

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2021WX033SA
Name of School Age Service:	Amber Springs Kids Club
Name of Registered Provider(s):	Eibhear Coyle
Address of School Age Service:	Amber Springs Hotel, Wexford Road, Gorey, Co. Wexford.
Eircode:	Y25 FY07

Dates of Inspection:	04 and 08 April 2024			
Number of school age children present during inspection:	Day 1	28	Day 2	0
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:

The Amber Springs Kids Club is located within the Amber Springs hotel in Gorey, Co. Wexford. The service can accommodate a maximum of 50 children aged 5 to 12 years old. During mid-term and school holidays, the service operates from 9am to 9.30pm Monday to Friday. During school term, the service operates at the weekends from 9am to 9.30pm.

The service operates from one room located on the first floor within the hotel. It provides structured and unstructured activities for the children for up to 4 hours at any one time.

Staffing:

There are seventeen adults employed within the service, including the registered provider.

On the day of inspection, there were four adults working directly with the children and the person in charge was also present.

Additional Information:

The inspector conducted a planned focused inspection of the service. The staff files as required under Regulation 8: Vetting disclosure (1)(2) were unavailable on 04 April 2024. Subsequently, the inspector returned to the service on 08 August 2024. Further information is outlined within Regulation 8: Vetting disclosure and Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 within the report.

An Immediate Action Notice (IAN) was issued to the service on 06 April under Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 due to the inaccessibility of staff files as required under Regulation 8: Vetting disclosures. A response was received by the service on 08 April 2024. For further information, please refer to Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 within this report.

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An Immediate Action Notice (IAN) was issued to the service on 08 April under Regulation 8 (1)(c): Vetting disclosures as there was three adults working directly with the children without Garda Vetting disclosures. A response was received by the service on 08 April 2024. For further information, please refer to Regulation 8 (1)(c): Vetting disclosures within this report.

A referral was made to the registration team within the inspectorate on 16 April 2024. On the day of inspection, one pre-school child was present in the service. It was confirmed on inspection the child had not yet commenced a primary educational setting. The service is registered as a school age service to cater for school age children only.

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 registered provider, children, person in charge, and staff who were present on the days of inspection.

Summary of Findings:

On inspection, 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)(c): Vetting disclosures;
- Section 58 as amended by Part 12 of the Child and Family Agency Act, 2013.

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

- Regulation 8 (1)(d): Vetting disclosures;
- Regulation 9: Staffing levels (1)(2)(4);
- Regulation 12: Insurance.

Conclusion and follow-up actions:

The registered provider has submitted the required actions and supporting evidence. The actions submitted will be examined 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.

Regulatory Requirement not met

(1)

The registered provider did not notify the Agency in writing in advance of any proposed changes to the registered school age service. The service is registered with the inspectorate as a school age service only. On the day of inspection, one pre-school child was present. Through a review of records, the child was also in attendance on 03 April 2024. It was confirmed during the inspection the child had not yet attended a primary educational setting.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

The registered provider stated that the service have requested a declaration from the parent/guardian, that the child is between 4 & 12 yrs & attending primary school. To prevent the reoccurrence of the non-compliance, the registered provider stated that the service will ensure that all parents sign the declaration.

Photographic evidence of the declaration form.

Summary of Findings

The non-compliance under Regulation 7; Notification of change in circumstances has been met by actions and evidence submitted by the registered provider. It 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.*

Regulatory Requirement met

- (1)
- (d) Documentary evidence demonstrated that one adult required police vetting, and this was available for review.

Regulatory Requirement not met

- (1) Of the seventeen staff files reviewed on 08 April 2024, the following was noted:
- (a)(b) Of the required twenty-eight references required, four were available. Two of the four references which were available required validation.
 - (c) Garda Vetting disclosures were required for 17 adults and 14 Garda Vetting disclosures were available. An Immediate Action Notice was issued on 08 April 2024 and a response was received from the service. Please refer to the CAPA section below for further details.

(2) The required procedures relating to the consideration of vetting disclosures from the National Vetting Bureau of the Garda Síochána and consideration of references was not carried out by the registered provider prior any person being appointed, assigned or allowed access to or contact with a child attending the service. Through a review of records, the staff who required Garda Vetting disclosures and validated references were working directly with the children.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

(c) On 08 April 2024 in response to the Immediate Action Notice, the service stated the three adults awaiting gardai vetting disclosures were only rostered only in Gamer Zone & play zone until the disclosures were received. These areas require parental supervision and are not operating as part of the registered service.

The registered provider stated that a Garda vetting policy has been developed & implemented within the service.

The service submitted the policy which outlines the procedures for Garda vetting & the consideration of references prior to the appointment of staff within the school age service.

Summary of Findings

The registered provider has met the requirements of Regulation 8: Vetting disclosure and this regulation 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)(4)

There was an adequate number of adults working with the children. On the day of inspection there was 29 children present with 5 adults. The children were appropriately supervised throughout the 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 the number of school age children attending on the day.

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 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.

Regulatory Requirement not met

1. An Immediate Action Notice (IAN) was issued on 06 March under Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 due to the inaccessibility of staff files as required under Regulation 8: Vetting disclosures. A response was received by the service on 08 April 2024. The files were made available to the inspectorate on the 08 April 2024.

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Corrective & Preventive Action Response submitted by the Registered Provider

1. On 08 April 2024 in response to the IAN, the service stated a locked filing cabinet will be installed in kids club room to hold copies of all documentation relevant to adults involved in the service. The keys to this cabinet will be held by two people within the hotel.

Summary of Findings

The registered provider has addressed the non-compliance and has met the requirement of Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.