

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2019RN008SA
Name of School Age Service:	Kids Rule Afterschool
Name of Registered Provider(s):	Tracey Cox
Address of School Age Service:	Elphin Community Centre New Line Road Elphin Co. Roscommon
Eircode:	F45 K336

Date of Inspection:	05/12/2024			
Number of school age children present during inspection:	AM	NA	PM	17
Registration status:	Registered			
Conditions (if applicable):	Not applicable			

Address of the Early Years Inspectorate	Tusla Early Years Inspectorate Markievicz House Barrack Street Sligo
Inspection undertaken by:	K Folan A Spain
Title:	Early years inspectors

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:

Kids rule afterschool service is a standalone school age service based in Elphin Community Centre in the town of Elphin, Co. Roscommon. The service caters for children aged between 4-15 years of age. The service provides a breakfast club between the hours of 8:00 to 9:30am and an afterschool service between the hours of 2:00- 6:00p.m. The service uses the main community hall for its afterschool service. It also has access to a separate room if required. A kitchen is available for the preparation of food.

Staffing:

There are six staff working in the service, one of whom is the registered provider. On the day of inspection there were two staff present providing direct care to the children. The registered provider was present to provide assistance to the inspectors if required.

Additional Information:

Two Immediate Action Notices were issued following the inspection on 6 December 2024

1. There was no adult trained in First Aid available to the children.
2. Garda Vetting for one adult was not available.

The service was found to be operating outside of its registration status. Please refer to regulation 7.

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 191 (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 inspectors wish to acknowledge the co-operation of the children, registered provider and staff who were present on the day of inspection.

Summary of Findings:

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

Regulation 9 (1) (2)(4): Staffing levels;

Regulation 12: Insurance

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

Regulation 7(1): Notification of change in circumstances;

Regulation 8 (1)(a)(b)(c)(2): Vetting disclosures;

Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013

Conclusion and follow up actions:

The inspectors reviewed the registered providers response, documented and photographic evidence that was submitted. The non- compliances found on inspection have been adequately addressed. This will be reviewed on the next inspection of the service.

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.

(2) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) of a 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), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.

Regulatory Requirement not met

(1) The service was found to be operating outside of its registration status. The service is currently registered for 20 school age children between the hours of 2:00 - 6:00p.m. The attendance records for the weeks of the 11th, 18th and 25th of November were reviewed and records confirmed that a maximum of 31 children were attending at any one time between 2:10 and 6:00p.m. This was confirmed to the inspector by the registered provider. An internal Tusla referral was made in relation to the service operating outside of its registered status.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Action:

1. The registered provider submitted evidence to demonstrate a change in circumstance application was submitted to Tusla.

Preventative Action:

1. The registered provider has advised that numbers will be reviewed weekly in advance to ensure the service remains operating within its registration status.

Summary of Findings

The documented and photographic evidence submitted has been reviewed by the inspectors and has met the regulatory requirements.

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) Six files were reviewed including the registered provider.

- (a) Four of the twelve reference were available from a past employer.
- (b) Three of the twelve references were available from a reputable source.
- (c) Five Garda vetting disclosures were held for five adults. 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) There were no references available for two adults.

(1) (c) There was no Garda Vetting disclosure available for one adult who was working directly with the children. An Immediate Action Notice was issued to the service on 6 December 2024 in relation to the absence of Garda vetting for the adult working in the service. The service submitted a response on 6 December 2024 outlining that the Garda vetting had been applied for and that the adult would not be working in the service until it had been obtained.

(d) The inspectors could not determine if police vetting was required for two adults due to gaps in the employment history record.

(2) Two references on file were not validated prior to adults having access to the children in attendance in the service. Incomplete vetting procedures could pose a risk to the safety of the children.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Action:

1. The registered provider has provided evidence of references being obtained for one adult.
2. The registered provider submitted evidence of Garda Vetting for one adult.
3. The registered provider has stated that the employment history records of adults have been completed for all adults
4. The registered provider has responded and advised that references have been validated.

Preventative Action:

1. A staff file checklist has been added to all employee files
2. A member of management has been assigned to ensure the completion of Garda Vetting and no new staff will commence working in the service until Garda Vetting has been received by the service.
3. If the registered provider receives an employment history record for a potential employee, the registered provider will request a full and complete record.
4. The registered provider responded to advise that a reference checklist has been created

to assist management when recruiting new staff members.

Summary of Findings

Documentary evidence in respect of references for one adult remain outstanding. This will be checked 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) On the day of the inspection there were three adults working with 17 children.
- (2) The registered provider ensured that the adult to child ratios were correct on the day of inspection.
- (4) The adults were observed to supervise the children during the inspection. The adults interacted with children and provided help with homework where needed. Children were engaged in activities such as indoor football, small world play, dancing and free play with construction toys.

Regulation 12: Insurance

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

Regulatory Requirement Met

The registered provider had ensured adequate insurance was in place for a maximum of 32 children in its school age service. Insurance was in place and valid from 28 August 2024 to the 27 March 2025.

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

The service did not take all reasonable measures to safeguard the health, safety and welfare of the children in attendance.

1. On the inspector's arrival to the service, the designated person in charge was not available and on discussion with two adults a deputy person in charge could not be identified. There was no roster available to indicate the person in charge or deputy person in charge on the day of inspection. The absence of management structures could pose a risk to the safety of the children.
2. The service did not maintain a record of staff on a daily basis to include their time of arrival and departure times. Therefore, it could not be determined if there were enough adults working with children on a daily basis. This could pose a risk to the safety of children not being adequately supervised when in attendance in the service.
3. There was no adult trained in First Aid available to the children. This posed a risk to the safety of the children for example, in the event of a medical emergency. An Immediate Action Notice was issued to the service on 6 December 2024. On 6 December 2024, the

service submitted a response advising that an additional adult who is trained in First Aid will remain in the service until the remaining adults receive training. Evidence of first aid certification was provided in relation to this adult.

4. There was no suitable storage facilities provided for the children's coats and bags, which were left along the floor leading to the boys and girls sanitary accommodation. This posed a risk of a trip and fall hazard to the children.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Actions:

1. A new manager has been appointed.
2. The registered provider has responded to advise staff are now signing in and out on the daily register.
3. The registered provider has submitted evidence which shows that three members of staff are now trained in First Aid.
4. The coats and bags are neatly positioned against the wall and checks are carried out every hour.

Preventative Actions:

1. The registered provider has responded to advise that should the manager be absent for any reason, a deputy will be appointed in their absence.
2. The manager will conduct a daily check of the register to ensure staff are signed in correctly.
3. The registered provider will ensure that there is a member of staff trained in first aid available to the children at all times.
4. Hangers have been ordered and will be fixed to the wall to allow for safe storage

Summary of Findings

The documented and photographic evidence submitted has been reviewed by the Early Years Inspectorate and has met the regulatory requirements.