vetting disclosure (1)(2).

This regulation will be assessed on the next inspection.

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)

There was an adequate number of competent and suitable adults on the premises during the inspection. On day one of inspection at 3.15pm, there was 18 children cared for by 2 staff members. On day two of inspection at 3.30pm, 22 children were cared for by 3 staff members.

During the course of the inspection, the children were appropriately supervised by the staff. The children were observed to be outdoors on both days of inspection. The staff present were observed to remain within an appropriate proximity of the children and supervise the children through sight and sound.

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 following actions were taken in response to an inspection on 13 June 2022. A hard copies of the service's school age policies were available on the premises and child friendly policies were also available. The service's behaviour management policy detailed the required practices to support positive behaviour by the school age children attending the service and specified approaches for managing challenging behaviour and bullying by a school age child attending the service.

Regulation 12: Insurance

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

Regulatory Requirement Met

There was sufficient insurance for the number of school age children present on the two days of inspection.

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)(a)(b)(c)

The complaints procedure for the service documented the procedure for making complaints, the manner in which complaints were dealt with and the procedure for keeping the complainant informed of the complaint investigation. An appeals provision was included in the policy should the complainant wish to appeal the outcome of the complaint investigation.

(2)(a)(b)

The service had a record in place, and this demonstrated that a complaint was investigated in accordance with the service complaints policy. The outcome of the complaint investigation was also available for review.

(3)(a)(b)

The record of the complaint held on file was inclusive of the nature of the complaint and the manner in which the service followed up the complaint. The record of the complaint was open to review by the inspectors.

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 Met

During the inspection, the inspector observed the health, safety and welfare of the children being supported as follows:

- The service implemented the following safety measures following an inspection carried out on 13 June 2022:
 - The outdoor area assigned for the school age children was secured with a surrounding fence. There were two gates in place, and both were secured to prevent the unauthorized entry or exit of children.
 - The kitchen and staff communal area was secured with a keypad in place.
 - Items which posed a risk to the children's safety were removed subsequent to the last inspection. For example, the oil boiler in the outdoor play area was fenced off and loose bricks were removed from the outdoor play area.
- During the course of the inspection, the interactions observed between the adults and school age children were responsive and relaxed. The adults were observed to provide comfort and reassurance to children when required. For example, on day two of the inspection a school age child appeared upset. The adult recognised the child's emotions and supported the child in their decision making. This practice was reflective of the service's managing behaviour policy which outlined staff support children to recognise, express and cope positively with their emotions.

- The mealtimes observed were unhurried and the children were provided with sufficient time to eat while socialising with their peers. On day one of the inspection, children were provided with potato wedges, spaghetti hoops and fruit. On day two, the children ate bread rolls, crackers, cheese and ham. Staff were observed to engage in conversation with the children during teatime.
- The service implemented the actions submitted in response to a previous inspection carried out 13 June 2022 relating to the re-training of staff in child protection training. This was evidenced through the availability of training records for staff which included child protection training. In discussion, staff outlined the service's procedures regarding the reporting of child safeguarding concerns.

Regulatory Requirement not met

1. The practices of recording accidents and incidents which occurred in the service was at variance with the service's accident and incident policy. The following was noted:
 - a. Five accident and incident records available for the school age service were reviewed. Two records completed in April 2024 were not signed by a parent and/or guardian. This was at variance with the service's accident and incident policy which stated all accidents and incident records are signed by the parent and/or guardian.
 - b. It was confirmed that accident and incident records were completed by staff members who were not present within the service at the time of the accident or incident. An accident occurred within the service on the 24 June 2024, and it was confirmed that the accident record was not completed by the staff member who was present within the service at the time of the accident. On request by the inspectors, an accident record was completed by the relevant staff member on 25 June 2024 and submitted to the Inspectorate.
 - c. The service's policy stated that all accidents or incidents were recorded on an accident record sheet with the relevant details on treatment provided. Through a review of records, it was confirmed that incidents which occurred within the service

during 2 April 2024, 3 April 2024 and 4 April 2024 were not recorded on the service's accident record sheet. As a result, the record to detail how the accidents or incidents were managed by the service and communicated with the child's parent and/or guardian was not available.

2. Staff informed inspectors that despite training being provided to them regarding managing behaviour, there was difficulty in managing challenging behaviour in the service at times. Staff informed the inspectors that they had requested additional support regarding this from management. No evidence was available to confirm whether additional support had been provided to staff. The service's behaviour management policy stated there was a resource person for staff to support them in managing challenging behaviour. During the course of the inspection, the inspector spoke with the resource person. This person was unaware of the behaviour management procedures within the service's policy and the practices in place within the school age service. This was at variance with the responsibilities set out within the service's behaviour management policy. This situation could pose a potential risk to the safety of the children.
3. It was outlined in the service's support and supervision policy that staff support and supervision took place with each staff member three times a year. It was noted in the policy that this was to support staff in their work and to provide them with resources to carry out their role. Evidence of support and supervision was not made available to the inspectors.
4. The practices regarding the completion of risk assessments was at variance with the service's outdoor play policy. These practices could pose a potential risk to the safety of the school age children attending. The following was observed:
 - a. The service's outdoor play policy stated that a risk assessment will be completed following any accident or incident. Of the five accident records reviewed, four of the records did not demonstrate staff completed a risk assessment.

- b. Within an accident record completed on 20 June 2024, it was stated that an action was to remove a yellow tube in the outdoor area as it contributed to an injury to a child. The risk assessment stated this was removed from the outdoor area. However, on the 24 June 2024, the inspectors observed this piece of equipment within the outdoor area. This was at variance with the service's policy which outlined that where a risk was identified, it is removed.
- c. The service's outdoor play policy stated the outdoor play area is checked by a member of staff before any children use the outdoor play area. On 20 June 2024, risk assessments were not completed for the school age service. On 24 June 2024, a risk assessment was provided for the outdoor play area for the school age service. However, it was observed that this risk assessment was completed for that day and pre-completed for the remainder of that week. This posed a potential risk to the safety of the children in the service.

In response to a non-compliance from a previous inspection that was carried out on 13 June 2022, the registered provider had stated that staff will carry out a risk assessment on the outdoor areas before children access the areas. This action was not fully implemented as evidenced above.

5. Following a previous inspection on 13 June 2022, the service stated in their CAPA response that children would be signed in and out accordingly. However, on this inspection, it was found that attendance records were not maintained at all times. The attendance records for the breakfast club on 24 June 2024 were not completed. This practice posed a potential risk to the child's safety in the event of an emergency evacuation. It is acknowledged the attendance records were reflective of the children present at 3.15pm on 20 June 2024, and 3.30pm on 24 June 2024.
6. Reasonable measures regarding fire safety were not in place within the school age service. In response to an inspection on 13 June 2022, the registered provider stated fire drills would be carried out on a monthly basis within the school age service. One fire drill record was available for the school age service, and it was dated the 17 June 2024. It was confirmed with a staff

member that monthly fire drills do not take place within the school age service. This practice was at variance with the service's fire safety policy which stated fire drills are carried out monthly and at different times and days. This posed a potential risk to the safety of the children and adults as they may not be familiar with the procedures to follow in the event of an emergency evacuation of the service.

7. There was limited equipment provided for the school age children in the outdoor area on the two days of inspection. Staff outlined that additional equipment for the children was requested from management for the children. Children were observed to be in the outdoor area on both days of inspection and were observed to accumulate in groups engaging in conversation. On 20 June 2024, there were 18 children aged 4 -12 years in the outdoor area and on 24 June 2024, there were 22 children aged 4- 12 present. The following was observed:
 - a. Children were observed playing with a tricycle on a grass incline. The tricycle which was in use appeared too small for the children and appeared suitable a child aged 2-3 years.
 - b. There were two go-carts available. The wheel on one go-cart was broken and the steering wheel on the other go-cart was missing.
 - c. There were two sandboxes, however, there was no sand in the sandboxes.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider submitted the following actions in their CAPA response on 10 and 29 October 2024.

1. The registered provider stated that all staff members were retrained in the service's policies and procedures with an emphasis on the Child Safeguarding Statement. It was outlined that the service have introduced a new form for all staff. The staff have signed and acknowledged that they have read and will follow the policies and procedures of the service. The following actions were submitted through the CAPA process:
 - a. The service stated that while the service aims for all incidents accidents to be signed by the parents or guardians, when a child is not collected from the service and goes home on the bus, some of the incidents and/or accidents may not be signed. Where this

happens, the parent or guardian will be informed via email/phone and a note will be added to the parents' signature with the time, date and the way parent was informed. The service's policy has been updated to allow for digital signature on the accident/incident forms. Going forward, all accident and incidents will be recorded and sent home to the parent after informing the parent via phone/email.

The service stated that all staff were trained on this new policy on the 18 October 2024. The accident and incident records will be checked every evening by management. The service outlined that management have emphasised the importance of completing an incident/accident report to staff members during every meeting and on a day-to-day basis.

- b. The registered provider outlined that management have emphasized the importance of completing an incident/accident report on a day-to-day basis and during staff meetings. All accident's and/or incidents will be recorded by the staff who witness it. To reduce the likelihood of the non-compliance reoccurring, the service stated when management sign an accident and/or incident report, management will ask the person who witnessed the accident/incident and then check the signature to be sure it is matching the person.
- c. It was outlined that management will make sure an incident and/or accident form is filled in, regardless the severity of the accident or incident. It was stated that all accidents and/or incidents will be recorded on the service's record sheet and will be brought to the attention of the manager straight away after filling it in. The record will then be signed by the manager who will inform the parents straight away by sending a copy of the accident incident to the parents/guardians via email. Blank sheets of the accident and/or incident record forms will be made available to all rooms. Accidents and/or incidents forms have been added to our risk assessment sheets in the rooms as a reminder to all staff to make sure the records are signed. A new folder has been made for the purpose of storing records by the manager who will ensure all accidents and/or incidents records are signed and stored accordingly.

The service submitted the following to demonstrate the implementation of actions relating to accident and/or incident records within the service:

- A template for staff to sign stating staff have read the accident and incident policy.
- A template used for meeting agenda items.
- A copy of induction template completed for two new staff.
- Evidence of completion of Quality and Regulatory Framework training.
- Staff meeting minutes from 24 July 2024, 23 August 2024, and 18 October 2024.
- Revised accident and incident policy.
- Photograph of accident and incident folder within the service.

2. The registered provider outlined that the school age service re-opened on 7 October 2024. Before reopening, a week was provided for new staff to read and understand the services policies and procedures. During this week, the staff completed the child safeguarding and the Early Years Inspectorate's Quality and Regulatory Framework (QRF) programme.

At the time of the inspection, the resource person was new to the position. The resource person has been booked on a new training to be able to support the school age staff when necessary. It was outlined that management informed the school age staff regarding the resource person referenced to within the behaviour management policy. The service outlined that staff are aware that management are there to support them.

Since the 28 June 2024, management introduced monthly meetings with all staff where staff can ask for any improvements or resources. Staff can ask for any additional support that they might need within these meetings. The service stated that staff in the school age service are aware of the support the service have in place to help them with the challenging behaviour. Going forward, management and the staff will work in collaboration with parents to ensure that all children avail of extra support, if required.

The service submitted the following to demonstrate the implementation of actions within the service:

- Evidence of staff meetings dated 24 July 2024, 23 August 2024, and 18 October

2024.

- An induction checklist.
- Evidence of enrolment on a managing behaviour programme.
- A template for staff to complete to state they have read and understand the service's policies and procedures.

3. The service stated that staff meetings are held once a month since 28 of July 2024. As per the service policies, these meetings will support staff in their work and provide staff with resources that help them to carry out their role. The service outlined that their policies have been amended by adding the contact details of our Board of Management, so if a staff member feels that they are not supported in their role, they can ask for extra support from our Board of Management.

The service submitted a managers report from February 2024 and evidence of the updated policy.

4. The service outlined that management explained the importance of risk assessment in the service during staff meetings. The service stated that the outdoor risk assessment has been merged with the indoor risk assessment. The new risk assessment is done daily and checked by the manager at the end of every week and stored accordingly in the office. This way management will have overview of the incidents and/or accidents and take corrective and/or preventive actions. Staff are completing all the necessary risk assessment before children start their afterschool session. An extra daily 30 minutes have added for the afterschool teachers before children arrive so they can check the outdoor and plan for their day before children arrive.

The service stated that the yellow tube was removed. And a storage area was introduced where educators can store unwanted and/or unsafe equipment.

The service submitted the following to demonstrate the implementation of actions within the service:

- Evidence of staff meetings dated 24 July 2024, 23 August 2024, and 18 October 2024.
- Completed daily indoor/outdoor risk assessment dated the week of the 14 October 2024.
- Photograph of risk assessment folder.

5. A new sign-in system was introduced in the service. This is checked by the room leaders, managers and our administrators every day. The new sign-in sheet will be checked by the manager at the beginning of every day and at the end of every week will be filed and stored in the office.

The service submitted completed attendance records dated for the week of 14 October 2024.

6. The service stated that monthly fire drills were carried out in the service since 17 June 2024. Fire drills are held monthly and at different time of the day so all sessions can fully participate. The fire drill is now planed ahead by the manager.

The service submitted a photograph of a calendar with the dates for proposed fire drills and a copy of completed school age fire drills dated from 1 August 2024 to 4 October 2024.

7. The service stated that new age-appropriate equipment was built for the afterschool children. The sand boxes and small tricycles were removed. These were replaced with monkey bars and balance beams. The service outlined that the maintenance person will fix and/or remove equipment as needed, prioritising the equipment which is used daily.

The service submitted a photograph of balance beams, a climbing frame and a storage area for unwanted/ broken equipment in the outdoor area.

Summary of Findings

The service provided corrective actions and supporting documentation regarding the measures which were put into place for recording of accidents and/or incidents, recording of attendance records monthly fire drills and availability of suitable play equipment in the outdoor area. The service outlined preventive measures which were put into place to reduce the likelihood of the recurrence of these non-compliances. Actions and supporting documentation was also submitted detailing the ongoing supports in place for the staff and management in the implementation of their own behaviour management and risk assessment policies.

Based on the actions submitted, the inspectorate is assured that measures have been put into place by the registered provider to correct the non-compliances identified and prevent the reoccurrence of these non-compliances. Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 will be assessed on the next inspection.