

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2021CE027SA
Name of School Age Service:	Kilmaley Community Creche LTD
Name of Registered Provider:	Gerry Pyne
Address of School Age Service:	Kilmaley, Co Clare
Eircode:	V95 P9YX

Date of Inspection:	06 August 2025			
Number of school age children present during inspection:	AM	3	PM	9
Registration status:	Registered			
Conditions (if applicable):	Not applicable			

Address of the Early Years Inspectorate	2 nd Floor, Estuary House, Henry Street, Limerick, V4 XT5F
Inspection undertaken by:	S O'Brien & J Hayes
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:

Kilmaley Community Crèche was established in 2006, in Kilmaley, Ennis, County Clare. The childcare facility operates Monday to Friday from 07:30 to 9:15 and from 2pm to 6pm, during the school term. A full day care service is also offered to children aged 0 to 6 years.

The childcare facility is located in a single-story building. The school age service operates from two care rooms which are located at the side of the premises. On the day of inspection, one care room was in operation. An outdoor area is located to the side and rear of the building.

Staffing:

The service employs 13 staff including the registered provider, manager and assistant manager. The registered provider does not work in the service. On the day of inspection, nine staff who work directly with school-age children were present in the service.

Additional Information:

The inspection was carried out as a result of information received by the inspectorate.

07 August 2025:

An Immediate Action Notice for Garda vetting was issued as one staff member that had access to the school age children did not have a Garda vetting disclosure available for review. The registered provider submitted a response on 07 August 2025, and stated that the staff member would not work in the service until Garda vetting had been obtained.

Further information regarding the Immediate Action Notice can be found under Section 58(g) as amended by part 12 of the Child and Family Agency Act, 2013.

On 23 September 2025, a regulatory compliance meeting was held with the registered provider, service manager and assistant manager of the service, by the Inspection and Registration Manager. The meeting was held to discuss the non-compliances found under Regulation 8: Vetting disclosures and the Child Care Act 1992, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

the corrective and preventive action responses. Further information can

be found under each regulation of the report.

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

Summary of Findings:

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

- Regulation 9: Staffing levels.
- Regulation 10: Policies of a school age service.
- Regulation 12: Insurance.
- Regulation 13: Complaints.

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

- Regulation 7: Notification of change of circumstances
- Regulation 8: Vetting disclosures
- Child Care Act 1992, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Conclusion and follow up actions:

The registered providers response, documented, and photographic evidence submitted was reviewed by the inspectorate. The non- compliances found on inspection have been aadequately addressed and will be reviewed at the next inspection.

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 attendance records of the children were reviewed, and following change had not been notified to the agency 60 days before the changes took place:
- The service was operating the school age service in the months of July and August.
The school age service was first registered to operate from 7:30am to 6pm, Monday to Thursday and 7:30am to 5:30pm on Fridays, September to June.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Action

The registered provider stated in their response that they applied to Tusla for a change in circumstance in the service.

Preventive Action

The registered provider stated that in future they will put in a change of circumstance with Tusla at least 60 days prior to any changes.

Summary of Findings

The documented evidence submitted has been reviewed by the inspectorate 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) Fourteen staff files were reviewed including the file of the registered provider, manager and assistant manager of the service.

(a) Sixteen of the references available were from a past employer. Twelve of these references were validated.

(b) Seven of the references available were from a reputable source. Three of these references were validated.

(c) Garda vetting disclosures were available for 13 staff members. The service demonstrated compliance with the re vetting timelines as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. However, there was no Garda vetting disclosure available for review in respect of one staff member. Please refer to Section 58(g), as amended by Part 12 of the Child and Family Agency Act, 2013 of this report.

(d) Police vetting disclosures were available in respect of two staff members who had lived

outside of a state for longer than 6 consecutive months.

Regulatory Requirement not met

(1)

(a)(b)

1. Five written and validated references were not available in respect of three staff members.
2. Four of the references available from a past employer were not validated.
3. Four of the references available from a reputable source were not validated.

(d) It was not possible to determine the requirement or otherwise for police vetting in respect of three staff members, as their curriculum vitae were not available.

(2)

The registered provider did not ensure that the procedures specified in paragraph 1 had been fully carried out prior to the eight of the staff members being appointed, assigned or allowed access to or contact with the school age children attending the service.

This posed a possible safety risk to the children as the registered provider did not adequately complete the required checks to ensure the suitability of the staff in the service.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Action

The registered provider stated in their response:

(1)

(a)(b) Written and validated references were submitted in respect of two staff members.

Eight validations were submitted in respect of the eight references that required them.

(d) Curriculum vitae in respect of two staff members who required them were submitted.

Police vetting was not required for these staff members as they did not live outside of a state for longer than six consecutive months.

(2) All staff files have been updated for all staff members.

Preventive Action

The registered provider stated in their response:

(1)

- (a)(b) All references will be validated prior to staff starting work in the service.
- (d) The service will ensure that all staff members have an up-to-date curriculum vitae.
- (2) The service will ensure that adequately complete all required checks in future to ensure the safety of the children.
- On 23 September 2025, during the regulatory compliance meeting, the service manager outlined that the third staff member no longer works in the service.

Summary of Findings

The documented evidence submitted has been reviewed and adequately addresses the non-compliances.

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) The registered provider ensured that there were adequate staff to care for the children during the inspection.
- (2) In the morning, there were three children being cared for by one staff member. In the afternoon, there were nine children being cared for by one staff member.

(4) It was observed that the staff member supervised the children at all times during the inspection. The staff member was observed chatting and playing with the children throughout the day. The children were observed by sight and sound in the care room and outdoor area.

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

On the day of inspection, the following policy was reviewed:

- Complaints policy.

The inspector reviewed the policy and was observed to contain the information required as per Regulation 10 and Schedule 6 of the regulations.

Regulation 12: Insurance

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

Regulatory Requirement Met

The registered provider ensured the school age service was adequately insured. The insurance policy commenced on 28 March 2025 and expired on 27 March 2026.

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.*

Regulatory Requirement Met

- (1) The registered provider ensured the complaints policy for the service:
- (a) Outlined the procedure to follow by a person when making a complaint in relation to the service.
 - (b) Outlined the manner in which the complaint will be dealt with.
 - (c) Outlined the procedures for keeping the complainant informed on how the complaint will be dealt with.

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

- The children were observed playing in the care room. The children had made masks from art and craft materials on the day of inspection.
- The children were observed playing football and games in the large outdoor area.
- The children were observed having chicken, veg and mash for their dinner. Children were offered snacks throughout the day. Water was available to the children through individual

water beakers and were accessible to the children throughout the inspection.

- The staff were observed speaking to the children in a respectful manner and listened to the children's needs.

Regulatory Requirement not met

1. There was no Garda vetting disclosure available in respect of one staff member who worked directly with the school age children. This posed a possible safety risk to the children as the relevant checks had not been carried out prior to the staff member being appointed to care for the children.

An Immediate Action notice was issued to the provider and on 07 August 2025, the registered provider stated that the staff member could not attend work in the service until a Garda vetting disclosure had been obtained in respect of them.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Action

The registered provider stated in their response on 09 September 2025, that a Garda vetting application was applied for and are waiting on the vetting to come through. The staff member has not been in the premises since the service received the Immediate Action Notice.

Preventive Action

The registered provider stated in their response that they will ensure that all staff members Garda vetting is up to date and will do three monthly checks on all vetting.

On 23 September 2025, at the regulatory compliance meeting, the service manager outlined that an application had been applied for in respect of the staff member and that they would forward the vetting disclosure to the inspectorate once it is obtained. The service manager also outlined that the staff member is not currently working in the service until the Garda vetting disclosure is received.

On 06 October 2025, a Garda vetting disclosure was submitted to the inspectorate in respect of the staff member who required it.

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Summary of Findings

The documented evidence was submitted and reviewed by the inspectorate and has met the regulatory requirements.