

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2019WH002SA
Name of School Age Service:	Brawny Afterschool Service
Name of Registered Provider(s):	Fiona Mc Hugh
Address of School Age Service:	37 Brawny Road Lissywoolen Athlone Co Westmeath
Eircode:	N37 K8F2

Date(s) of Inspection:	25 November 2024
Number of school age children present during inspection:	PM 11
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 K. Folan
Title:	Early years inspectors

Early Years Inspectorate Regulatory Report

School Age Services

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).

Description of Service:

Brawny Afterschool Service is based in a ground-floor community building in Co Westmeath. The service provides care to children aged 4 to 15 years old. An afterschool club is provided from 1.30 to 5.30pm. The service is also registered to operate from 9.00am to 5.00pm during non-term time. There is an outdoor area available in the vicinity of the service. A small kitchen area and sanitary facilities are available onsite.

Staffing:

The registered provider does not work in the service. There are four staff members employed by the registered provider to work directly with the children.

Additional Information:

This inspection was a planned focused inspection of the service.

An Immediate Action Notice (IAN) was issued to the registered provider on the day of inspection in relation to the safety of the children and is discussed in Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. The IAN was related to the unsupervised access and exit from the service. A response which mitigated the risk was implemented on the day of the inspection and further information was received on 26 November 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 inspectors wish to acknowledge the co-operation of the children, registered provider, person in charge, 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): 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 8(1)(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 actions and evidence submitted by the registered provider, in their preventive and corrective action plan, have addressed the non-compliances identified on 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 Met

(1)(a)(b)

The staff files of the registered provider and three staff members were reviewed. The registered provider had two written references for themselves and each of the three staff members. These references were validated as required.

(1)(c)

A Garda Vetting disclosure was available for each of the four adults. These were dated within last three years in accordance with the Early Years Regulatory Notice.

Regulatory Requirement not met

(1)(d)

The police vetting available for a staff member was not translated by a reputable source to ensure the suitability of the staff member for their role.

(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 validated references and translated police vetting was not in place.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)(d)

The registered provider submitted a certified translated document following inspection.

(2)

The registered provider submitted an updated Human Resource procedure to ensure that all documents are to be received before employment.

Summary of Findings

The actions and evidence submitted by the registered provider, in their preventive and corrective action plan, have addressed the non-compliances 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)(4)

There were 2 staff members working directly with 11 children. The staff members greeted the children as they entered the service and spoke with them about their day. They were observed supporting children directly with their homework as required. The children were given the opportunity to choose activities and staff helped children make puppets and jewellery.

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 the number of children attending the service. The insurance was valid from 19 November 2024 to 18 November 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

1. An Immediate Action Notice (IAN) was issued to the registered provider concerning the unrestricted access and exit to the service. On the day of inspection, the registered provider took action to mitigate the risk. This was then supported by further written and photographic documentation provided on 26 November 2024.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider's actions taken at the time of the inspection mitigated the risk and a secure entrance and exit was created to the service.

Summary of Findings

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