

Early Years Inspectorate Regulatory Report

School Age Services

TUSLA Identifier:	TU2022WD002SA
Name of School Age Service:	Ballymacarbry N.S. Breakfast Club & After School Service
Name of Registered Provider:	Helena O'Meara
Address of School Age Service:	Ballymacarbry National School, Ballymacarbry, Co. Waterford.
Eircode:	E91 E426

Dates of Inspection:	18 June 2024			
Number of school age children present during inspection:	AM	Non-Applicable	PM	28
Registration status:	Registered			
Conditions (if applicable):	Not Applicable			

Address of the Early Years Inspectorate	Primary Care Centre, Castle Park, Arklow, Co. Wicklow
Inspection undertaken by:	L O' Connor
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:

Ballymacarbry N.S. Breakfast Club & After School Service is located within Ballymacarbry, Co Waterford. It is registered to cater for 24 children aged 4 to 12 years old. The service is located on the grounds of a primary school and there one care room provided with an adjoining sanitary area for the children. The service is registered to operate from 7.30am-9.00am and 2.30pm – 5.30pm during term time.

The children have access to an outdoor area within the grounds of the primary school.

Staffing:

There are six adults involved in the service, including the registered provider and an area manager.

On the day of inspection, there were three adults working directly with the children.

Additional Information:

The inspector conducted a planned focused inspection of the service.

On the day of inspection, the service was operating outside its registration status regarding the number of children which it is registered to accommodate. A referral was made to the early year's registration office within the Inspectorate On the 19 June 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, person in charge, 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 the following:

Regulation 8(1)(c)(d): Vetting disclosures;

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

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

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

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

Regulation 12: Insurance.

Conclusion and follow-up actions:

The registered provider submitted actions to correct the non-compliance and actions to reduce the likelihood of the non-compliances reoccurring. Based on these actions and documentary evidence submitted for the regulations specified above, the Inspectorate is satisfied that the requirement has been met.

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 did not notify the Agency in writing in advance of changes to the number of children attending the service. The service was registered to accommodate 24 children at any one time. On the day of inspection, there were 28 children present.

A review of records identified that there was more than 24 children attending on various dates as follows:

Date	Number of children in attendance
11 June 2024	29 children
21 May 2024	26 children
16 May 2024	25 children
14 May 2024	28 children
9 May 2024	27 children
19 March 2024	30 children

The service was therefore operating outside its registration status regarding the number of children it was registered to accommodate. On the 19 June 2024, a referral was made to the early years registration office in the Inspectorate.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

The registered provider stated a proposed Change In Circumstance form was submitted to the registration office the day after the inspection to request an increase the number of children which the service can accommodate from 24 to 36 school age children. The service employed another staff member and increased their insurance to accommodate for 36 children.

Summary of Findings

The registered provider has met the requirement of with Regulation 7; Notification of change in circumstances.

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)(c)(d)

Six staff files were reviewed. The required Garda vetting disclosures were available for review for the six adults. These were completed within the previous 3 years as required. Through a review of documentation, it was determined that police vetting was not required.

Regulatory Requirement not met

(1) (a)(b)

It is acknowledged the required references were available for six adults. However, these were not validated as required.

(2)

The procedures, as required, were not carried out prior to the commencement of employment of staff within the service. It was determined that three of the six adults were employed prior to the registered provider obtaining Garda vetting disclosures or required references.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)(a)(b)

The references have been validated. References will be requested and validated before employment commences. The validated references were submitted to the Inspectorate.

(2) Potential new staff will be vetted on day of interview. The staff files will be updated constantly and when a new employee starts.

Summary of Findings

The requirement has been met for Regulation 8: Vetting disclosures. The actions submitted 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)

The adult to child ratio was maintained throughout the inspection. On the day, there was 28 children with 3 adults in the service. The children were appropriately supervised throughout the inspection.

Regulation 12: Insurance

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

Regulatory Requirement not met

The registered provider did not have adequate insurance in place for the number of children in attendance on the day of inspection and on various dates during March, April and May 2024.

On the day of inspection, there were 28 children present. During the inspection, the inspector requested the insurance certificate for the service from registered provider and it was demonstrated the service was insured for 24 children at any one time. It is acknowledged the registered provider took immediate action during the inspection and provided evidence of the updated insurance certificate following the inspection [18 June 2024] to demonstrate insurance cover was in place for up to 36 school age children.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider stated that insurance has been updated. The registered provider outlined that management would contact the registered provider when new bookings are made and when new children join the service. It was outlined that management plan to review the number of children which have attended the service every week to ensure, going forward, that there is sufficient insurance in place for the service.

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Summary of Findings

The actions implemented by the registered provider have addressed the non-compliance. This regulation will be reviewed on the next inspection.