

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2020FL012SA
Name of School Age Service:	Hi5 Childcare
Name of Registered Provider(s):	Angelina Brady
Address of School Age Service:	Malahide Marina Malahide Co Dublin
Eircode:	K36 T276

Date(s) of Inspection:	28 February 2024
Number of school age children present during inspection:	PM 52
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).

Early Years Inspectorate Regulatory Report

School Age Services

Description of Service:

Hi5 Childcare operates several school age care services based in Co Dublin and Co Meath. Hi5 Childcare is based on the ground floor of a converted unit in a commercial area of Dublin. The service accommodates children aged 4 to 10 years old. The service is open Monday to Friday between 7.30 and 8.30am for a breakfast club, and from 1.30 and 6.00pm for an afterschool club. The children have access to a large indoor room and an outdoor space. The children and staff have access to sanitary facilities and there is an onsite kitchen.

Staffing:

The registered provider does not work in the service. The registered provider employs seven staff members who work directly with the school age children. This includes a general manager, a person in charge, and five school age care staff.

Additional Information:

The inspector conducted a planned focused inspection of the service.

An Immediate Action Notice (IAN) was issued to the registered provider on 29 February 2024 concerning the absence of a Garda vetting disclosure in relation to Regulation 8(c). A response was received from the registered provider on 29 February 2024 which mitigated the risk.

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

- Regulation 8(1)(a)(b): Vetting disclosures;
- Regulation 9(1)(2)(4): Staffing levels;
- Regulation 12: Insurance.

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

- Regulation 8(1)(c)(d)(2): Vetting disclosures;
- Child Care 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 as part of the registered provider's corrective and preventive action plan have addressed the non-compliance identified on 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)(a)(b)

The inspector reviewed the staff files of the 10 adults, which included 2 contractors, who were working in the service. There were two written and or validated references available for all 10 adults from a previous employer or a source other than a previous employer.

Regulatory Requirement not met

(1)(c)

An Immediate Action Notice was issued on 29 February 2024 as the registered provider did not have a Garda vetting disclosure available for one adult. It is acknowledged that there was a Garda vetting disclosure for nine adults.

(1)(d)

From the documentation reviewed, the inspector could not determine if police vetting was required for one of the adults.

It is acknowledged that there was documentation available for the other adults. This documentation demonstrated that police vetting was either not required or was available if they had resided outside of the State for more than six consecutive months.

(2)

The registered provider had not ensured that the full vetting procedures were carried out prior to two adults being appointed, assigned or allowed access to or contact with the children attending the service.

Corrective & Preventive Action Response submitted by the Registered Provider

(1)(c)

The registered provider took appropriate measures until they obtained the Garda Vetting disclosure, which was submitted to the Inspectorate. The registered provider stated they will ensure the Garda Vetting process is completed before the employee commences employment.

(1)(d) The registered provider submitted a comprehensive response to evidence they had tried to obtain police vetting and that this was unsuccessful. A risk assessment was completed and submitted. The registered provider stated improvements to the human resources process, such as training, to ensure that the requirement for police vetting is identified.

(2)

The registered provider completed a review of all vetting documentation to ensure all requirements were met and has obtained the required documentation or completed risk assessments. The registered provider stated that monthly reviews and future audits will take place.

Summary of Findings

The actions and evidence submitted as part of the registered provider's corrective and preventive action plan have addressed the non-compliance identified on inspection.

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 5 staff members working directly with the 52 children who attended the service on the day of the inspection.

(4)

The inspector observed appropriate supervision of the children during the inspection. The children were appropriately supervised as they entered the service. Thereafter, the staff were observed to be with different age groups in specific areas of the service, playing games with them, doing art activities, or taking part in a sporting activity.

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 84 children. On the day of the inspection, there were 52 school age children in attendance.

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. Garda vetting disclosures had been obtained for nine adults. However, three Garda vetting disclosure was not dated within the previous three years in adherence to the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The registered provider submitted the updated Garda vetting disclosures and these demonstrated that they had been previously updated. The registered provider stated difficulties with the location of the required documentation and is committed to ensuring this is promptly available.

Summary of Findings

The actions and evidence submitted as part of the registered provider's corrective and preventive action plan have addressed the non-compliance identified on inspection.