

Early Years Inspectorate Regulatory Report

School Age Services

TUSLA Identifier:	TU2022WW004SA
Name of School Age Service:	Kids Inc Afterschool
Name of Registered Provider:	John Harnett
Address of School Age Service:	Greystones CNS, Charlesland, Greystones, Co Wicklow.
Eircode:	A63 HH94

Date of Inspection:	09 October 2024			
Number of school age children present during inspection:	AM	n/a	PM	18
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:

The service is located in Greystones, Co Wicklow. It is service is registered to cater for up to 48 children aged 4 to 12 years old and operates from 7.45am to 8.45am and 1.25pm to 6.30pm Monday to Friday during term time only. The service operates from the grounds of a primary school and the children have access to two care rooms on the second floor of the school building.

The children are provided with an outdoor area on the school premises and have use of the hall within the school.

Staffing:

There are six adults employed within the service. The registered provider does not work in the service or directly with the children.

On the day of inspection, there were four adults present in the service.

Additional Information:

The inspector conducted a planned focused inspection of the service.

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)(a)(b)(c): Vetting disclosures;
- Regulation 9(1)(2)(4): Staffing levels;
- Regulation 12: Insurance;

The registered provider was found to be non-compliant in relation to the following:

- Regulation 7(1): Notification of change in circumstances;
- Regulation 8(1)(d)(2): Vetting disclosures;

Conclusion and follow up actions:

Based on the actions and supporting documents submitted by the registered provider, the non-compliances identified under Regulation 7; Notification of change in circumstances (1) and Regulation 8: Vetting disclosure (1)(d)(2) have been addressed. There is no follow up action from this 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.

(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 following was noted during the inspection with regard to the registration status of the school age service:

The registered provider did not inform the Inspectorate regarding the change in person in charge within the service. The named person in charge on the day of inspection was different to the registered person in charge. The service had therefore operated outside of their approved registration status.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider submitted the following through their CAPA response on 21 November 2024. The registered provider stated that the request for Change of circumstance was sent to the Inspectorate on the 14th of October 2024. On the 17th of October Kids Inc received an email from Tusla to confirm that the changes were approved. Kids Inc will aim to notify the Agency within the time frame specified of a change in the details in relation to the school age service. Kids Inc shall notify the Agency in writing as soon as possible where a change in circumstance has occurred.

Summary of Findings

The requirement for Regulation 7; Notification of change in circumstances has been met.

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 Síochana 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)(c)

Documentation relating to six staff files were reviewed. The required Garda vetting disclosures were available for the six staff members. It was demonstrated that the service adhered to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Twelve references were available and were validated as required.

Regulatory Requirement not met

(1) (d)

The required police vetting was available for review for three adults. However, one adult working directly with the children did not have the required police vetting. It is noted that following the inspection the service provided documentation to demonstrate the application which was made for the required police vetting.

(2)

It was demonstrated that the required documentation was not in place prior to all staff being appointed, assigned or allowed access to or contact with a child attending the school age service. The procedures as required for the consideration of police vetting was not carried out for one staff member prior to being appointed, assigned or allowed access to or contact with children.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

(d) The registered provider stated through their CAPA response submitted on 14 November 2024 that the police vetting, and a sworn translation has been obtained and filed for the staff member. The registered provider stated that police Vetting continues to be sought at the application stage.

The police vetting for one adult was submitted to the Inspectorate.

(2)

When police vetting is not available every reasonable effort will be made to obtain Police vetting. A paper trail of its denial or refusal or un-attainability will be evident. A thorough check and validation of references in line with our recruitment policy is conducted and the evidence is retained. Emails and documents providing such evidence will then be uploaded to the staff file for an inspector to view.

Summary of Findings

Based on the actions and supporting documentation submitted, the requirement for Regulation 8: Vetting disclosure has been met.

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 four adults present with 18 school age children in the service. There was an adequate number of adults working with the children. Throughout the inspection, the children were appropriately supervised by the four staff members through sight and sound. During the inspection, there was one additional adult available to the two care rooms to provide support, when required. This staff member discussed the varying times when additional support was required to each of the rooms, this included homework time and when the children were going outside.

Regulation 12: Insurance

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

Regulatory Requirement met

The service was insured for 48 children to attend at any one time. The policy was dated from 28 March 2024 to 27 March 2025.