

Early Years Inspectorate Regulatory Report

School Age Services

TUSLA Identifier:	TU2019DY001SA
Name of School Age Service:	Kilbarrack Community Development Project
Name of Registered Provider(s):	Jennifer Lawson
Address of School Age Service:	St.Benedict's Resource Centre Swan's Nest Road Kilbarrack Co Dublin
Eircode:	D05 V1F6

Date(s) of Inspection:	17 April 2024
Number of school age children present during inspection:	PM 37
Registration status:	Registered
Conditions (if applicable):	Not applicable

Address of the Early Years Inspectorate	Early Years Inspectorate 180-189 Lakeshore Drive Airside Business Park Swords Co Dublin
Inspection undertaken by:	M. McDonnell
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:

Kilbarrack Community Development Project operates a school age service in two rooms of a community resource building in a residential area in Co Dublin. The school age service caters for children aged 4-12 years old. The service is open Monday to Friday from 1.25 to 5.30pm. Sanitary facilities and an outdoor space for use by the school age children are located on the premises.

Staffing:

The registered provider does not work in the service. The registered provider employs eight staff members who work with the school age children.

Additional Information:

This inspection was triggered following 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 the inspection.

Summary of Findings:

On the day of inspection, the registered provider was found to be compliant in:

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

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

- Regulation 8(2): Vetting disclosures;
- Regulation 13(2)(a)(b): Complaints

Conclusion and follow-up actions:

The registered provider addressed the non-compliances identified on inspection in their corrective and preventive action plan and with the evidence provided.

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)(b)(c)(d):

The inspector reviewed the registered provider's file and the files of the eight staff members who worked with the school age children. There were two written references available for the registered provider. There were two written and validated references available for the eight staff members from a previous employer or a source other than a previous employer. A Garda vetting disclosure was available for all eight staff members and the registered provider. The service had therefore demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years. The documentation demonstrated that police vetting was either available or not required for the staff members or the registered provider.

Regulatory Requirement not met

(2)

The inspector reviewed the dates of the references and three of the required references were dated after the staff member had commenced in the service. Therefore the registered provider had not ensured that the full vetting procedures were carried out prior to all staff members being appointed, assigned or allowed access to or contact with the children attending the service.

Corrective & Preventive Action Response submitted by the Registered Provider

(2)

The registered provider has stated they will ensure that all new employees will have two references either from a past employer or a character reference before they commence in the service.

Summary of Findings

The action stated by the registered provider in their corrective and preventive action plan has 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)

There were 5 staff members working directly with the 37 children who attended the service on the day of the inspection.

(4)

The inspector observed appropriate supervision of the children during the inspection. There were two rooms for differing age groups, each supervised by at least two staff members. The older children were observed to use the hall, computer room and a relaxation area and were supervised by staff at these times.

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 inspector reviewed the service's behaviour management and the complaints policy. The policies contained information as per Schedule 6 of the regulations to support staff in their practice.

Regulation 12: Insurance

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

Regulatory Requirement Met

The service was insured from 28 March 2023 to 27 March 2024 for a maximum of 75 children. On the day of the inspection, there were 37 school age children in attendance.

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 inspector reviewed the service's complaints policy. The complaints policy detailed the procedure for making a complaint and how verbal and written complaints would be dealt with. The policy referenced how a complainant would be kept informed of the complaints procedure and the appeals process.

(3)(a)(b)

A written record of the complaints was available, in the service, for the inspector to review.

Regulatory Requirement not met

(2)(a)(b)

A staff member discussed two historical verbal complaints that the service had received. The staff member discussed how they had spoken with the complainant and resolved the complaint. However, there was no record of this complaint which is required as per the service's complaints policy and in relation to the regulation requirements.

Corrective & Preventive Action Response submitted by the Registered Provider

(2)(a)(b)

The registered provider stated that the complaints were logged following the discussion with the inspector and that they will ensure any future complaints are recorded.

Summary of Findings

The actions submitted by the registered provider in their corrective and preventive action plan have addressed the non-compliance identified on 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 Met

During the inspection, the inspector observed the health, safety and welfare of children being supported by the following:

- The inspector observed positive behaviour management with the children during the inspection. The inspector spoke to several staff in both rooms. All staff spoke of ways in which to encourage positive behaviour with the children. This was evidenced by the activities available in each room. For example in the room for younger children staff spoke of alternating activities which were available, such as a dress-up area, play dough and art activities. In the room for older children, there was a couch area for the children to relax. This was separate from the homework area. The inspector heard a staff member discussing whose turn it was for a certain activity and how another child had had their turn previously. The observations and discussions were reflective of the service's behaviour management policy, in which children were encouraged to solve problems and calm language was used.
- The inspector reviewed the files of staff members. In the files, there was evidence that staff had undertaken training, which included Children's First. Staff spoken with were aware of who to contact and discuss any concerns they may have with. There was also a signed record by staff in which they had reviewed the services' policies, including behaviour management on an annual basis. These policies were available and accessible on-site.