

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2019TY010SA
Name of School Age Service:	Carrick Breakfast Club & After School Service
Name of Registered Provider:	Helena O' Meara
Address of School Age Service:	45 New Street, Carrick-On-Suir, Co. Tipperary.
Eircode:	E32 PF67

Dates of Inspection:	30 July 2024			
Number of school age children present during inspection:	AM	Non-Applicable	PM	20
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:

Carrick Breakfast Club & After School Service is located in Carrick-On-Suir, Co Tipperary. It is registered to cater for 84 children aged 4 to 12 years old. The service operates from a one-story building with an adjoining cabin and office. Within the main building, there are four care rooms. The adjoining cabin operates as a care room during term time. There is a kitchen and sanitary areas for the children within the main building.

During term time, the service operates from 7.30am to 9.30am and 1.50pm to 6.30pm. Outside term time, the service operates from 8am-2pm. The children have access to an outdoor area within the premises and attend a local park which is located within walking distance of the service.

Staffing:

There are 14 adults employed within the service, including the registered provider. On the day of inspection, there were six adults present in the service including the person in charge.

Additional Information:

The inspector conducted a planned focused inspection of the service.

An Immediate Action notice was issued on 31 July 2024 due to the absence of Garda Vetting for one adult employed by the service. The service provided a response on 31 July 2024. Please refer to Regulation 8 (1)(c): Vetting disclosure for further information.

An Immediate Action notice was issued on 31 July 2024 due the immediate risk deemed to be posed regarding potential unauthorised access or exit of a child from the service. The service provided a response on 31 July 2024. Please refer to Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 for further information.

The service is registered to accommodate school age children aged 4-12 years old. On the day, there were two pre-school children in attendance. The service was not authorised to operate a pre-school 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)(d): Vetting disclosures;

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

Regulation 12: Insurance.

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

Regulation 8(1)(c)(2): Vetting disclosures;

Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Conclusion and follow-up actions:

Through the actions and supporting documentation submitted by the registered provider, the requirements have been met under Regulation 8: Vetting disclosure and Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

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)(d)

Police vetting, as required, was available for review. In review of the staff files for 14 adults, 28 references from a previous employer or a reputable source were available and validated as required. It is noted that Garda Vetting disclosures were available for 13 of the 14 adults. 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) (c)

Garda vetting was not available for one adult employed by the service. An Immediate Action Notice was issued to the service on 31 July 2024. A response was provided by the registered provider on 31 July 2024.

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(2)

The procedures, as required, were not carried out prior to 11 of the 14 adults being appointed, assigned or allowed access to or contact with a child attending the school age service. The following was demonstrated through a review of the documentation, the registered provider did not give consideration of Garda vetting for 1 adult and references relating to 11 adults prior to their employment within the service.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

(c)

The registered provider responded to the Immediate Action Notice on the 31 July 2024. The registered provider stated the absence of Garda vetting was an oversight and the service has now received confirmation of vetting being applied for. The Garda vetting disclosure was submitted to the inspectorate on the 06 August 2024.

(2)

The registered provider responded through their CAPA on 16 October 2024 and stated that all validations will be completed before employee commences employment.

Summary of Findings

The requirements of Regulation 8: Vetting disclosure has been met by the actions and supporting documentation submitted by the registered provider.

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 were 20 school age children present in the service with 6 adults.

The children were observed to be appropriately supervised throughout the inspection through sight and sound. For example, when returning to the service from the local park the adults positioned themselves at the front, middle and back of the group of children.

Regulation 12: Insurance

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

Regulatory Requirement Met

Insurance was in place for the number of children present on the day. The policy was dated from 24 June 2024 to 27 March 2025.

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. Measures were not in place to restrict unauthorised access into the service or unauthorised exit of a child from the service. An Immediate Action Notice was issued on 31 July 2024 as it was deemed there was immediate risk to the safety of the children due to the unsecured entrance and exit to the service.

An increased risk of unauthorised entry by a member of the public was observed during the inspection. The entrance to the service was located adjacent to a footpath with members of the public were observed passing on foot throughout the inspection. The pull spring safety mechanism which was located on the inside of the gate was observed to be accessible to adults from outside of the gate. Between 12-1.30pm, two staff members and three parents were observed to enter the service through placing their hand inside the gate and opening the safety mechanism.

On three occasions between 11.35am – 12.50pm, the safety mechanism on the gate was observed to be unlocked. The unlocked entrance gate posed an increased risk of unauthorised access to the service and a potential increased likelihood of a child leaving the service unaccompanied.

2. Through a review of records, it was demonstrated the arrival or departure times of children was not recorded by the service. This practice was at variance of the services fire safety policy which stated all children must be signed in and out accordingly as these records are used for fire drills. The following was noted:
 - a. From a review of the attendance records for 29 July 2024, the arrival or departure times of the 23 children in attendance were not recorded.
 - b. On 30 July 2024, the arrival times of 25 children on the attendance record were not recorded.

This practice posed an increased risk to children's safety in the event of an emergency evacuation and in the case of a child being unaccounted for.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider responded to the Immediate Action Notice on 31 July 2024 stating works were carried out to the front gate. The registered provider stated there is now no access from outside the service and the children cannot vacate without a staff member to open the gate. Perplex sheeting was applied to gate so it cannot be opened by anyone from the outside. The lock has been placed higher up so an adult will need to open for any child leaving the premises. The registered provider stated that there will be someone at the gate at all times. Photographs of the above actions was submitted to demonstrate the works were carried out.

The registered provider stated they plan to fit a sensor to the gate and when opened, an alarm will alert the office which is located beside the gate.

The registered provider responded through their CAPA on 16 October 2024 and stated that a bell, double lock and shield has been installed onto the gate to stop anyone putting their hand through gate to open it.

2. The registered provider responded through their CAPA on 16 October 2024 and stated that each room now has a tablet for attendance.

Summary of Findings

The requirements for Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 has been met by the submission of the above actions and supporting documentation.