

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2019DR014SA
Name of School Age Service:	Toucan Play Childcare
Name of Registered Provider:	Maresa Dunne
Address of School Age Service:	Unit1, Quinns Road, Shankill, Dublin 18
Eircode:	D18 V0A6

Date of Inspection:	17 October 2024
Number of school age children present during inspection:	PM 23
Registration status:	Registered
Conditions (if applicable):	N/A

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
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:	Toucan Play Childcare is a privately run service in south Dublin. It is based in a commercial unit with two care rooms, a kitchen, a sanitary area and outdoor space at the rear of the building. The service can accommodate up to 36 school age children at any one time and is registered to operate from 1pm to 6pm.
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Staffing:	There are six adults employed by the registered provider, four of whom work directly with the children. The auxiliary adults are employed to collect the children from school and to do extra sporting activities with the children. The registered provider works directly with the children.
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Additional Information:	The inspector conducted a planned focused inspection of the service. An Immediate Action Notice (IAN) was issued to the registered provider on 18 October 2024 concerning the absence of Garda vetting disclosures (Regulation 8(c)). An adequate response was received from the registered provider on 21 October 2024.
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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 providers were found to be compliant in relation to the following:

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

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

- Regulation 8(1)(a)(b)(c)(d) (2): Vetting disclosures.

Conclusion and follow up actions: The actions and evidence submitted by the registered provider, in their corrective and preventive action plan for Regulation 8(1)(c)(d)(2), have adequately addressed the non-compliance identified on inspection. However, the actions required to address Regulation 8(1)(a)(b) remain incomplete and non-compliant.

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 not met

(1)(a)(b)(c)(d)

An Immediate Action Notice was issued on 18 October 2024 as the registered provider did not have a Garda vetting disclosure available for five adults.

The inspector reviewed seven staff files and the following was observed:

- While it is acknowledged there were two references available for one staff member, there were no validated references available for six staff members;
- Of the required seven Garda vetting disclosures only two were available on inspection.
- While it is acknowledged there was police vetting available for two staff members who had resided outside of the state for more than six months, there were no documents available to demonstrate if police vetting was required for three staff members.

(2)

Documents reviewed demonstrated that relevant vetting disclosure procedures had not been carried out prior to persons being allowed access to children in the service.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)(a)(b)(c)(d)

- A response to the Immediate Action notice was received on 21 October. The registered provider stated that adults who do not have Garda vetting will not have access to the children until the Garda vetting has been received and reviewed. Garda vetting applications have been submitted for processing. They stated that the child-adult ratio of 3 staff for 28 children will be maintained by staff who have Garda vetting. The registered provider submitted evidence on 20 November 2024 to demonstrate the outstanding Garda vetting disclosures were in place for all staff members.
- While it is acknowledged that validated references for four adults were submitted to the inspectorate, validated references for one staff member remain outstanding. The registered provider stated that one staff member has left the service and their documentation is not available.
- The registered provider submitted documentation to demonstrate Police vetting was not required for three staff members.

(2)

The registered provider stated that all employees, unpaid workers, volunteers and contractors will be required to submit all relevant vetting disclosure documents four weeks prior to the commencement of their employment in the service.

Summary of Findings

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan for Regulation 8(1)(c)(d)(2), have adequately addressed the non-compliance identified on inspection. However, the actions required to address Regulation 8(1)(a)(b) remain incomplete and non-compliant.

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)

There were 3 staff members working directly with the 23 children who attended the service on the day of the inspection.

(4)

The inspector observed appropriate supervision of the children during the inspection. Staff were observed supporting children with their homework and playing ball games with the children in the garden.

Regulation 12: Insurance

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

Regulatory Requirement Met

The service was insured from 2 September 2024 to 27 March 2025 for a maximum of 36 children. On the day of the inspection, there were 23 school age children in attendance.