

Early Years Inspectorate Regulatory Report

School Age Services

TUSLA Identifier:	TU2024FL014SA
Name of School Age Service:	The Little Peter After School LTD
Name of Registered Provider(s):	Aleandro Silva Mendes Santos
Address of School Age Service:	The Old Borough National School Church Rd Windmill Lands Swords Co Dublin
Eircode:	K67 Y179

Date(s) of Inspection:	18 November 2024
Number of school age children present during inspection:	PM 3
Registration status:	Registered
Conditions (if applicable):	Not applicable

Address of the Early Years Inspectorate	Early Years Inspectorate 180-189 Lakeshore Drive Airside Business Park Swords Co Dublin
Inspection undertaken by:	M. McDonnell A. Bradshaw
Title:	Early years inspectors

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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).

Description of Service:

Peter Pan After School is located on the ground floor of a National School in Co Dublin. The service uses three rooms within the school, with two having direct access to the outdoor area. The service provides care to children aged 4 to 12 years old. An afterschool club is provided from 1.00 to 6.00pm during term time. There is a kitchen and sanitary facilities available.

Staffing:

The registered provider works in the service with two other staff members.

Additional Information:

This inspection was triggered following information received by the Inspectorate.

An Immediate Action Notice (IAN) was issued to the registered provider on the day of inspection in relation to the safety of the children and is discussed in Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. The IANs related to First Aid training and risk management following an incident. A response which mitigated some of the risks was received on 19 November 2024. The additional information provided to the inspector on 21 November 2024 was deemed adequate to mitigate the immediate risk.

A referral was made to the child safeguarding statement unit in relation to the service's child safeguarding statement.

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 the day of inspection, the registered provider was found to be compliant in:

- Regulation 8(1)(c): Vetting disclosures;
- Regulation 9(1)(2)(4): Staffing levels;
- Regulation 12: Insurance;
- Regulation 13(1)(a)(b)(c): Complaints;
- Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

On the day of inspection, the registered provider was found to be non-compliant in:

- Regulation 8(1)(a)(b)(d)(2): Vetting disclosures;
- Regulation 10: Policies etc. of school age service;
- Regulation 13(2)(3)(a)(b): Complaints;
- Child Care 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 preventive and corrective action plan, have addressed the non-compliances identified on inspection in relation to policies, complaints and Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. However, evidence was not submitted to demonstrate references had been validated therefore non compliance remains in relation to regulation 9(1)(a)(b).

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)

The staff files of the registered provider and the two staff members were reviewed. A Garda Vetting disclosure was available for each of the three adults. These were dated within last three years in accordance with the Early Years Regulatory Notice.

Regulatory Requirement not met

(1)(a)(b)

The registered provider had two written references for each of the two staff members. However, during the inspection, there was no documented evidence to confirm that these references had been verified to ensure the suitability of the staff members for their roles.

(1)(d)

The registered provider and staff members confirmed that they had lived outside of the jurisdiction for more than six months. The police vetting required for these staff members was not available during the inspection.

(2)

The registered provider had not ensured that vetting procedures had been completed prior to staff being employed and working directly with the children as validated references and police vetting were not in place. A review of start dates also demonstrated that a staff member had been employed prior to the registered provider obtaining and reviewing the Garda Vetting disclosure.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)(a)(b)

The registered provider detailed a new process for recruitment and included a checklist of documentation required before employees start in the service. However, following the second CAPA request the validated references were not submitted for current staff members.

(1)(d)

The registered provider submitted the required police vetting. They stated they will ensure that all staff information is available for inspection going forward as there will be a dedicated staff folder on site.

(2)

The registered provider submitted a procedure to obtain and review staff information going forward. The registered provider stated that this task had been allocated to a staff member for both current and new staff.

Summary of Findings

The actions and evidence submitted by the registered provider, in their preventive and corrective action plan, have addressed how the registered provider will prevent the non-compliances from

reoccurring. However, the registered provider did not submit validations for current references therefore the non-compliance remains for regulation 9(1)(a)(b).

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 were two staff members working directly with three children. The children were supervised by staff and were engaged in a variety of indoor activities, such as playing active games, colouring and doing homework.

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 not met

- The service's managing behaviour policy were reviewed. The policy did not support staff in providing appropriate care to children. This was evidenced by the following;
 - The procedures in place for managing behaviour were not clearly defined to guide staff in their practice.
 - Following incidents as described by the registered provider, the policy had not been updated to support staff in their care of the children.
 - The procedures in place for managing bullying were not clearly defined to guide staff in their practice.

- The policy contained information that was not relevant to the care of the children who were of school age.

- The service's drop-off and collection policy was not reflective of the current procedures in place, as described by the registered provider and staff members.

Corrective & Preventive Action Response submitted by the Registered Provider

- The updated policy submitted addressed the non-compliance and the registered provider has updated the staff and the children on the policy.
- The updated policy included the collection as advised by the registered provider. The registered provider has stated actions they have taken to update the staff on the policy.

Summary of Findings

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan have addressed the non-compliances identified on inspection.

Regulation 12: Insurance

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

Regulatory Requirement Met

The service was insured to provide care for 40 children. The insurance was valid from 1 September 2024 to 27 March 2025.

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.*

(2) A registered provider of a school age service other than a childminding service shall ensure that—

(a) a record in writing is kept of a complaint made to the provider in respect of the school age service, and

(b) the complaint is duly dealt with in accordance with the provider's complaints policy.

(3) A record in writing referred to in paragraph (2)(a) shall—

(a) include the nature of the complaint and the manner in which the complaint was dealt with, and

(b) be open to inspection on the premises by an authorised person.

Regulatory Requirement Met

(1)(a)(c)

The complaints policy detailed the procedure for making a complaint and how verbal and written complaints would be dealt with. The policy referenced how a complainant would be kept informed of the complaints procedure.

Regulatory Requirement not met

(1)(b)

The service's complaints policy did not detail how a complaint would be dealt with if it related to the registered provider. Whilst the policy stated there was an appeal process the procedure for this was not clearly defined in the policy.

(2)(3)(a)(b)

Following a recent incident, the service did not have any documentation in place to demonstrate they had followed the service's complaints procedure.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)(a)(b)

The registered provider submitted the updated complaints policy which included the required information.

(2)(3)(a)(b)

The registered provider stated that the previous complainant is no longer involved with the service. They have stated that they have in place a recording system for complaints and tracking them.

Summary of Findings

The actions and evidence submitted by the registered provider, in their preventive and corrective action plan, have addressed the non-compliances identified on 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 Met

During the inspection, the inspectors observed the health, safety and welfare of children being supported by the following:

- The staff were observed to interact kindly with the children. Staff were observed playing with the children and comforting as required.

Regulatory Requirement not met

1. An Immediate Action Notice (IAN) was issued to the registered provider in relation to incident records and risk management of a recent incident. During discussions with the registered provider and a staff member, information surrounding how the incident had occurred was not available. This presented a risk to the children's safety as the registered provider had not implemented measures to ensure that the incident did not reoccur.
2. An IAN was issued as the registered provider could not provide evidence that any of the adults in the service had first aid training.
3. The registered provider did not ensure that parental communication was completed to support children's development. This was evidenced by the following;
 - Following a recent incident the registered provider had no documentation concerning the communication with parents to inform them of the incident. During discussions about the incident, it was very unclear when and how parents had been informed. This also did not follow the service's managing behaviour policy.
 - The registered provider discussed previous behaviour management incidents that were not documented. There were no records of these incidents being communicated with parents or that a plan had been put in place to support children.
4. The service did not have contemporaneous children's attendance records available to ensure that all children were accounted for during their attendance at the service or in the case of an emergency evacuation.
5. The registered provider did not ensure that staff were trained to ensure the children's safety and wellbeing. The service had not followed its health and safety policy and did not have evidence that staff members had been trained and understood the service's policies.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider responded to the IAN on the 19 and 21 November 2024 and provided additional information during the CAPA process. The registered provider submitted an incident record and had put in place measures to mitigate further risks.
2. The registered provider submitted a certification of First Aid training on 19 November. Further information provided demonstrated a member of staff with first aid would be available on-site and the registered provider planned to ensure all new staff had first aid training.
3. The registered provider submitted information that they were implementing a messaging system to communicate directly with parents. The registered provider planned to have this in place from 25 January 2025.
4. The registered provider submitted evidence that they had children's attendance records available. The registered provider plans to have attendance records inputted into the new communication system.
5. The registered provider stated that current staff had been trained but they had not maintained documentation of this. A training sheet was submitted during the CAPA process. The registered provider plans to record all staff training for new and current staff.

Summary of Findings

The actions and evidence submitted by the registered provider, in their preventive and corrective action plan, have addressed the non-compliances identified on inspection.