

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2019WW003SA
Name of School Age Service:	Ray of Sunshine Morning And After School Services Limited
Name of Registered Provider:	Amanda Spiteri
Address of School Age Service:	The De La Salle, St. Patrick's Road, Wicklow Town, Co. Wicklow.
Eircode:	A67 FX65

Dates of Inspection:	08 July 2024			
Number of school age children present during inspection:	AM	Non-Applicable	PM	14
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 A. Spain
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:

Ray of Sunshine is located on the outskirts of Wicklow Town. The service operates from the grounds of St. Patrick's Church. The service is in a multi-use building and provides three care rooms for the children. It is registered to cater for up to 140 children aged 4 to 12 years old and operates from 7am to 9am and 12.30pm to 7pm Monday to Friday.

The children have access to an outdoor area located off the premises and use the public playground which is within close proximity to the service. The registered provider operates other school age services within Cork Wicklow, Wexford and Waterford.

Staffing:

There are seventeen adults involved with the service, which includes the registered provider.

On the day of inspection, there were four adults working directly with children. The area manager was also present in the service for purpose of inspection.

Additional Information:

The inspectors 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.
- d)

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;
- Regulation 12: Insurance.

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

- Regulation 8(1)(a)(b)(2): Vetting disclosures;
- 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 outlined the measures put into place for Regulation 8: Vetting disclosure and Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. Based on the implementation of these actions, compliance has been met. These regulations will be considered on the next 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)(c)(d)

Garda vetting disclosures were available for the 17 adults and the required police vetting disclosures were available. 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)

Seventeen staff files were reviewed, and the following was in place:

(a)(b)

On review of the 17 staff files, 31 references were available. Evidence of validation was available for 24 of the references. However, 3 validated references were not available, and 10 references were not validated.

(2)

It was demonstrated through a review of the staff files, that the registered provider did not consider references for all staff prior to staff being appointed, assigned or allowed access to or contact with a child attending the school age service.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

(a)(b) The registered provider stated through their CAPA submission that all references have been checked, and second references have been received. All employees hired will be unable to work with children until all vetting and references are submitted and approved as per the service policies. The required references and validations were submitted to the Inspectorate.

(2) All employees hired will be unable to work with children until all vetting and references are submitted and approved as per policies.

Summary of Findings

The registered provider submitted actions outlining the measures which were put into place to correct and prevent the recurrence of the non-compliance. The requirement for Regulation 8: Vetting disclosure (1) (2) has been met and will be assessed 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. At 11.30am, there were 14 children present with 4 adults. The children were appropriately supervised throughout the inspection. On arrival, the children were in the public playground. The adults positioned themselves in various locations within the playground and within an appropriate distance from the children. The adults supervised the children through sight and sound.

Regulation 12: Insurance

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

Regulatory Requirement Met

There was adequate insurance for the children present on the day of 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. The practice of maintaining attendance records was at variance with the service's fire safety policy which states all children must be signed in and out accordingly onto the attendance record. The service held three separate records for attendance including an attendance book, sign in/sign out record at the door and record for attendance at the playground. It was confirmed with the staff that the attendance book was the primary record for attendance. The following was noted:
 - a. A record of attendance was not available while the children were in the public playground between 11.30am – 12pm. On the inspector's arrival to the service at 11.30am, the children were in the public playground. The staff member stated there were 14 children present. On request, a staff member recalled the names of the children while showing their location in the public playground to the inspector. The names and location of 13 children were provided by the staff member. The inspector advised there was one child not named or identified. The unaccounted child behind the playground equipment was recognised by the staff member. The absence of the attendance record posed an increased risk of a child being unaccounted for or going missing while in the public playground.
 - b. At 12.50pm, the children and staff were within the service. There were 16 children present, and 14 children were signed into the attendance record. A staff member advised the inspector an attendance record was not taken to the park on the day of inspection and subsequently, the two children who arrived at the park for were not signed into the attendance book.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider responded through their CAPA and stated that the service operate attendance records both on a physical roll book but also on an electronic device. At all times the service have two forms of attendance to know who and how many children which are in the service. The service also have a sign in and out form for staff and parents, a detailed roll book for the children's start and finish time. In the case of outings and emergencies/fire drills both methods of recording attendance are checked.
 - a. The roll books are filled in as always. The sign in sheets are now being signed by staff when children arrive or depart the service. All attendance records, both electronic and paper, will be kept with staff at all times in order to maintain a high level of record keeping for attendance for regulations purposes and all fire and/or emergency scenarios.
 - b. The registered provider stated through their CAPA response that on outings, the bookings book is now taken to the garden or public areas as a back-up for the phone. The registered provider outlined that they have implemented a new system where staff record attendance at all locations, including off-site areas like parks. This ensures consistent record-keeping and adherence to best practices. The service would also like to highlight that no child was ever unaccounted for during the park visit. Staff were attentive, and all children were supervised and safely returned to the service.

Summary of Findings

Based on the actions submitted by the registered provider, the requirement has been met for Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. These actions will be reviewed on the next inspection.