

Early Years Inspectorate Regulatory Report

School Age Services

TUSLA Identifier:	TU2024WX010SA
Name of School Age Service:	Polybus T/A Lyons Den Mercy School
Name of Registered Provider(s):	Malgorzata Krystyna Zgora
Address of School Age Service:	St. John's Road, Wexford, Co. Wexford
Eircode:	Y35 X084

Date of Inspection:	03 June 2026			
Number of school age children present during inspection:	AM	n/a	PM	16

Address of the Early Years Inspectorate	Primary Care Centre, Castle Park, Arklow, Co. Wicklow Y14 AE10
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).	
Description of Service:	The service operates from the Mercy primary school, which is on the outskirts of Wexford town. It caters for a maximum of 72 children aged 4 to 12 years. During term time, the service is registered to operate from 7.45am to 9am and 1.50pm to 6pm. During the inspection, the person in charge informed the inspector that the breakfast club was no longer in operation. Outside of term time, the service operates from 8am to 6pm. The children have access to one room named the hallá within the main school building.

Staffing:

The service employs seven adults, including the registered provider. Six adults work directly with the children. The registered provider does not work within the service.

On the day of inspection, six adults were present.

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 children, person in charge, and staff who were present on the day of inspection.

Summary of Findings:

The inspector planned to examine Regulation 8: Vetting disclosures, Regulation 9: Staffing levels, Regulation 11: Premises, Regulation 12: Insurance, and Section 58(G) 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)(2): Vetting disclosures
- Regulation 9(2): Staffing levels:
- Regulation 11: Premises(a),
- Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

On inspection, the registered provider was found to be non-compliant under:

- Regulation 8(2): Vetting disclosures

Conclusion and follow up actions:

Actions and supporting documentation were submitted to address the finding under Regulation 8(2): Vetting disclosures. These actions were accepted by the inspectorate 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.*

Regulatory Requirement Met

- (1) In total, the files for seven adults were reviewed, and the following was available:
- (a)(b) Each adult had two references from a previous employer or a reputable source. Each of the references were validated.
 - (c) Garda Vetting disclosures were available for the seven adults. It was demonstrated that 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.
 - (d) It was determined that police vetting was required for six adults, and the required documentation was available. However, the registered provider did not demonstrate that they had considered

Regulatory Requirement not met

- (2) The required documents, including police vetting, were not place prior to two adults being appointed. There was no evidence to demonstrate that the registered provider had ensured that police vetting had been provided for two staff prior to their commencing in the service. While Police Vetting was provided to the inspector, it was provided directly by the staff, it was not available within the service.

Corrective & Preventive Action Response submitted by the Registered Provider

(2) The relevant documents were added to the staff files. To prevent reoccurrence, the HR Team was re-trained and re-signed the organisation's Recruitment Policy and recruitment procedures, with particular focus on the requirement to obtain, validate, verify, and document all references as part of the recruitment process. They also received a training card to reinforce the importance and signed it.

A recruitment policy which was signed by staff members was submitted.

Summary of Findings

The requirement for Regulation 8: Vetting disclosure has been met.

Regulation 9: Staffing levels

(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

Regulatory Requirement Met

(2) The adult to child ratio was maintained throughout the inspection. There was 16 children present with six adults.

Regulation 11: Premises

A registered provider of a school age service shall ensure that-
(a) an outdoor space to which the school age children attending the service have access on a daily basis is provided on the premises, or

Regulatory Requirement Met

(a) The outdoor play area for the children was located within the grounds of the school. The children had access to a garden area, an astro-turf and a playground.

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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

An adult trained in first aid was, at all times, available to the children.