

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2019DR002SA
Name of School Age Service:	Lyons Den
Name of Registered Provider:	John Harnett
Address of School Age Service:	Knocklyon Youth and Community Centre, Idrone Avenue, Knocklyon, Dublin 16.
Eircode:	D16 XT18

Date of Inspection:	09 October 2024
Number of school age children present during inspection:	PM 32
Registration status:	Registered
Conditions (if applicable):	Not applicable

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

Description of Service:

Lyons Den is a private school aged service based in a community centre in a Dublin suburb. The service has the use of two rooms and a sports hall during its hours of operation.

The service is registered to accommodate up to 81 children from the age of 4 up to 12 years. On the day of the inspection, there were 32 children present.

The service is registered to operate from 7:30am to 8:45am and from 1:30pm to 6:30pm.

The children have access to a large outdoor space in the adjacent school grounds.

Staffing:

There are a total of six staff members employed in the setting. The registered provider does not work directly with the children. On the day of the inspection, there were 6 staff caring for 32 children.

Additional Information:

The inspector conducted a planned, focused inspection of the service.

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, person in charge, 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 9(1)(2)(4): Staffing levels;

Regulation 12: Insurance.

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

Regulation 7(1): Notification change in circumstances;

Regulation 8: Vetting disclosures.

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-compliance identified on 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 had not submitted a change in circumstances notification to Tusla regarding a change of the named person in charge. The registered provider had therefore operated outside of their approved registration status.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider submitted a change in circumstances notification which was approved by the Agency on 17 October 2024. The registered provider stated that a notification of a change of circumstance will be submitted as soon as new managers are appointed.

Summary of Findings

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have adequately addressed the non-compliance identified on inspection and 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 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)

The inspector reviewed six staff files. Six Garda vetting disclosures were on file and the service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

Regulatory Requirement not met

(1)

(a)(b) The registered provider had not adequately considered references for staff members. Of the 12 references required, 2 were not validated as required.

(d) On review of the staff files, police vetting was not available for three staff members who had lived in a state other than this state for a period longer than six months.

(2)

The registered provider had not considered all the requirements for vetting disclosures before staff members worked directly with the children.

Police vetting was not in place for all staff who required it, and all validated references were not available.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider has submitted the following:

(1)(a)(b) Two outstanding validated references.

(d) Police vetting for two staff members was received and evidence to demonstrate a reasonable effort has been made to obtain police vetting for another.

(2) A copy of an updated checklist to be completed prior to the new staff member's date of employment was submitted.

The registered provider stated references will be filed before a new staff member commences employment and if police vetting is not available every reasonable effort will be made to obtain it by providing evidence with a paper trail of its denial or refusal or un-attainability if applicable. Management will thoroughly check and validate references in line with the services recruitment policy and retain evidence of this. Emails and documents providing such evidence will then be uploaded to the staff file for an inspector to view.

Summary of Findings

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have adequately addressed the non-compliance identified on 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 registered provider ensured that appropriate staff levels were maintained. Thirty-two children were supervised by six staff members. On review of records available, the ratio of 12 school age children to 1 staff member was maintained from 2 September 2024 to 27 September 2024.

During the inspection, staff were observed to support and supervise the children in their care. On the inspector's arrival, three staff members were supporting the older children to complete their homework, while the younger children were being served dinner in a different room.

Regulation 12: Insurance

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

Regulatory Requirement Met

Documents available to the inspector demonstrated that the service was insured from 28 March 2024 to 27 March 2025 for a maximum of 81 children.