

Early Years Inspectorate Regulatory Report

School Age Services

TUSLA Identifier:	TU2024FL017SA
Name of School Age Service:	Lusk Clubhouse
Name of Registered Provider(s):	Orla Spearing Hoskin, Karolina Murek
Address of School Age Service:	The Green 13 Kilhedge Lane Lusk Co Dublin
Eircode:	K45 R578

Date(s) of Inspection:	6 May 2025, 7 May 2025	
Number of school age children present during inspection:	PM	19
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 L. Webster
Title:	Early years inspectors

Authority to Inspect
Tusla's Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of

Early Years Inspectorate Regulatory Report

School Age Services

the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

Description of Service:

Lusk Clubhouse is a registered school-age service located in a residential area in Co Dublin. The service provides care for children aged 4 to 12 years old. The service provides a breakfast club from 8.00 to 9.00 am and an afterschool club from 1.30 to 6.00pm during term time and 8.00am to 6.00pm during non-term time. On the day of inspection there was evidence that the service operated from 7.30am. The service is based in a single storey building and the children have access to one care room within the service. There is direct access to an outdoor area. The service also regularly uses a green as an outdoor play area across a road from the service.

Staffing:

The two registered providers work in the service and there are three staff members employed to work directly with the children.

Additional Information:

This inspection was triggered following information received by the Inspectorate.

An Immediate Action Notice (IAN) was issued on the first day of inspection, 6 May 2025, in relation to the safety of the outdoor play area.

An inspector returned on the 7 May 2025 to complete paperwork that could not be accessed on the 6 May 2025.

An Immediate Action Notice (IAN) was issued on 7 May 2025, in relation to the absence of a Garda Vetting disclosure for one staff member. An IAN was also issued in relation to First Aid Training.

A written response with mitigated the risk was received on 7 May 2025 in relation to the outdoor area on the 7 May 2025 and the 8 May 2025 in relation to the Garda vetting disclosure and the First Aid.

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 providers and staff who were present on the day of inspection.

Summary of Findings:

On the day of inspection, the registered provider was found to be compliant in:

- Regulation 8: Vetting disclosures;
- Regulation 9(1): Staffing levels;
- Regulation 12: Insurance;
- Regulation 13(1)(a)(b)(c)(2)(a)(b)(3)(a)(b): Complaints;
- 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 7: Notification of change in circumstances

- Regulation 9(2)(4): Staffing levels;
- 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 have addressed the non-compliances identified on 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 registered provider had not informed the Inspectorate of a change in the operational hours of the service. The service is registered to provide a school age service from 8.00 am during term time and non-term time. A sample of children's attendance records for the 23 to 28 March 2025 and 21 to 25 April showed that children were in attendance from 7.30am.

Corrective & Preventive Action Response submitted by the Registered Provider

(1) Following the inspection the registered provider submitted a change of circumstances form for the change in operational hours. The change was approved by the inspectorate in June 2025.

Summary of Findings

The corrective action submitted by the registered provider has addressed the non-compliance 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)(c)(d)

The staff files of the two registered providers and the three staff members were reviewed. There were two written and validated references available for the three staff members and the two registered providers. There was a Garda Vetting disclosure available for four adults, and these demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years. There was documentation available to demonstrate that international police vetting was not required for three adults. The international police vetting required for two adults who had lived outside of the jurisdiction for 6 months or more was available to review.

Regulatory Requirement not met

1(c)

An IAN was issued on the 7 May 2025 as a member of staff did not have a Garda vetting disclosure available for review.

(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 a Garda vetting disclosure had not been obtained for one staff member.

Corrective & Preventive Action Response submitted by the Registered Provider

1(c) The registered provider responded to the immediate action notice on the 8 May 2025. The registered provider had applied for a Garda vetting for the staff member and had implemented actions in relation to appropriate staffing of the service until they had received the Garda vetting disclosure. The registered provider submitted the disclosure and stated as a preventive measure that staff members will not work directly with the children until Garda Vetting has been received specifically for Lusk Clubhouse.

(2)

The registered provider has stated a checklist is now in place to ensure all vetting procedures are in place before a new staff member works with the children. The registered provider submitted the sample checklist.

Summary of Findings

The corrective and preventive actions and evidence submitted by the registered provider has addressed the non-compliance 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)

The inspectors observed 4 staff members, including the two registered providers were working with the 19 children on the day of inspection.

Regulatory Requirement not met

(2)

The inspectors observed that the minimum ratio of 1 adult to 12 children was maintained when the children attended the service during the inspection on 6 May 2025. There were no children in the service during the inspection on 7 May 2025.

The inspectors requested documentation to demonstrate that there were specific and sufficient staff available when the children were in attendance in the service. The registered provider was unable to provide this documentation. The inspectors were unable to verify that there were sufficient staff to supervise the children in attendance specifically during the week before the inspection.

(4)

Although the minimum adult to child ratios were maintained at all times during the inspection on 6 May 2025, the inspectors did not always observe appropriate supervision. During outdoor play staff members and children informed the inspectors that children were not to play on the path alongside the front green area. This was one of the written safety measures in place for outdoor play. Whilst outside the children and a staff member were playing a ball game. The children continued to play the game whilst the staff member was engaged in a discussion with a parent for collection. The ball rolled onto the path and the children were observed retrieving the ball from the path area. The children's retrieval of the ball was not observed to be noted by the two staff members outside with the children to ensure they did not venture onto the road.

Corrective & Preventive Action Response submitted by the Registered Provider

(2)

The registered provider stated that Lusk Clubhouse has always maintained ratio within the setting and have always worked on lower ratios to date. As evidence of maintaining ratio, staff will sign in

on the sign in sheets which are now available. The registered provider submitted a sample sign in sheet.

(4)

The registered provider noted the risk and implemented a physical, interlocking barrier alongside training on active supervision for staff members. The registered provider submitted a photograph of the barrier in place and training materials to improve staff supervision of the children.

Summary of Findings

The corrective and preventive actions and evidence submitted by the registered provider has addressed the non-compliance identified on inspection. The preventive actions in place will be reviewed at the next inspection.

Regulation 12: Insurance

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

Regulatory Requirement Met

The service had insurance cover 22 children in daily attendance in a school age care service. Insurance cover was valid from the 28 March 2025 to the 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
 - © the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.
- (2) A registered provider of a school age service other than a childminding service shall ensure that—

- (a) a record in writing is kept of a complaint made to the provider in respect of the school age service, and
- (b) the complaint is duly dealt with in accordance with the provider's complaints policy.
- (3) A record in writing referred to in paragraph (2)(a) shall—
- (a) include the nature of the complaint and the manner in which the complaint was dealt with, and
- (b) be open to inspection on the premises by an authorised person.

Regulatory Requirement Met

The complaints policy detailed the procedure for making a complaint and how verbal and written complaints would be dealt with. The policy referenced how a complainant would be kept informed of the complaints procedure and specified timelines for responses.

The service also had a children's complaint's policy, and the registered provider discussed a compliant and the documented follow up to the child to deal with their compliant.

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

During the inspection, the inspectors observed the health, safety and welfare of children being supported by the following:

- Staff members were observed to interact kindly to the children in their care. They spoke to the children about their day at school and their weekends. The staff managed small incidents of behaviour management in a positive way which was reflective of the service's behaviour management policy.
- The children discussed with the inspectors the activities they liked to complete whilst they were in the service. The children stated they liked doing art activities, sensory play and

playing outside. The service had art materials readily available for the children to play with and children were engaged with sensory materials on the inspectors' arrival to the service. There were also distinct areas in the service which included a home corner play area and a relaxation area with books. Both these areas were used during the inspection with a staff member reading children their choices of books. The children were also observed to enjoy outdoor play.

- The service engaged in outings, which included local community areas and to other areas within the wider region. There was a risk assessment available for a recent visit to a large play area and written and signed parental permissions as outlined in the service's outings policy. A record of headcounts at appropriate intervals throughout the outing was also available for review.

Regulatory Requirement not met

1. An IAN was issued to the service on 6 May 2025 in relation to the safety of the outdoor play area as there was a potential risk to the safety of the children whilst they used the area. This was observed by the following.
 - During the inspection the attendance records for the children on the day were requested. At 3.19pm the registered provider informed the inspectors that the attendance book had not been completed for that afternoon. Children had been in attendance from the inspector's arrival at 2.15pm.
 - The registered provider did not implement the services' written procedure in place to ensure the safety of the children during outdoor play. One of these measures was regular head counts. The inspectors did not observe a contemporaneous and accurate headcount when the children initially went out to play. The staff could therefore not accurately verify how many children were taking part in outdoor play.
 - During outdoor play the staff members supervising were asked how many children were outside. A staff member did not know and referred to their colleague and stated they were in charge of headcounts whilst outside. However, there was no roster available to state that this member of staff was available to complete this procedure on a daily basis. During the inspection the inspectors were informed that this member of staff was due to be in training until 3.00pm.

The observations by the inspectors demonstrated that the procedures in place for outdoor play to ensure the children's safety were not followed. This presented a risk of the children leaving the outdoor area unsupervised or a risk of injury to the children should they run onto the road.

On the day of the inspection the inspectors were only able to observe outdoor play in the outdoor area directly accessible for the service building. The green area that the registered provider, staff and children stated was also used for play was not used during this inspection.

2. An IAN was issued to the service on the 7 May 2025 as the registered providers did not ensure that a staff member trained in first aid was available to the children at all times. There was one staff member with first aid training which was not current. This member of staff was not on the premises when children were in attendance on the inspectors' arrival to the service on the 6 May 2025.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider responded to the IAN on the second day of inspection and discussed the safety measures for the outdoor area with the inspector. The registered provider discussed on the second day of inspection and subsequent CAPA response that staff did not complete their normal routines, and this caused confusion and disruption. The registered provider stated that the team had met and discussed the inspection and new forms and procedures were developed and were now in place. The team are to ensure that attendance records are taken contemporaneously. The active training programme included how high visibility vest were to be used dependant on where the children are in the service. The registered provider submitted a roster which had previously not been available and clearly demonstrated the presence of management staff to support staff members.
2. The registered provider submitted current First Aid certificates for both registered providers and a staff member. The roster submitted demonstrated that they were scheduled in the service when the children would be in attendance.

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Summary of Findings

The corrective and preventive actions and evidence submitted by the registered provider has addressed the non-compliance identified on inspection. The preventive actions submitted by the registered provider will be reviewed on any following inspection of the service.