

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2022CC007SA
Name of School Age Service:	Wise Guys Afterschool
Name of Registered Provider:	Daria Narbut
Address of School Age Service:	Fermoy Educate Together National School Fermoy Co Cork
Eircode:	P61 HV07

Date of Inspection:	05 March 2025
Number of school age children present during inspection:	PM 33
Registration status:	Registered
Conditions (if applicable):	N/A

Address of the Early Years Inspectorate	2 nd Floor, Estuary House Henry Street Limerick V94 XT5F
Inspection undertaken by:	S O'Brien & B Fraher
Title:	Early Years Inspectors

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).

Early Years Inspectorate Regulatory Report

School Age Services

Description of Service:

Wise Guys Afterschool is located in the Fermoy Educate Together National School in the town of Fermoy, Co Cork. The service operates from three rooms in the national school. The service has access to a large outdoor area, kitchen and sanitary facilities. The service caters for school-age children from 4 to 12 years. The service offers a breakfast club from 7.30am to 8.50am and an afterschool club from 11:50pm to 6.20pm, Monday to Friday. The service walks and transports children to and from six local national schools in the area.

Staffing:

The registered provider is based in the service. The service employs eight adults to work directly with school age children. The registered provider told the inspectors that seven adults work directly with the children. An additional adult was employed in the service as a cleaner. There are seven other additional adults occasionally present, not working directly with the children.

On the day of inspection, six adults, who were employed by the service and two unpaid workers were present and were observed having access to the children.

Additional Information:

The inspection was carried out as a result of information received by the inspectorate.

On the day of inspection, 05 March 2025, an Immediate Action Notice (IAN) for safety was issued to the register provider. There was an unsecured gate in the outdoor area that was accessible to the children. This posed an immediate safety risk as children could have exited the service unsupervised and unauthorised persons could have gained access.

The registered provider was requested to submit a response within 24

hours of it being issued. The registered provider submitted a response to prevent the immediate risk to the children. Further information regarding the Immediate Action Notice can be found under Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

On 06 March 2025, an Immediate Action Notice (IAN) for Garda vetting was issued as two adults that had access to the children did not have the required Garda vetting. The registered provider submitted a response on 06 March 2025, and it was deemed to be inadequate as Garda vetting cannot be transferred from a previous role or from a role currently held in another organisation. The registered provider submitted an additional response on 14 March 2025, and it was deemed adequate. Further information regarding the Immediate Action Notice can be found in this report under Regulation 8: Vetting disclosures.

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

Summary of Findings:

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

- Regulation 9: (1)(2)(4): Staffing levels.
- Regulation 10: Policies of a school age service.
- Regulation 12: Insurance.
- Regulation 13: Complaints.

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

- Regulation 8: Vetting disclosures.
- Regulation 12: Insurance.
- Child Care Act 1992, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Conclusion and follow up actions:

The inspector reviewed the registered providers response, documented and photographic evidence that was submitted.

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 not met

(1) Fifteen files were reviewed including the file of the registered provider.

(a)(b) There were no written references from a past employer or a source other than a past employer available in respect of 13 adults who were appointed, assigned or allowed access to the school age children.

(c) Garda vetting disclosures were available for 13 adults, however, Garda vetting disclosures were not available in respect of two adults. It is acknowledged that Garda vetting disclosures in respect of the two adults were submitted to the inspectorate on 06 March 2025, but this was not carried out specifically by the registered provider of the school age service. An Immediate Action Notice was issued in respect of the two adults. The registered provider submitted an additional response on 14 March 2025, stating that Garda vetting applications have been submitted in respect of the two adults and that they will not have access to the

school age children until Garda vetting disclosures have been obtained.

(d) It was not possible to determine the requirement or otherwise for police vetting in respect of all 15 adults, as their curriculum vitae were not available or contained gaps of unaccounted timeframes.

(2) There was no documentation available to demonstrate that the procedures specified in paragraph 1 had been fully carried out by the registered provider prior to the 15 adults being appointed, assigned or allowed access to or contact with the school age children attending the service.

This posed a possible safety risk to children as the registered provider did not adequately complete all required checks to ensure the suitability of adults in the service.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Action

The registered provider submitted the following information to the inspectorate:

(1) The registered provider outlined that 4 of the 15 adults including the registered provider are currently working directly with the school age children and are directly employed in the school age service. The remaining adults are no longer directly employed by the service or have access to the school age children.

(a) Five of the eight references submitted were from a past employer and were validated.

(b) Three of the eight references submitted were from a source other than the previous employer and were validated.

(c) Garda vetting disclosures have been obtained in respect of the two adult which the Immediate Action Notice was issued in respect of. The Garda vetting disclosures were carried out specifically by the registered provider of the school age service.

(d) Police vetting is not required for the four adults that were working directly with the school age children. The curriculum vitae's in respect of the four adults were submitted.

(2) The service has developed a recruitment policy to ensure the relevant recruitment checks are carried out.

Preventive Action

The registered provider advised in their response:

All the above recruitment checks will be carried out as outlined in the regulations prior to an adult working directly with the school age children.

Summary of Findings

The documented and photographic evidence submitted has been reviewed and has met the regulatory requirements.

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 registered provider ensured that adequate staffing levels were maintained during the inspection.
- (2) At 3.55pm, 33 children were in attendance and were supervised by five adults. The registered provider was also in attendance in the service.
- (4) It was observed that the required number of adults including the registered provider were available to complete school collections by foot and by car. The adults were observed supervising

the children by sight and sound at all times in the care rooms and outdoor area during the inspection. The adults were observed chatting to the children during homework time and at dinner time.

Regulation 10: Policies of a school age service

A registered provider of a school age service shall ensure that the policies and statements specified in Schedule 6 are in place for the service.

Regulatory Requirement Met

On the day of inspection, the following policies were reviewed:

- Drop off and collection policy.
- Complaints policy.
- Fire safety policy.

The inspectors reviewed the above policies, and they were observed to contain the information required as per Regulation 10 and Schedule 6 of the regulations to support the adults in their practice.

Regulation 12: Insurance

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

Regulatory Requirement Met

The service had insurance cover for a maximum of 60 children in the school age service. Insurance cover was valid from 28 March 2024 to 27 March 2025.

Regulatory Requirement not met

1. Motor vehicles were used to transport children to have from national schools in the area. The registered provider stated one vehicle was owned by the service and three vehicles were owned by adults working in the service. The registered provider could not furnish the inspectors with

documented evidence of motor insurance for the vehicles used to transport the school age children.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective Action

The registered provider submitted the following information to the inspectorate:

1. The registered provider outlined that one vehicle is currently used to transport children to and from the service. Evidence of business class insurance for the vehicle was submitted.

Preventive Action

The registered provider advised in their response:

1. A motor handbook for employees has been developed in the service. Children will walk to and from the service in the event of this vehicle not being available.

Summary of Findings

The documented and photographic evidence submitted has been reviewed and has met the regulatory requirements.

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*
 - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.*

Regulatory Requirement Met

- (1) The registered provider ensured that the complaints policy for the service:
- (a) Outlined the procedure to be followed by a person when making a complaint in relation to the service.

(b) Outlined the manner in which the complaint will be dealt with.

(c) Outlined the procedures for keeping the complainant informed on how the complaint will be dealt with.

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 the children being supported by the following:

- The staff were observed speaking to the children in a respectful manner.
- The children were observed eating, rice, shepherd's pie, fruit and crackers at mealtime.
- The children were observed playing in the large outdoor area.

Regulatory Requirement not met

The following regulatory requirements were not met and may present as a safety risk to the school age children in attendance in the service:

1. A gate in the outdoor area was not secured and did not prevent a child from exiting the service unsupervised or prevent any unauthorised access. This posed a safety risk to the school age children. An Immediate Action Notice was issued to the registered provider on the day of inspection. The registered provider submitted photographic evidence on 06 March 2025, which demonstrated the action taken to secure the gate. Further documented evidence was submitted by the registered provider on 14 March 2025, which demonstrated the electromagnetic lock installed on the gate was fixed and in working order.

2. While observing the school age children being collected on foot at 2.30pm, it was noted by the inspector that the children had to cross busy roads. The children and staff did not wear hi visibility jackets while walking to the service. The service's drop off and collection policy was reviewed and stated that hi visibility jackets were to be worn when walking. This posed a safety risk to the children.

3. Children's attendance records were reviewed. It was observed that staff did not sign in and out children when collected from national school or when each child was collected at the service by a parents or guardian. This posed a risk to the children in the event of an emergency occurring in the school age service.

It was also observed that on 03 March 2025, none of the children were signed in or out of the service. It is acknowledged that the registered provider informed the inspectors that the attendance records for 03 March 2025 had been misplaced.

4. Inspectors observed that there was not a collection list of children available. Therefore, inspectors could not determine whether or not staff were aware of the number and names of children that they were collecting from primary schools.

It was acknowledged that photographic evidence was submitted by the registered provider on 06 March 2025, of a section of a collection list.

Corrective & Preventive Action Response submitted by the Registered Provider

Corrective action

The registered provider submitted the following information to the inspectorate:

1. Evidence that the electromagnetic lock had been repaired.
2. The registered provider stated in their response that hi visibility jackets will be worn and are available to the children.
3. Signing in and out records for the school age children in attendance are now available in the service.
4. Evidence of a school collection list of the children attending the school age service are now available to staff.

Preventive action

1. The registered provider outlined a risk assessment has been carried out on the gate.
2. Hi visibility jackets will be worn when walking school age children to and from the service.
3. Updated signing in and out records are available to all staff to aid school collections and fire drills.
4. School collection list available to the staff.

Summary of Findings

The documented and photographic evidence submitted has been reviewed and has met the regulatory requirements. This will be reviewed at the next inspection.