

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2021WX017SA
Name of School Age Service:	The Hive
Name of Registered Provider(s):	Jade Murphy
Address of School Age Service:	St Enda's National School, Ballycanew, Gorey Rd Co. Wexford
Eircode:	Y25 Y6W8

Date(s) of Inspection:	18 September 2024			
Number of school age children present during inspection:	AM	n/a	PM	18
Registration status:	Registered			
Conditions (if applicable):	Not Applicable			

Address of the Early Years Inspectorate	Primary Care Centre, Castle Park, Arklow, Co Wicklow
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 Hive is located in Ballycanew, a village on the outskirts of Gorey town. The service is registered to cater for up to 60 children aged 4 to 12 years old and it is registered to operate from 2.20pm to 6.30pm Monday to Friday. The service operates from the grounds of a primary school. The children have access to one care room. Within the building, children also have access to a library, a sensory room, and a ball pit room.

The children are provided with an outdoor area on the school premises. This includes a basketball court, a playground and a football pitch.

Staffing:

There are 10 adults employed within the service, including the registered provider. The registered provider does not work directly with the children.

On the day of inspection, there were five adults present in the service.

Additional Information:

The inspector conducted a planned focused inspection of the service.

An Immediate Action Notice was issued on 19 September 2024 due to the potential immediate risk observed to the safety of children regarding the administration of emergency medication, fire safety and insurance. A response was received from the registered provider on 19 and 20 September outlining actions taken by the service. Please refer to Regulation 12: Insurance and Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

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

Summary of Findings:

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

- Regulation 8(1)(c): Vetting disclosures;
- Regulation 9(1)(2)(4): Staffing levels;

The registered provider was found to be non-compliant in relation to the following:

- Regulation 7(1): Notification of change in circumstances;
- Regulation 8(1)(a)(b)(d)(2): Vetting disclosures;
- Regulation 12: Insurance;
- Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

Conclusion and follow up actions:

The registered provider submitted actions and supporting evidence for the non-compliances identified on the day of inspection. The requirements of Regulation 7; Notification of change in circumstances, Regulation 8: Vetting disclosure, Regulation 12: Insurance and Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. have been met.

The actions submitted by the registered provider will be assessed 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.

(2) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) of a 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), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.

Regulatory Requirement not met

(1)

The following was noted during the inspection with regard to the registration status of the school age service:

- a. The registered provider did not notify the Agency in writing in advance of changes to the hours of operation. The service was registered to operate from 2.30pm up to 6.30pm. It was confirmed with the registered provider that the service was in operation from 6.30am – 9am and from 1.30pm until 6.30pm. A referral was made to the Registration Office within the Inspectorate on 20 September 2024.
- b. The registered provider did not inform the Inspectorate regarding the change in person in charge within the service. The named person in charge on the day of inspection was different to the registered person in charge. The service had therefore operated outside of their approved registration status.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

The registered provider applied for the change in circumstances for any changes in time going forward. The registered provider now has the correct application to request a change.

A proposed change in circumstance application was submitted by the registered provider on 22 September 2024.

Summary of Findings

The requirements for Regulation 7: Notification of change in circumstances has been met by the actions 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 Met

(1)(c)

Staff files were not available as they were stored off site. However, the registered provider sent the 10 staff files electronically for the inspector to review that evening. The required Garda vetting disclosures were available for the ten staff members.

Regulatory Requirement not met

(1)

(a)(b)

Twenty references were not available from a previous employer and/or a from a source other than a previous employer. It is noted the registered provider provided assurances that phone calls were made to referees, however, evidence was not available to demonstrate this.

(d)

Police vetting was required for one staff member, and it was not available for the period of time of which the staff member resided in another country.

(2)

It was demonstrated that the required documentation was not in place prior to staff being appointed, assigned or allowed access to or contact with a child attending the school age service. The procedures as required for Garda vetting were not carried out for two staff members and evidence to demonstrate the consideration of references prior to being appointed, assigned or allowed access to or contact with a child attending the school age service was not available for nine staff members.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)

(a)(b) All staff references were validated by phone calls. The registered provider stated there is a new template for any new staff that need to be vetted going forward and the registered provider will make sure they have two written references which are validated.

The registered provider submitted evidence to demonstrate that the references were validated.

(d) The staff member contacted the required embassy. Going forward, the registered provider stated if police vetting is required, that staff will have an up-to-date copy.

The registered provider submitted supporting documentation to demonstrate that police vetting was applied for.

(2)

The registered provider stated that all staff files now have a vetting section, and all new staff will be vetted prior to starting in the service.

Summary of Findings

The registered provider has submitted actions and supporting documentation to demonstrate that references were validated and that the required police vetting was received. Actions and supporting documentation was submitted by the registered provider outlining measures within the service to ensure that the procedures would be in place prior to any person being appointed, assigned or allowed access to or contact with a child attending the school age service.

The requirements of Regulation 8: Vetting disclosure have been met.

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.*
- (3) Without prejudice to paragraph (1), a registered provider of a school age service shall ensure that, where the person in charge operates the service singlehandedly, a second person familiar with the operation of the service and in a position to provide assistance in operating the service to the person in charge is, at all times, within close distance of the service and available to attend the service to assist the person in charge or the registered provider of the childminding service in the event of an emergency.*
- (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)

The adult to child ratio was maintained throughout the inspection. On the day, there was five adults present with eighteen children in the service.

The children were appropriately supervised throughout the inspection by the staff members. Children were provided with choice in the activity which they engaged with. At 3.30pm children were colouring pictures, doing arts and crafts, playing with table top activities and reading books. The staff members were observed to move freely around the room to the various groups of children and asked if they needed anything. During this time, two staff sat with the children while the other staff engaged with the other groups and individual children.

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Regulation 12: Insurance

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

Regulatory Requirement not met

The school age service was not adequately insured. The insurance policy provided to the Inspectorate did not demonstrate appropriate insurance was in place for the school age service registered with the Early Years Inspectorate.

An Immediate Action Notice was issued to the registered provider on 19 September 2024.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider responded on 20 September 2024 outlining that they were unaware the wrong type of insurance for the school care setting was in place. The registered provider stated that insurance was put into place on the morning of 20 September 2024 with the appropriate cover. The registered provider submitted documents on the morning of the 20 September 2024 to demonstrate that updated insurance cover was in place.

Through the CAPA response on 21 October 2024, the registered provider stated that going forward, the registered provider will contact the Inspectorate to discuss what is needed.

Summary of Findings

The requirements for Regulation 12: Insurance has been met.

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 not met

1. An immediate potential risk to the safety of the children was observed during the inspection. The procedures in place regarding the management a specific medical condition for two children who required emergency medication posed a potential immediate risk. The following was observed:
 - a. One child with a specific medical condition was present in the service during the inspection. The emergency medication available for the child had an expiration date of 2022. This practice was at variance of the service's administration of medication policy which stated that medication was checked on a regular basis to ensure it is in date. This posed a potential increased risk to the child's health as the emergency medication may be ineffective.
 - b. In discussion with staff, the symptoms which the two individual children would display to indicate their emergency medication was required to be administered was not known. It was confirmed by staff and the registered provider that a care plan was not available for these two children to detail the symptoms and/or procedure to follow in the event of an emergency. This was at variance of the service's administration of medication policy. The policy stated that a care plan would be developed for children with emergency medication. It also stated that staff would be inducted on how to implement the information within the care plan. The practice observed posed a potential increased risk to the health and safety risk of the children in the event that emergency medical treatment was required.

2. There was potential significant and immediate risk to the safety of the children and staff regarding fire safety measures within the service. The following was noted:

- a. The services policy stated that the attendance record is used as a record for fire drills. The attendance record of the service was not immediately available as it was stored within the personal belongings of a staff member. This posed a potential increased risk in the event of an emergency evacuation that a child and/or children may be unaccounted for.
- b. The attendance record did not indicate the children present and/or children who departed the service. At 3.40pm, there were eighteen school age children present within the service. On review of the attendance record, there were twenty-six children listed.
 - Measures to indicate the children present or children who departed the service were not evident such as arrival/departure time. Staff confirmed six children left the service between 2.15pm-3.15pm, however, these children were not signed out.
 - Three children who were present within the service were recorded on the attendance record.

This practice was at variance of the service's fire safety policy which stated that all children and staff members must be signed in and out accordingly onto the attendance record as this record will be used for fire drills.

- c. It was confirmed with staff members that fire drills do not take place within the service. This was at variance of the service's fire safety policy which outlined that fire drills were carried out on a monthly basis, at different times and days. This posed an increased risk as staff may not be familiar with the fire evacuation procedure in the event of an emergency.

- d. The location of the fire assembly point was inconsistent. Staff were unaware of the location of the fire assembly point and outlined that an assembly point was not in place. Following the inspection, the registered provider outlined the assembly point was at the basketball court. However, this was at variance of the service's fire safety policy which stated that the fire assembly point is located within the car park of the National School and is clearly marked. This posed an increased safety risk in the event of an emergency evacuation.
- e. The procedures to follow in the event of an emergency evacuation of the premises were not in place. This posed an increased risk to the safety of the children and staff in the case of an emergency evacuation as the evacuation route may not be known.

3. The service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Two staff members had Garda vetting dated more than 3 years old.

Corrective & Preventive Action Response submitted by the Registered Provider

1. A response to the Immediate Action Notice was received from the registered provider on the 19 September 2024. The following was outlined;
 - a. The medication for child was out of date. The parent was contacted and updated medication was requested. The parent provided medication to keep onsite, and the will also child medication in their school bag at all times. This is the same for the other child who has their medication in their school bag at all times. This was added to care plans and the staff have received updated emails with this. The care plans of children have been added to onsite files.
 - b. The care plan was updated and emailed to all staff including a new copy of care plans for children who require medication. There is paper records of care plans in a folder onsite. There was a step-by-step guide emailed to staff and onsite also. The service will do training for any staff who require it. There is also an updated listed of emergency medical contacts available onsite. Photographic evidence was submitted demonstrating the staff were provided with the care plans for the two children.

Through the CAPA response on 21 October 2024, the registered provider stated that all staff received an updated care plan to their emails. The registered provider stated that there is a new care plan folder onsite, and staff are aware of it. In addition, children will have their medication on site in their bags.

2. A response to the Immediate Action Notice was received from the registered provider on the 19 September 2024. The registered provider stated that all of the services procedures would be rectified. The registered provider outlined that all staff will be included in this process and updated throughout. The following actions were submitted;

- a. The attendance record has been corrected with a new updated template of all children's names and date of birth which will be filled out daily when they arrive and when they leave. There will be a list of children in the fire drill records for roll call. There will be a list of children for a regular head count. There will be sign in and sign out sheets for children There will be sign in and sign out sheets for all staff. These records will be kept onsite.

Through the CAPA response on 21 October 2024, the registered provider stated the service have a new roll call procedure in place.

- b. The service now have a folder solely dedicated to fire drills. The service now have fire drill template and carry out monthly fire drills.

Through the CAPA response on 21 October 2024, the registered provider stated the service have a child fire drill safety folder, and the service carry out fire drills in the breakfast club and during the day.

- c. The fire drill location is Basketball court, and this will be updated on the service's policies. The service will practice fire drills in the morning and afternoon sessions and records this. The service will keep a record of all monthly fire drills records together. Through the CAPA response on 21 October 2024, the registered provider stated there is always at least one fire safety officer onsite. And outlined that the service spend one day a year to run through our fire drill policy.
- d. The registered provider stated that the fire procedures are displayed on the wall.

Photographic evidence was submitted of a fire drill record detailing a fire drill which was carried out on 19 September 2024 and 25 September 2024. Photographic evidence was submitted of the signage to demonstrate the fire assembly point. A copy of the service's updated attendance record for the week of 19 September 2024 and varying dates in October 2024 were submitted. A copy of a child friendly fire evacuation procedure on display in the service was submitted.

3. Through the CAPA response on 25 October 2024, the registered provider stated the staff member has since left the service. The registered provider stated that all staff will be vetted together or new staff that join the service will have their vetting added to the folder onsite.

Summary of Findings

The requirements of Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013. have been met by the actions and supporting evidence submitted by the registered provider.