

# Early Years Inspectorate Regulatory Report

## School Age Services

|                                        |                                                     |
|----------------------------------------|-----------------------------------------------------|
| <b>TUSLA Identifier:</b>               | TU2025LH002SA                                       |
| <b>Name of School Age Service:</b>     | Polybus T/A Lyons Den Walshestown NS                |
| <b>Name of Registered Provider(s):</b> | John Harnett                                        |
| <b>Address of School Age Service:</b>  | Walshestown NS, Walshestown, Clogherhead, Co. Louth |
| <b>Eircode:</b>                        | A92 CD53                                            |

|                                                                 |             |
|-----------------------------------------------------------------|-------------|
| <b>Date(s) of Inspection:</b>                                   | 13 May 2025 |
| <b>Number of school age children present during inspection:</b> | PM 1        |

|                                                |                                                                                                     |
|------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Address of the Early Years Inspectorate</b> | Early Years Inspectorate<br>180-189 Lakeshore Drive<br>Airside Business Park<br>Swords<br>Co Dublin |
| <b>Inspection undertaken by:</b>               | M. McDonnell                                                                                        |
| <b>Title:</b>                                  | Early Years Inspector                                                                               |

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| <b>Authority to Inspect</b>                                                                                                                                                                          |
| 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). |

|                                |                                                                                                                                                                                                                                                                                                     |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description of Service:</b> | Polybus T/A Lyons Den Walshestown NS is one of several after school and preschools operated by the registered provider. Polybus T/A Lyons Den Walshestown NS located in a school in Co Louth. The service provides care for children aged 4 to 12 years old. A breakfast club is provided from 8.10 |
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|                                |                                                                                                                                                                                                         |
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|                                | to 9.10am and an afterschool club is provided from 2.00 to 6.30pm. The children have access to a hall, classroom and a sensory room. There is a kitchen and sanitary facilities available.              |
| <b>Staffing:</b>               | The registered provider does not work in the service. The registered provider employs two staff members who work directly with the children. An area manager also provides onsite and off-site support. |
| <b>Additional Information:</b> | This inspection was a planned, focused inspection of the service.                                                                                                                                       |

### 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 commence.

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

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| Statutory Notices            |                                                                    |                                                                                                                          |
|------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Notice                       | Date Served                                                        | Detail                                                                                                                   |
| Improvement Notice<br>IN1204 | 13/05/2026                                                         | A staff member did not have the required police vetting available. The staff member had recently obtained Garda Vetting. |
| Status                       | The registered provider provided an appropriate corrective action. |                                                                                                                          |

### 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(2): Staffing levels.
- Regulation 11: Premises.
- Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 in relation to first aid certification.

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

- Regulation 8(1)(a)(b)(d) (2): Vetting disclosures.

### Conclusion and follow up actions:

To be completed at the conclusion of the report

### 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

The files of the registered provider and the three staff members were reviewed. A Garda Vetting disclosure, which was dated within the last three years, was available for the three staff members and the registered provider.

### Regulatory Requirement not met

- (1)(a)(b) The registered provider had two written references available for themselves. Two written references were also available for each of the three staff members. However, three of these six references did not have a validation in place.
- (1)(d) See statutory Notice section in relation to improvement notice IN1204 served.
- (2) The vetting procedures required for each staff member had not been completed prior to staff member commencing work with children in the service.

### Corrective & Preventive Action Response submitted by the Registered Provider

- (1)(a)(b) The registered provider submitted the validated references
- (2) The registered provider stated that newly developed Recruitment Policy Training Cards will be used as part of the induction process for any new employee joining the HR and Recruitment Team. Training will be provided during induction to ensure all staff involved in recruitment fully

understand and follow the organisation's Recruitment Policy and compliance requirements, including the validation and verification of references prior to employment commencing.

## 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 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

One the inspector's arrival there were two adults and one child attending the hour club from 2.00 to 3.00pm.

## 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 children have access to an outdoor space on the school grounds.

## 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.*

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## Regulatory Requirement Met

The registered provider ensured that there was a staff member who had current certification in first aid.