

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2021CC091SA
Name of School Age Service:	Tiny Tots
Name of Registered Provider(s):	Hazel O'Mahony
Address of School Age Service:	Killeagh Gardens Killeagh Co Cork
Eircode:	P36 EV56

Date(s) of Inspection:	12 March 2024
Number of school age children present during inspection:	PM 12
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
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:

Tiny Tots operates a school age service in a purpose-built building located in a rural area in County Cork. The service caters for children aged 4-12 years old. The service is open Monday to Friday from 2.00 to 5.30pm. On the day of inspection, the service operated from 1.30pm. The children were based in one of the care rooms of the service. There are sanitary facilities, a kitchen and an outdoor space for use by the school age children located on the premises. There is a registered pre-school service in operation on the premises.

Staffing:

The registered provider works in the service. The registered provider employs two staff members who work with the school age children.

Additional Information:

This inspection was triggered as a result of information received by the Inspectorate.

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

- Regulation 7(1): Notification of change of circumstances;
- Regulation 10: Policies etc. of school age service;
- Regulation 13(2)(a)(b): Complaints;
- Childcare 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 corrective and preventive action plan, have addressed the non-compliances identified on inspection. They will be reviewed 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 had not informed Tusla in advance of a change to the operational hours of the service. The service was registered to operate from 2.00pm and on the day of inspection the service operated from 1.30pm. The attendance records for the 4 to 8 March 2024 and the 11 and 12 March 2024 which were reviewed by the inspector, demonstrated that children were in the service from 1.30pm. Staff members confirmed to the inspector that children were in their care from 1.30pm for the 4 to 8 March 2024 and the 11 and 12 March 2024 due to the time of school collections. The registered provider had therefore operated outside of their approved registration status.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

The registered provider stated that they had only recently started taking a younger cohort of children. They stated that these children finished school earlier than children who currently attended and it was an oversight not to submit the change of circumstances. This has been submitted and approved. As a preventive action, the registered provider stated that they will always if there is a change to the operational hours of the service going forward, for example, due to children attending the service at

an earlier time, the service will first ensure they are compliant with regulation 7(1) by submitting a CIC to Tusla and awaiting its approval before implementing the relevant change to the service

Summary of Findings

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

The inspector reviewed the registered provider's file and the staff files of the two staff members who worked with the school age children. There were two written references available for the registered provider. There were two written and validated references available for the two staff members from a previous employer or a source other than a previous employer. A Garda vetting disclosure was available for both the staff members and the registered provider. The documentation reviewed on inspection demonstrated that police vetting was not required for the staff members or the registered provider.

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)

There were 2 staff members working directly with the 12 children who attended the service on the day of the inspection.

(4)

The inspector observed appropriate supervision of the children during the inspection. Children were supervised doing art and homework activities in the rooms.

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Regulation 10: Policies etc. 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 inspector reviewed the service's collection and drop-off policy. The registered provider had not updated their collection and drop-off policy to reflect the collection procedures that were being carried out by the service after a recent incident occurred. It is acknowledged that both the staff member and the registered provider who completed collections were aware of this update on the day of inspection.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider submitted an updated policy in which the new procedure was outlined. As a preventive action, the registered provider stated that they will now review their policies on a regular basis and will update them accordingly especially if an incident happens.

Summary of Findings

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have addressed the non-compliance identified on inspection. They will be reviewed on the next inspection.

Regulation 12: Insurance

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

Regulatory Requirement Met

The service was insured from 28 March 2023 to 27 March 2024 for a maximum of 65 children. On the day of the inspection, there were 12 school age children in attendance.

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.

Regulatory Requirement Met

(1)(a)(b)(c)

The inspector reviewed the service's complaints policy which was available on site during the inspection. 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 and the appeals process.

Regulatory Requirement not met

(2)(a)(b)

The registered provider discussed with the inspector a recent complaint that the service had received. The registered provider discussed how they had spoken with the complainant and stated they had been satisfied with the outcome. However, there was no record of the complaint to evidence that it had been duly dealt with in line with the service's complaints policy and to confirm the complainant was satisfied with the outcome.

Corrective & Preventive Action Response submitted by the Registered Provider

(2)(a)(b)

The registered provider stated that a report was available for the incident. They stated that the parent was not able to sign the record at the time but was happy with the outcome. As a preventive action, the service stated they will email the parent and note on the record that a staff member read the report for the parents but they didn't sign it.

Summary of Findings

The actions and evidence submitted by the registered provider, in their corrective and preventive action plan, have addressed the non-compliance identified on inspection. They will be reviewed on the next 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 inspector observed the health, safety and welfare of children being supported by the following:

- The inspector observed positive behaviour management being implemented by staff working with the children during the inspection. During the afternoon children were asked if they wanted to continue with an Easter activity or go to play outdoors. Both options were facilitated as a member of staff stayed inside with a small group of children whilst another group went outdoors with another staff member.

Regulatory Requirement not met

1. The registered provider could not provide assurance that all reasonable measures were taken to safeguard the safety of the children during the school collection process. The registered provider discussed an incident which occurred in January 2024 when the service had not collected a child from school. The registered provider noted that since the incident, the service's collection procedure had changed. They explained that staff now have access to parent contact details, on a service mobile phone, during each collection in the event they need to check with the parent whether a child is due to be collected from school by the service. However, should the registered provider not be able to contact the parent or guardian there were no other measures in place to ensure that all children who were listed for collection were accounted for should they not be at their collection point on a given day. It is acknowledged that on the day of inspection, the inspector observed a school collection in which the children were collected from a local school and children were collected on time. The sample of children spoken with were aware of where they were to be collected at school collection time. The registered provider had a list available of the names of the children due to be collected and this was reflective of the children picked up from the school on the day of inspection. The registered provider discussed with the inspector how a weekly list was available of the collections for the week ahead. A notice was displayed on the main entrance to the service as a reminder for parents to inform the service, in a timely manner, should collection arrangements change. The inspector was able to review the amended list for the current week in which changes had been recorded.
2. The registered provider did not provide evidence that parents had been given access to service policies and procedures. It is acknowledged that the registered provider and staff member discussed how a meeting was held with parents every summer where hard copies of policies were given to parents and school collection procedures were discussed. However, there was no record of this available for the inspector to confirm that these meetings took place. There was also no record available confirming that the policies or information had been provided to parents. Whilst the policies of the service were provided to the inspector on-site during the inspection, these were not in a

readily accessible location for parents to access.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider noted they had spoken to the school and made arrangements for a procedure upon collection in collaboration with the school. This included checking with staff at the school should a child not be at the collection point. This process has now been updated in the school collection policy, which was submitted to the Inspectorate. As a preventive action, the registered provider stated they will follow all policies at all times and make sure parents are aware of all their policies.
2. The registered provider stated that a meeting was held with all staff and it was discussed that going forward, if parents are given a copy of a policy, parents must sign to say they received them. It was also decided that a copy of all policies will be e-mailed to all parents and parents will be asked to reply to this e-mail stating they have received them. A hard copy of the files will also be given if parents wish. It was also noted that parents will be asked to sign as proof of receiving these policies. A copy of the minutes and the email to parents was submitted. It was noted that a copy of all minutes of meetings will be recorded and kept on file.

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 and will be reviewed on the next inspection.