

Early Years Inspectorate Regulatory Report

School Age Services

TUSLA Identifier:	TU2019KK007SA
Name of School Age Service:	Clever Clogs Afterschool
Name of Registered Provider(s):	Shannon Kever
Address of School Age Service:	Ground Floor, Main Street, Fiddown, Piltown, Co Kilkenny.
Eircode:	E32 TN24

Dates of Inspection:	16 July 2024			
Regulatory compliance meeting	5 December 2024			
Number of children present during inspection:	AM	Non-Applicable	PM	27
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:

Clever Clogs is located in Fiddown, Co. Kilkenny. It is registered to cater for 48 school age children aged 4 to 12 years old. The service operates from the ground floor within a commercial dwelling. There is one main care room within the service. During term time, the service is registered to operate from 7.00am to 9.00am and 2.00pm to 6.00pm. Outside of term time, the service operates from 7.00am to 6.00pm. The service is in operation for 49 weeks of the year. There are sanitary facilities available for children and staff. An outdoor area is located to the rear of the premises.

Staffing:

There are eight adults employed within the service, including the registered provider. On the day of inspection, there were six adults present in the service, including the registered provider.

Additional Information:

An Immediate Action Notice was issued on 17 July 2024 as it was deemed there was an immediate risk relating to fire safety and an unsecured entrance to the service. A response was provided by the registered provider on 17 July 2024 detailing actions implemented to reduce the risk. Please refer below to Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 for further information.

The service was operating outside their registration status on the day of inspection. The service is registered to cater for school age children only. On the day of inspection, there were three pre-school children in attendance of the service. A referral was made to the registration office within the Inspectorate on the 17 July 2024.

A referral was made to the Fire Officer on 18 July 2024 due to the observations made during the inspection relating to fire safety practices in place within the service. Please refer below to Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 for further information. The registered provider is continuing to engage with the Fire

Officer regarding fire safety measures.

A referral was made to the Child Safeguarding Statement Compliance Unit (CSSCU) on 18 July 2024 following a review of the services Safeguarding Statement.

A Regulatory Compliance Meeting was held with the registered provider on 05 December 2024 to discuss outstanding non-compliances and ongoing work relating to fire safety as identified under Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

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 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)(c): Vetting disclosures;
- Regulation 9 (1)(2)(4): Staffing levels.
- Regulation 12: Insurance.

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

- Regulation 8(1)(a)(b)(d)(2): Vetting disclosures;
- Regulation 10: Policies of a school age service;
- 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 documents in response to the non-compliances identified. The non-compliances relating to Regulation 8: Vetting disclosure (1)(2) and Regulation 10: Policies of a school age service have been met.

The registered provider submitted actions and supporting documentation to demonstrate the measures put into place to address the non-compliances identified under Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. The service is engaged with the local authority Fire Officer and works relating to fire safety matters are ongoing.

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)
- (c) Garda vetting disclosures were in place for the eight adults working with the children.

Regulatory Requirement not met

- (1) Eight staff files were reviewed, and the following was noted;
- (a)(b) Of the sixteen references required, twelve references were available. However, the twelve references were not validated. Four references were not available for two staff working directly with the children.
 - (d) Through review of documentation, it was evident that one adult required police vetting for two locations. The required documentation was not in place for the adult.
- (2) It was demonstrated through review, the required documentation including was not in place prior to seven adults 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) The registered provider responded through their CAPA and stated the following:

(a)(b)

Four staff members no longer work within the service. The registered provider stated that the references for the three staff members who are still working with the service validated were validated. The registered provider stated that they will validate staff references before any employee starts working in the service.

The registered provider submitted the validated references for three staff members.

(d)

The police vetting has been received for and submitted to the inspectorate. The registered provider will require police vetting from any staff member that has worked outside of Ireland.

(2) The registered provider stated that they will validate staff references and obtain police vetting, if required before any employee starts working in the service.

Summary of Findings

Through the actions and supporting documents submitted, the registered provider has addressed the non-compliance identified relating to the validation of references and police vetting. The registered provider outlined that these will be sought prior to staff being appointed, assigned or allowed access to or contact with a child attending the school age service.

The regulatory requirement has been met and it 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)

The adult to child ratio was maintained throughout the inspection. At 12.20pm, there were 23 school age children and 3 preschool children with 6 adults in the service. The children were appropriately supervised throughout the 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 not met

On the day of inspection, the services policies as required under Schedule 6 were not available within the service for review. The service policies were requested and submitted by the registered provider following the inspection;

(c) The services infection control policy referenced handwashing and exclusion periods. However, the following was not detailed;

- The procedure to be followed in the service to protect persons working in the service and school age children attending the service from the transmission of infections.
- Cleaning routines,
- Measures for the prevention of cross-contamination,

- Measures in place for the management of outbreaks of infectious diseases.

(d) The services policy on managing behaviour detailed how the service supports positive behaviour by the school age children attending the service, however, the following was not included;

- Approaches for managing challenging behaviour,
- Approaches in managing bullying by a school age child attending the service,
- Approaches used to assist a child to manage his or her behaviour as appropriate to the age and stage of development of the child.

(e) The policy on the dropping off and collection of children provided detailed the procedure in place regarding persons authorised to collect the child from the service. However, the following was not detailed;

- Procedures carried out by the service to ensure the safety of the children arriving at and departing from the service, to include the collection and drop off to school,
- Whether, and under what circumstances, children are permitted to leave the service unaccompanied.

Corrective & Preventive Action Response submitted by the Registered Provider

(c)(d)(e)

The registered provider stated through their CAPA response that the service policies have been updated. The registered provider stated that they will review the policies annually and update them if needed. The relevant policies were submitted to the inspectorate.

Summary of Findings

The requirement for Regulation 10: Policies of a school age service has been met.

Regulation 12: Insurance

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

Regulatory Requirement met

The service was adequately insured for the number of school age children present on the day of inspection.

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 registered provider did not ensure that reasonable measures were in place to safeguard the health, safety and welfare of children attending the service on the day of inspection:

2. The registered provider did not implement the services fire safety policy to ensure reasonable measures were in place within the service. An Immediate Action Notice was issued to the registered provider on 17 July 2024 as it was deemed there was a potential immediate risk to the children and staff present in the service in the event of an emergency evacuation. The following was observed:
 - a. The registered provider confirmed a fire drill was not conducted within the service since 2023. In discussion with staff members, it was confirmed a fire drill did not taken place within the service since the commencement of their employment. This was at variance of the services policy which states fire drills are carried out monthly.
 - b. In discussion, staff were unclear of the route of evacuation in an emergency. The registered provider confirmed induction training was not provided to staff on their commencement of employment within the service. This was at variance of the services policy which states staff will be trained and made aware of the procedures to follow in the event of a fire.
 - c. In discussion with staff, the double door within the main room was identified as a fire exit route. The inspector requested the staff member to open the door. It was opened with difficulty and

the staff outlined there was a 'knack' to the door. The service policy stated fire exit doors are easily opened from the inside. This posed a risk in the event of an emergency evacuation.

- d. Procedures to follow in the event of an emergency evacuation were not displayed within the service. The evacuation procedure detailed within the fire safety policy refers to the premises the service was located in 2021 and not the current premises which the service is operating from. This posed a risk to the safe and timely evacuation in the event of an emergency.
- e. The service's fire safety policy outlined in the event of an emergency, the children and staff exited to the fire assembly point located across the road. It was confirmed with the registered provider this fire assembly does not relate to the current premises and it was confirmed by the registered provider that a fire assembly point was not in place for the service within their current location. The absence of a fire assembly point posed a safety risk in the event of a child or adult being unaccounted for in the event of an emergency.
- f. Staff were not provided with a method to record the children in their group to ensure the safe evacuation of all children in the service in the event of an emergency. One attendance record was in place for the service which was located at the desk within the hallway of the service.

During the inspection, children were seamlessly moving between the outdoor area, outdoor room and main room. Staff explained there was only 12 children in the group at any one time. However, staff were unaware of which children were present within both of their groups and the whereabouts of individual children at all times. Between 1.40pm- 2.00pm, the names of the children present within a group indoors and a group outdoors was requested from the staff members with the children at the time. It is acknowledged that the staff members provided the inspector with names of the children. However, while providing the names of the children the two staff members confirmed with other staff if specific children were present within their groups. This posed a risk of in the event of an emergency evacuation as the children may not be accounted for in a timely manner.

- g. A fire safety officer was not in place within the service. The services fire safety policy outlined that the registered provider was the fire safety officer. However, the registered provider confirmed that a fire safety officer was not in place within the service. This posed a risk to the children and staff within the service as a designated person was not assigned to ensure reasonable measures are in place regarding fire safety.

A referral was made to the Fire Officer on 18 March 2024 regarding the above findings.

3. The entrance gate to the service was unlocked which allowed unauthorized access by a member of the public and/or the unauthorised exit of a child the service. An Immediate Action Notice was issued to the registered provider on 17 July 2024 as there was a potential immediate risk of unauthorised access unauthorised exit to and from the service.

On the inspector's arrival to the service at 12.20pm, the gate was unlocked. The inspector obtained access to the outdoor area where 13 children were present with 2 adults.

4. One Garda vetting disclosures was not dated within the previous three years which was not in adherence with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting.
5. The registered provider did not implement reasonable measures to ensure the children did not have access to hazardous materials. The kitchen was located within the main corridor, and it was unlocked throughout the inspection. Within the kitchen, there were two storage cupboards which were unlocked. One contained food, while the other contained cleaning materials at a low level and within reach of a child. It was observed that children had potential access to the kitchen due to being unaccompanied in the corridor area whilst moving between the indoor area, outdoor area, outdoor room and the sanitary areas. This posed an increased likelihood of harm to a child which may include burns or a risk of poisoning through ingestion.
6. The registered provider did not take measures to assess potential risks to the safety of the children attending the service within the outdoor area. The following was observed:

- a. The service provided an 'outdoor room' for the children, the room located to the rear of the premises and adjoining the outdoor area. On the day of inspection, children were observed to play football and basketball within the outdoor room. While playing, the football hit one of the two glass windows in the room. At the same time, three children sat and played in the outdoor area underneath the glass window. In discussion with the registered provider, measures were not considered to reduce the likelihood of the glass window(s) breaking and possibly causing injury to the children in the outdoor area.
- b. Measures were not taken to remove broken equipment in the outdoor area which posed a risk of injury to a child. There were flowers shaped mirrors and blackboards on the fencing and walls in the outdoor area. Three of the flowers were broken with sharp protruding edges.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider provided a response to the Immediate Action Notice on the 17 July 2024 and outlined the following actions were put into place:
 - a. The registered provider provided a response to the Immediate Action Notice on the 17 July 2024 and stated a fire drill will be carried out. Through their CAPA response on 15 October 2024, the registered provider stated that the service have completed fire drills since the time of inspection and that monthly fire drills will take place.
 - b. The registered provider provided a response to the Immediate Action Notice on the 17 July 2024 and outlined that the staff were informed of the procedure to follow in the case there was a fire. Through their CAPA response on 15 October 2024, the registered provider stated that fire training was undertaken, and all staff were made aware of the fire evacuation plan. The registered provider stated that Fire induction and training will be given to all new staff members
 - c. The registered provider provided a response to the Immediate Action Notice on the 17 July 2024 and stated that lubricant was applied to the door to loosen the locks for ease when opening and closing. The registered provider stated through their CAPA submission on 15

October 2024 that the doors will be replaced by the landlord.

Through a CAPA submission on 8 November 2024, the registered provider stated that the doors are being replaced and stated that the landlord has outlined it will take 4-5 weeks. through further correspondence on 05 December 2024, the registered provider outlined the works would be completed by the end of January 2025.

- d. The registered provider provided a response to the Immediate Action Notice on 17 July 2024 and stated that the evacuation procedure were updated and displayed it within the service. The registered provider through their CAPA submission on 15 October 2024 stated that the fire policy has also been updated. And that the policy will be reviewed annually and updated as required.
- e. The registered provider through their CAPA submission on 15 October 2024 stated the fire assembly point has been changed to location within the car park near the service.
- f. The registered provider through their CAPA submission on 15 October 2024 stated that anytime the group is split between the two areas, each room has a separate list for what children are in each area. The registered provider outlined that this will be done each time the group is split now, and staff will remind the children that if they need to leave the room they have to ask for example, to go to toilet, getting a drink.
- g. The registered provider provided a response to the Immediate Action Notice on 17 July 2024 and stated that 2 fire safety officers were appointed. And that staff will undertake fire training and conduct the fire drills.
- h. Through their CAPA submission on 15 October 2024, the registered provider stated there is now a fire safety officer on the premises at all times. The staff members received training, and the registered provider will ensure the training is updated.

The registered provider submitted documentary evidence of a completed fire drill, evidence of fire safety training, display with the fire safety officer(s) names, the service's fire safety policy and the service's fire evacuation procedures. The registered provider submitted

supporting documents including minutes of a staff meeting held on 5 September 2024 demonstrating communication with staff regarding the fire assembly point and a photograph of the assembly point. The registered provider submitted a photograph of the doors installed within the main room of the service.

2. The registered provider provided a response to the Immediate Action Notice on the 17 July 2024 and stated this gate will be locked when the children were outside at any point. And once the children come inside, the main entrance door will be locked. The registered provider submitted supporting documents including minutes of a staff meeting held on 5 September 2024 demonstrating communication with staff regarding the gate.

Through the CAPA submission, the registered provider stated a lock was applied to the top of the gate that staff members close when we are outside and open it when we come inside. The registered provider stated that service will get a thumb lock applied to the gate, so it can be easily opened from the inside and no access can be gained from outside the service. The gate is opened when the children are inside the building and the main door of the service is locked.

On the 05 December 2024, the registered provider stated that the thumb turn lock was installed on the entrance gate of the service. A photograph of the lock was submitted.

3. The registered provider applied for the garda vetting renewal and will renew all garda vetting's every 3 years from now on. The registered provider submitted the renewed garda vetting.
4. The cleaning closet is now locked at all times and when a staff member is not in the kitchen the door is closed and locked. The keys are stored up high away from the reach of children. The registered provider submitted supporting documents including minutes of a staff meeting held on 5 September 2024 demonstrating communication with staff regarding the door at the kitchen. Photographic evidence of signage in place and set of keys on the door of the kitchen.
5. Through their CAPA response on 17 October 2024, the registered provider stated:
 - a. The service use foam balls now so there is no risk to windows been broken. The hard balls

have been removed. The registered provider will ensure that foam balls are used from now on and that children are not playing under the window either.

- b. The registered provider stated that all broken materials have since been removed. The registered provider will remove any broken toys or objects daily now if needs be. There will be a daily risk check done from now on. The risk assessment was submitted to the Inspectorate.

Summary of Findings

The registered provider submitted actions and supporting documents to demonstrate measures put into place by the service to address the non-compliances identified on inspection. The registered provider has demonstrated that actions to correct the non-compliance relating to the entrance and exits of the service, access to hazardous items, the outdoor room and outdoor area. Actions were also submitted relating to the renewal of Garda Vetting on a 3-year basis. The registered provider submitted actions to outline measures in place to reduce the likelihood of the reoccurrence of these non-compliances.

The service is continuing to engage with the local authority fire officer and works are ongoing regarding fire safety matters.