

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2019DY028SA
Name of School Age Service:	Aisling Project Woodhazel
Name of Registered Provider(s):	Michael Clear
Address of School Age Service:	Ballymun East Child & Youth Centre, Woodhazel Close, Ballymun, Co. Dublin.
Eircode:	D09 YK77

Date(s) of Inspection:	2 October 2024
Number of school age children present during inspection:	PM 56
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:

Aisling Project Woodhazel is one of three school age services operated by the registered provider. Aisling Project Woodhazel is based on a school complex in Co Dublin. The service has sole access to a two-storey building on the complex. There is access to an outdoor area, two small kitchens and sanitary facilities. A service is provided to children aged 4 to 15 years old between 2.30 and 7.30pm Monday to Friday.

Staffing:

The registered provider works in the service in a supernumerary capacity. There are 14 staff members employed by the registered provider. There are 12 staff members who work directly with the children and two cooks.

Additional Information:

The inspector conducted a planned focused inspection of the service. An Immediate Action Notice (IAN) was issued to the registered provider on 3 October in relation to the absence of a Garda Vetting disclosure (Regulation 8(c)). A response which mitigated the risk was received on 3 October 2024.

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, person in charge, and staff who were present on the day of inspection.

Summary of Findings:

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

- Regulation 8(1)(a)(b): Vetting disclosures;
- Regulation 9(1)(2)(4): Staffing levels;
- Regulation 12: Insurance;
- Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

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

- Regulation 7: Notification of Change of Circumstances
- Regulation 8(1)(c)(d)(2): Vetting disclosures;
- Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

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 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 informed the Early Years Inspectorate in advance of a change to the person in charge. The staff member registered as the person in charge is no longer working in the service. Another member of staff was identified as the person in charge during the inspection.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

The registered provider submitted a change of circumstances form and this was approved by the Early Years Inspectorate in October 2024. The registered provider stated they will ensure that any changes with the person in charge will be submitted on time, via a 'change in circumstances' form to the Early Years Inspectorate.

Summary of Findings

The registered provider addressed the non-compliance 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)

The staff files of the registered provider, 14 staff members and 5 student volunteers were reviewed. There were two written references available for each of the adults working in the service. These were validated as required by the registered provider.

Regulatory Requirement not met

(1)(c) An immediate action notice was issued to the registered provider in respect of Garda vetting on 3 October 2024. Of the 20 Garda vetting disclosures required one was not available for an adult who was working directly with the children.

(1)(d) The police vetting required for four adults who had lived outside of the jurisdiction for more than six months was not available.

(2) The registered provider had not ensured that vetting procedures had been completed prior to staff being employed and working directly with the children as the required documentation was not in place.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)(c) The registered provider submitted appropriate actions following the immediate action notice which mitigated the risk. The registered provider submitted the required Garda vetting in October 2024. The registered provider stated they will ensure that all staff have Garda Vetting in place prior to employment.

(1)(d) The registered provider submitted police clearance for three staff members. One police clearance was still in progress and will be forwarded upon receipt. The registered provider stated they will ensure all staff have police clearance prior to employment, and all clearance documents will be translated to English as required.

(2) A copy of the Staff Checklist was submitted and had been implemented in the service. This contained checks on all vetting requirements as already outlined in the registered provider's response.

Summary of Findings

The registered provider addressed the non-compliance identified on inspection in their corrective and preventive action plan and with the evidence provided. These actions will be reviewed 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)

There were 16 adults working with 56 children. The children were supervised by set members of staff throughout the premises. For example, some of the children were playing pool in a hallway with staff members available. In an upstairs room, children were making Halloween decorations with their peers and staff.

Regulation 12: Insurance

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

Regulatory Requirement Met

The service was insured to provide care for to up to 130 children. The insurance was valid from 6 October 2023 to 5 October 2024.

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 inspectors observed the health, safety and welfare of children being supported by the following:

- The 19 Garda Vetting disclosures that were available were dated within the last three years, which demonstrated compliance with the renewal of Garda Vetting regulatory notice.
- The children were observed to be engaged in a variety of activities. The activities the children took part in were varied and reflected the children's stage of development. For example, an older group of children took part in a discussion group to support positive mental health, whilst a younger group were making Halloween crafts. Children spoke of how there were activities on offer but also how they had a choice in what they did.

Regulatory Requirement not met

1. The registered provider did not ensure that the safety of the children attending the service was maintained. Whilst there were attendance records available, they were not completed at the time of the children's departure to accurately reflect the children's attendance in the service. For example, during the inspection children left the premises to attend off-site activities.

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Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider has spoken to all staff regarding the requirement to record all children's attendance adequately. As a preventive action, this will be monitored daily.

Summary of Findings

The registered provider addressed the non-compliance identified on inspection in their corrective and preventive action plan and with the evidence provided. The actions will be reviewed on the next inspection.