

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2019KE002SA
Name of School Age Service:	A.R.K. CLUB Limited
Name of Registered Provider(s):	Ann Foley Rebeka McCloskey
Address of School Age Service:	Kilcock GAA, Branganstown, Kilcock, Co. Kildare
Eircode:	W23 YHT7

Date of Inspection:	19 February 2024
Number of school-age children present during inspection:	PM 34
Registration status:	Registered

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).

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Description of Service:

A.R.K. CLUB Limited is a school age service owned and operated by two registered providers. It is based in Kilcock Gaelic Athletic Association (GAA) clubhouse on the outskirts of the town. The service has the use of the club's large amenity hall and two meeting rooms on the first floor of the building.

The service is registered to accommodate up to 80 children from the ages of 4 up to 15 years old. On the day of the inspection, there were 34 children present.

The service is registered to operate from 7.30am to 9am and 1.30pm to 6pm. However, the registered provider indicated that they have discontinued the breakfast club. The service operates 38 weeks of the year in line with the local school's academic calendar.

The children have access to a large fenced-in grassed area at the side of the building.

Staffing:

There are a total of seven staff members employed in the service, including relief staff. Both registered providers work directly with the children. On the day of the inspection, there were 5 staff caring for 34 children.

Additional Information:

An Immediate Action Notice concerning safety and the absence of one Garda vetting was issued on 20 February 2024. A response was received from the registered providers on 20 February 2024. The response met the requirements of Regulation 8 Vetting Disclosures (8)(1)(c) and the Childcare Act 1991, 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 providers, and staff who were present on the day of the 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 providers were found to be non-compliant in:

- Regulation 8: Garda Vetting.
- Childcare Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Conclusion and follow-up actions:

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have 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 not met

(1)

Of the seven files reviewed, the following was noted;

(a)(b) There were no written validated references available for the seven staff members.

(c) Garda vetting was not available for one staff member. However, it is acknowledged that Garda vetting was available for six staff members.

(d) Documentation was unavailable for two staff members to affirm whether police vetting was required. However, it is acknowledged evidence was available to demonstrate that five staff members did not require police vetting.

(2)

Files available demonstrated that procedures specified in paragraph 1 were not carried out prior to staff members 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)

(a)(b)

Evidence submitted included an updated validation policy and a telephone reference validation form.

(c) A response to an immediate action notice was received by the inspector on 20 February 2024. The response included evidence to show that Garda vetting for a staff member had been applied for. The registered providers stated that in the interim, the staff member has been removed from the roster and another staff member has been rostered for additional hours. A copy of the staff members Garda vetting was submitted on 21 February 2024.

Summary of Findings

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

During the inspection, the registered providers ensured that appropriate staffing levels were maintained. The 34 children attending the service were supervised directly by 7 adults. Discussion with staff members, a review of the staff rosters and records of the children's attendance from 22 January to 16 February 2024 demonstrated the minimum ratio of 1 adult to 12 children was maintained during this period.

During the inspection, staff were observed to engage with children doing arts and crafts activities and playing football in the large grassed outdoor area.

Regulation 12: Insurance

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

Regulatory Requirement Met

The service was insured from 23 March 2023 to 27 March 2024 for a maximum of 80 school-age children.

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

1. An immediate action notice was issued as the main entrance to the building was unsecured and the children could gain access to the car park and main road.
In addition, the inspector noted the gate in the grassed area was not closed while the children were playing football, and children could gain access to the car park and main road.
This also created a risk of unauthorised access.
2. Garda vetting was available for one staff member. However, this vetting disclosure was not dated within the previous three years in adherence to the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider submitted a response on 20 February 2024 stating that the front door would be locked in future and the gate to the play area would be closed when children are using it. Documents from the manager of the building were submitted as evidence of permission for the entrance doors to be locked while the school-age service was in operation and the gate to the grassed outdoor area will be secured while in use. As part of the corrective and preventative action, the registered provider stated that a bell was installed on the front entrance and a permanent bolt has been placed on the gate at the grassed area. A copy of the communication to the parents informing them of the changes was submitted to the inspectorate. The registered provider stated that a front door/outdoor play area policy was devised and circulated to staff and parents. A copy was submitted as evidence.

2. The registered provider stated the recruitment policy was updated and all staff files will be checked regularly to ensure they are up to date. The policy was submitted as evidence and outlines the procedures to be carried out before an adult can work or have access to children.

Summary of Findings

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