

Early Years Inspectorate Regulatory Report

School Age Services

TUSLA Identifier:	TU2019TY012SA
Name of School Age Service:	Busy Bees Presentation
Name of Registered Provider(s):	Vanessa Moriarty
Address of School Age Service:	Dungarvan Road, Clonmel, Co Tipperary.
Eircode:	E91 XF62

Date(s) of Inspection:	20 August 2024			
Number of school age children present during inspection:	AM	n/a	PM	95
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 A Spain
Title:	Early Years Inspectors

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:

Busy Bees Presentation is a school age service located in Clonmel town in Co. Tipperary. The service is registered to accommodate 90 school age children aged 4 to 12 years. It is in operation for 51 weeks a year. During the school term, the service is open from 7.30am to 9.30am and 1.15pm to 6.15pm. Outside the school term, the service operates from 7.30am to 6.15pm.

The service operates from a primary school building. The children have access to a hall, an art room and a lunch room. The children have access to a library and computer room on the first floor of the school building. The children have access to two school yards, an all-weather pitch and a grass area for outdoor play.

The registered provider operates 6 additional school age services within Tipperary.

Staffing:

There are 15 adults within the service, including the registered provider. On the day of inspection, there were 9 adults and 2 students working directly with the children.

Additional Information:

On the day of inspection, the service was operating outside its registration status. Busy Bees Presentation is registered as a school age service to accommodate 90 school age children. On the day of inspection, the number of children present exceeded the number of children which the service was registered to accommodate. A referral was submitted to the registration office within 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 inspectors wish 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)(a)(b)(c)(d)(2): Vetting disclosures;
- Regulation 9(1)(2)(4): Staffing levels.

On inspection, the registered provider was found to be non-complaint in relation to the following:

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

Conclusion and follow-up actions:

There are no follow up actions required from this inspection. Through the actions and supporting documents, the requirements have been met for Regulation 7: Notification of change in circumstances, Regulation 12: Insurance and Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.

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

The service was registered as a school age service to accommodate a maximum of 90 children aged 4 to 12 years. On the day of inspection, the following was noted;

1. The number of children present on the day exceeded the number of children which the service is registered to accommodate. The service is registered to accommodate 90 school age children at any one time. At 1.07pm, there were 91 school age children present within the service.

It is acknowledged that the registered provider submitted a change in circumstance to the inspectorate on 20 August 2024 to increase the number of children the service is registered to accommodate from 90 to 100.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider confirmed that a change in circumstance was submitted to increase the number of children to 100. The registered provider stated that the week of inspection was a pressure week as the service have new junior infant children attending the service. The registered provider stated that the service do not normally have this number of children attending.

Summary of Findings

The non-compliance has been addressed by the actions taken by the registered provider. The requirements of Regulation 7; Notification of change in circumstances has been met.

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)(a)(b)(c)(d)

The staff files of 17 adults were reviewed. The required Garda vetting disclosures, police vetting documentation and validated references were available for the 17 adults. The required documentation including Garda vetting disclosures, and references were available for review. 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.

(2)

It was demonstrated the procedures were carried out by the registered provider prior to the appointment of any adult within the service.

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 an adequate number of adults working directly with the school age children on the day of inspection. At 2.35pm, there were 8 adults working with 61 school age children.

The children were supervised throughout the inspection. At 12.25pm and 2.35pm the children were in the hall. At this time, the adults were observed to position themselves in various areas across the room where they could observe the children. Throughout the inspection, the adults were responsive in their supervision techniques and were observed to provide support to the children when required.

Regulation 12: Insurance

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

Regulatory Requirement not met

The service had insurance cover for a maximum of 90 children in daily attendance. At 1.07pm, there were 91 school age children present. It is acknowledged that the registered provider amended their insurance following the inspection to accommodate up to 100 school age children at any one time.

Corrective & Preventive Action Response submitted by the Registered Provider

The registered provider responded through their CAPA on 15 October 2024 and stated that there was an immediate increase to the service's insurance to 100 children. The updated insurance certificate was submitted to the inspectorate.

Summary of Findings

The requirement 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. The practices used to record children's attendance posed a risk in the event of an emergency evacuation and posed an increased risk of the likelihood of a child being unaccounted for. The practice observed was at variance with the service's fire safety policy which stated children must be signed in and out of attendance records as it is this record which was used for fire drills. The following was noted during the inspection:
 - a. The attendance records were not reflective of the number of children within the service on the day of inspection. The service maintained two separate records to record attendance: a camp sheet and a roll sheet. The staff member advised that the camp sheet was to record the children as they arrive to the service. And the roll sheet listed all of the children who attend the service. In discussion with staff, the main attendance record was confirmed as the camp sheet. On review of these records, at 1pm there was 90 children signed into the service. The roll sheet recorded 93 children present within the service. However, at this time, there were 95 children present within the service. As the attendance records were not reflective of the children present at all times, this posed an increased risk to the children's safety in the event of an emergency evacuation.

- b. The service operated from four rooms within four different buildings within the school premises. On the day of inspection, the attendance records remained within the hall and were not accessible for staff groups within the three separate buildings between 12.25pm – 1.00pm and between 2.05pm – 2.30pm. At this time, staff did not have access to an attendance record to support them in the event of an emergency evacuation.
- c. Between 2.30pm-2.35pm, the staff were unable to confirm the number of children within the group. At 2.35pm, there were 7 staff members, and 2 students present with 52 children aged 4 -12 years in the hall and adjoining sanitary areas. Staff members outlined that collection time for many of the children occurred between 2.00pm-2.30pm. It is noted headcounts were carried out, however, in discussion with three staff members the number of children present was inconsistent. Staff outlined that during this time, it was difficult to determine the children who were present in the service and the children who had gone home. This posed a potential risk in the event of an emergency evacuation as the whereabouts of a child and/or children may not be known.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider stated that attendance sheets are now recorded in each separate room. The registered provider stated that going forward all attendance sheets will no longer be controlled from the main desk, but from each separate room. The service have updated their fire drill policy to include real time recording of pod attendance. The registered provider submitted the updated attendance records.

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.