

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2022KY002SA
Name of School Age Service:	McConologue Montessori
Name of Registered Provider:	Denise McConologue
Address of School Age Service:	Scart, Gortatlea, Ballymac, Tralee, Kerry
Eircode:	V92 P821

Date of Inspection:	04 April 2025		
Number of school age children present during inspection:	PM	7	
Registration status:	Registered		
Conditions (if applicable):	Not applicable		

Address of the Early Years Inspectorate	2 nd Floor, Estuary House, Henry Street, Limerick.
Inspection undertaken by:	S O'Brien
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:

McConologue Montessori is a school age service located in a rural setting in Co Kerry. The service is registered to offer a breakfast club from 8am to 8:45am and afternoon care from 3pm to 6pm, Monday to Friday, 50 weeks of the year. The service is registered to cater for children aged 4 to 10 years. The service has a large enclosed outdoor area. McConologue Montessori is also registered as a full day care service for preschool children.

Staffing:

The service employs four staff including the registered provider. The registered provider is based in the service.

On the day of inspection, three staff including the registered provider, and an unpaid worker were present.

Additional Information:

The inspection was completed as a result of information received by the inspectorate.

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 inspector wishes to acknowledge the co-operation of the children, registered provider 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)(4): Staffing levels.
- Regulation 10: Policies of a school age service.
- Regulation 12: Insurance.
- Regulation 13: Complaints.
- Child Care Act 1991, Section 58(g) as emended by Part 12 of the Child and Family Agency Act, 2013.

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

- Regulation 7: Notification of change in circumstances.
- Child Care Act 1991, Section 58(g) as emended by Part 12 of the Child and Family Agency Act, 2013.

Conclusion and follow up actions:

The inspector reviewed the registered providers response, documented and photographic evidence that was submitted. The non- compliances found on inspection have been adequately addressed.

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 attendance records were reviewed, and the following changes had not been notified to the agency 60 days before the changes took place:

- The service was operating the school age service from 1:30pm each afternoon. The school age service was first registered to operate from 3pm each afternoon.
- One child who was in attendance in the service was 11 years of age. The school age service was first registered to cater for children aged 4 to 10 years.
- The maximum number of children that were found in attendance on any one day in the current academic year was 20 children. The number of children the service is registered for is six children.

This has been referred to Services Operating Outside of Registration Status.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Action

The registered provider submitted documented evidence to the inspectorate to confirm a notification of change application had been submitted and approved to operate the school age service for the following:

- The school age service is registered to operate from 8am to 8:45am and 12pm to

6pm during term time and 8am to 6pm during non-term time.

- The service is registered to cater for children aged 4 to 15 years.
- The number of children the service is registered for is 12 children.

Preventive Action

The registered provider advised in their response that any further changes in the operation of the school age service will be notified to the inspectorate, and the service will not operate outside of the regulations.

Summary of Findings

The documented and photographic evidence submitted has been reviewed and has met the regulatory requirements.

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.*

Regulatory Requirement Met

- (1) Five adult files were reviewed including the registered provider and unpaid worker.
- (a) Eight of the 10 references were from a past employer and were validated.
- (b) Two of the 10 references were from a reputable source and were validated.

- (c) Garda vetting disclosures had been obtained for all 5 adults. The service demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
- (d) Police vetting was not required for any adult working in the 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) The registered provider ensured that adequate staffing levels were maintained during the inspection
- (2) Seven children were in attendance and supervised by three adults. The registered provider was also in attendance in the service.
- (4) It was observed that two adults carried out school collections by foot and by car. The adults were observed supervising the children by sight and sound at all times in the care room and large outdoor area. The adults were observed chatting to the children during mealtime and on school collection on foot.

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

On the day of inspection, the following policies were reviewed:

- Managing behaviour policy.
- Drop off and collection policy.
- Complaints policy.

The inspector reviewed the above policies, and they were observed to contain to the information required as per Regulation 10 and Schedule 6 of the regulations to support the adults in their practice.

Regulation 12: Insurance

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

Regulatory Requirement Met

The registered provider ensured the school age service was adequately insured. The insurance policy commenced on 28 March 2025 to 27 March 2026.

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 registered provider ensured that the complaints policy for the service:
- (a) Outlined the procedure to be followed by a person when making a complaint in relation to the service.
 - (b) Outlined the manner in which the complaint will be dealt with.
 - (c) Outlined the procedures for keeping the complainant informed on how the complaint will be dealt with.

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

- The children were observed playing in the large outdoor area to the front of the service.
- The adults were observed speaking to the children in a respectful manner. The adults were observed asking the children if they would like snacks and listened to each child's needs.

Regulatory Requirement not met

1. While observing school age children being collected on foot at 2:40pm, it was noted by the inspector the children walked on a busy country road with no footpath. The children did not wear

hi visibility jackets while walking to the service. The drop off and collection policy for the service was reviewed and stated that hi visibility jackets were to be worn by the children when walking. This posed a safety risk to the children.

2. The vehicle used to transport children to and from the service did not have the required business class insurance to cover the transportation of school age children. This posed a risk to the children.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Action

1. The registered provider submitted photographic evidence to the inspectorate of hi visibility jackets to be worn by the children and staff when walking to and from the school age service.
2. The registered provider has submitted documented evidence to the inspectorate of the amended car insurance policy to transport children to and from the service with business class insurance.

Preventive Action

1. All staff have agreed to wear hi visibility jackets and parents and guardians of the children have been informed that all children must wear hi visibility jackets.
2. The insurance policy will be renewed annually.

Summary of Findings

The documented and photographic evidence submitted has been reviewed and has met the regulatory requirements.