

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2021KE009SA
Name of School Age Service:	Smiley Faces Killashee
Name of Registered Provider(s):	Jackie Honniball
Address of School Age Service:	Killashee Multi-Denominational National School, Killcullen Road, Naas, Co. Kildare
Eircode:	W91 YV60

Date of Inspection:	27 February 2024
Number of school age children present during inspection:	PM 22
Registration status:	Registered

Address of the Early Years Inspectorate	Brunel Building, Heuston South Quarter, Saint John's Road West, Dublin 8. D08 X01F
Inspection undertaken by:	A. Bradshaw
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:

Smiley Faces Killashee is a school age service owned and operated by the registered provider. It is based in Killashee Multi-Denominational National School on the outskirts of Naas town. The service has the use of a dedicated room in the school building, a large amenity hall and a kitchen. The registered provider stated the service has access to more space in the building once the school day is finished.

The service is registered to accommodate up to 22 children from the age of 4 up to 12 years old. On the day of the inspection, there were 22 children present.

The service is registered to operate from 7.30am to 8.45am and 1.40pm to 6.30pm. The service operates 38 weeks of the year in line with the school's academic calendar.

The children have access to a yard at the front of the school, a grassed area at the side of the building and a playing pitch.

Staffing:

There are a total of four staff members employed in the service including the registered provider who works directly with the children. On the day of the inspection, there were 4 staff caring for 22 children.

Additional Information:

The inspector conducted a planned focused inspection of the service.

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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 year's 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.

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

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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(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)(d) (2): Vetting disclosures;
- Childcare 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, in their corrective and preventive action plan, have not adequately addressed the non-compliance identified on inspection and will be reviewed 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.

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Regulatory Requirement Met

(1)(c) Garda vetting was available for four staff members. However, with respect to two of the four staff members, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under the following section of this report: Child Care Act 1991, Section 58 (G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Regulatory Requirement not met

- (1) On review of four staff files the following was noted:
- (a)(b) There were no written validated references available for three staff. However, it is acknowledged here that there were references available for one staff member.
- (d) Documentation was not available to confirm whether police vetting was required in respect of one staff member. However, it is acknowledged that this required information was available in respect of three staff members.
- (2) Files available demonstrated that procedures specified under regulation 8(1) were not carried out prior to two staff members 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)(c) The registered provider stated that they have a service-level agreement in place with a human resource company. They have stated that they will link with this service to ensure, going forward, that all relevant recruitment procedures are followed promptly.
- The registered provider submitted validated references for three staff members and documentation which determined police vetting was not required of one staff member.
- (2) The registered provider stated that they will ensure all vetting disclosure will be completed with the support of the services of the human resources company.

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Summary of Findings

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have addressed the non-compliance identified on inspection and will be reviewed 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) On the day of the inspection, the registered provider and 3 staff members worked directly with the 22 children who were in attendance.
- (4) During the inspection, staff were observed to supervise and engage with children in the outdoor area – conversing with the children and playing running games with them.

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Regulation 12: Insurance
<i>A registered provider shall ensure that the school age service is adequately insured.</i>
Regulatory Requirement Met
The service was insured from 28 March 2023 to 27 March 2024 for a maximum of 36 school age children to attend the service at any one time.
Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013
<i>It shall be the duty of every person providing an early year's 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.</i>
Regulatory Requirement not met
While it is acknowledged that Garda vetting was available for four staff members, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years in respect of two of the four staff members.
Corrective & Preventive Action Response submitted by the Registered Provider
The registered provider has stated that all staff members' dates of Garda re-vetting will be recorded to ensure Garda vetting will be completed promptly to allow for renewals. These details will be recorded in the staff files.
Summary of Findings
The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have addressed the non-compliance identified on inspection and will be reviewed on the next inspection.