

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2023WW001SA
Name of School Age Service:	Breakfast Club
Name of Registered Provider:	Karen Shortt
Address of School Age Service:	Dr Ryans Community Centre, 146 Kenmare Heights, Greystones, Co. Wicklow.
Eircode:	A63 YA21

Dates of Inspection:	16 and 17 October 2024			
Number of school age children present during inspection:	Day 1	31	Day 2	46
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).

Early Years Inspectorate Regulatory Report

School Age Services

Description of Service:

The Breakfast Club is located Dr Ryans Community Centre in Greystones, Co Wicklow. The service is registered to cater for up to 40 children aged 4 to 12 years old. The service operates from a multi-use premises on Monday, Tuesday, Thursday and Friday. It operates for term time only and it is open from 7am to 8.50am and 1.30pm to 5.30pm Monday to Thursday. On a Friday, the service operates from 1.30pm to 2.30pm.

Within the Community Centre, the children have access to one care room with adjoining sanitary facilities. The children are provided with an outdoor area near the community centre.

Staffing:

There are four adults employed within the service, including the registered provider. The registered provider works directly with the children.

There were three adults present in the service on day one of the inspection, and on day two of the inspection, there were four adults present.

Additional Information:

The inspector conducted a planned focused inspection of the service. On day one of the inspection the inspector found that the service was temporarily relocated and operating from an unregistered address. Staff advised that this happens weekly as the registered address is unavailable to the service. As a result, a second day of inspection took place to assess the service in operation from the registered premises.

The inspector notified the Early Years registration office on the 18 October 2024 of the following findings which are not in line with the registration status of the service:

- The presence of a preschool child on 16th October 2024. The registered provider is not authorised to operate a preschool service.
- The use of an alternative unregistered premises on 16th October 2024.

- Accommodating a number of children in excess of the registered maximum on 17th October 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, registered provider, 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): Vetting disclosures;
- Regulation 9(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)(a)(b)(d)(2): Vetting disclosures;
- Regulation 9(1): Staffing levels;
- Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Conclusion and follow up actions:

The registered provider submitted actions and supporting documents to demonstrate the measures which have been put into the service to address the non-compliance identified on inspection. These regulations will be assessed on 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.

(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 registered provider had not made any notification to the Inspectorate proposing this change to the number of children which the service could accommodate. The service is registered to accommodate 40 children at any one time. On day 2 of the inspection, there were 46 children present.

On a review of records from 07 October 2024 to 15 October 2024, the following was noted:

- a. 15 October 2024, there were 42 children in attendance,
- b. 10 October 2024, there were 43 children in attendance,
- c. 09 October 2024, there were 45 children in attendance.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider stated through their CAPA response that they contacted the registration department within the Early Years Inspectorate to request the number of children eligible to attend the service to be increased from 40 to 48 children. Going forward, the registered provider stated if they request an increase the number of children to more than 48 children, they will contact the Inspectorate and make the request in advance.

Summary of Findings

The registered provider has met the requirement for Regulation 7; Notification of change in circumstances. The service is registered to accommodate a maximum of 48 children at any one time.

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)

Documentation relating to four staff files were reviewed. The required Garda vetting disclosures were available for the four 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.

Regulatory Requirement not met

(1) (a)(b)

Two validated references were available. However, four references were not available for two staff, and two references were not validated for one staff member.

(d)

The required documentation was not available during inspection to determine if police vetting was required for three staff members within the service.

(2)

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 references was not carried out for two staff members and the requirement for police vetting has not been adequately assessed prior to being appointed, assigned or allowed access to or contact with children.

Corrective & Preventive Action Response submitted by the Registered Provider

(1) (a)(b)

The registered provider stated through their CAPA response that the required written references are on file for all 4 staff members. The registered provider stated that they will ensure to have the required number of references on file prior to a new staff member being appointed, assigned or allowed access to or contact with children.

(d) All CVs are on file for current staff and have been verified by the registered provider.

(2)

The registered provider stated that validated references and Police Vetting will be obtained prior to a new staff member being appointed, assigned or allowed access to or contact with children.

Summary of Findings

Based on the actions and supporting evidence submitted, it is deemed that the requirement for Regulation 8: Vetting disclosures 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

(2)(4)

On day one of the inspection, there was three adults present with 31 children. On day 2 of the inspection, there was 4 adults present with 46 children. Children were appropriately supervised at all times throughout the inspection. While in the outdoor area, the two staff members were observed to position themselves at a distance which allowed for visual supervision of all of the children present. Staff were overheard discussing boundaries with the children. For example, when the football went over the fencing. A staff member was overheard by the inspector to name the child who would get the ball. The staff member observed the entrance/exit gate and the child retrieving the ball until the child returned to the group of children.

Regulatory Requirement not met

(1)

An adequate number of adults were not available to the children at all times due to the staffing arrangements and the routine of the service.

Between 3pm-4pm on both days of inspection, staff remained indoors to support the older children with their homework. At this time, the other two staff members remained in the outdoors. It was confirmed with the staff members, when children are finished their homework, they go to the outdoor area to join the main group.

It is acknowledged the service provided support to children completing their homework, provided a suitable space and maximum time allocation. However, on day one of the inspection, at 3.40pm there were two adults in the outdoor area with 29 school age children. At this time, one adult was indoors with two children completing their homework. On day two of the inspection, at 3.40pm, there were two adults with 38 school age children in the outdoor area. Two adults were indoors with 8 children completing their homework.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider stated through their CAPA submission that the practice of the service has been amended since the inspection and that this new process has been verbally communicated to staff. Since the inspection in Oct 2024, the service will ensure children are kept in the hall until a approx. 12 children are finished their homework, at this stage a member of staff will move from the hall, escorting 12 children to the outdoor area, leaving a maximum number of 12 children with one staff member in the hall, therefore eliminating the risk of acting outside of the adult to child ratio requirements. In the event the number exceeds 12 children, the staff will phone each other to inform of same and correct numbers immediately.

Summary of Findings

Based on the actions provided by the registered provider, the Inspectorate is assured that measures have been put into place to ensure there is an adequate number of adults working with the children at all times. This will be assessed on the next inspection.

Regulation 12: Insurance

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

Regulatory Requirement met

The service was insured for 55 children to attend at any one time from the registered premises. The policy was dated from 28 March 2024 to 27 March 2025. It is noted that a second insurance policy was available for the unregistered premises used by the registered provider on day one of the inspection.

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. On review of attendance records on day one of the inspection, two school age children present in the service were not marked into the attendance record. This practice was at variance of the services fire safety policy which stated that all children are recorded on the attendance record. The policy stated it is this record which is used for fire drills. This practice posed a risk in the event of an emergency evacuation as the children may be unaccounted for.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider stated through their CAPA response that all children in attendance will be noted on the attendance record with no exceptions. Therefore, eliminating the risk in the event of an emergency evacuation that a child would be unaccounted for.

Summary of Findings

The corrective actions submitted have been accepted and will be assessed for effectiveness in practice on next inspection.