

Early Years Inspectorate Regulatory Report School Age Services

TUSLA Identifier:	TU2021CC031SA
Name of School Age Service:	Tinga Tinga Childcare
Name of Registered Provider:	Manuela Tortora
Address of School Age Service:	Midleton Community Centre, Riverside Estate, Midleton, Co. Cork.
Eircode:	P25NA72

Dates of Inspection:	11 December 2023 Day 1		
	28 February 2024 Day 2		
Number of school age children present during inspection:	PM	56 on day 1	
		57 on day 2	
Registration status:	Registered		

Address of the Early Years Inspectorate	Tusla Early Years Inspectorate Primary Care Centre Church Avenue Tullamore Co Offaly
Inspection undertaken by:	A Spain (Day 1 and Day 2) C Whelan (Day 1)
Title:	Early years inspector Inspection and registration manager

Early Years Inspectorate Regulatory Report

School Age Services

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:

Tinga Tinga Childcare is a privately run school age and early years' service located in a two-storey building in Midleton town, Co. Cork. Children in the age range 4 to 12 years are cared for in the school age service. The service is operational between the hours of 7.30 and 8.00am and between the hours of 1.00 and 6.00pm daily for 38 weeks yearly. Outside of school terms, the service is operational between the hours of 7.30am and 6.00pm. There is separate and direct access to the school age service which adjoins a pre-school service. Rooms in the service are at first floor level and comprise of four school age rooms. In addition, there is an office, sanitary accommodation for children and staff, a storeroom for toys and cleaning agents and a kitchen to reheat meals provided by an outside caterer. The service has access to a hall at specific times and when not in use by other services in the building. Children have the use of sanitary accommodation close to the hall at ground floor level. The service also has access to two public green areas at the back and side of the building for outdoor play.

Staffing:

The school age service is staffed by 13 adults which includes the registered provider. Ancillary staff include an office manager who is available to deputise in the service in the absence of the registered provider. A dedicated staff member works directly in the kitchen in the service.

Additional Information:

This inspection was triggered following information received by the Inspectorate.

An immediate action notice was issued on the 12 December 2023 by the inspection and registration manager in relation to safety concerns identified on day 1 of inspection.

The safety concerns brought to the attention of the registered provider were in relation to unauthorised access to the service and unsupervised exit of children from the service. Safety at the entrance door and the doors leading to the hall in the school age service were outlined on day 1 of inspection.

A response which outlined the remedial measures put in place was received from the registered provider on the 12 December 2023. The detail of remedial measures put in place is documented under the corrective and preventive action response submitted by the registered provider under Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013 in this report.

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, and staff who were present on the days of inspection.

Summary of Findings:

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

- Regulation 8: Vetting disclosures;
- Regulation 9(1)(2)(4): Staffing levels;
- Regulation 11: Premises;
- 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 inspection, the registered provider was found to be non-compliant in relation to:

- 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 inspectors reviewed the actions and evidence that the registered provider submitted. The non-compliances found on inspection have been adequately addressed. This will be reviewed on the next inspection of the service.

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)

On the first day of inspection conducted on the 11 December 2023, there were 15 staff members in the service. Nineteen references were available from past employers in respect of the staff members. Eleven references were available from sources other than past employers in respect of the staff members. A Garda vetting disclosure was held on file in respect of all staff files viewed on day one of inspection. Police vetting was held on file in respect of four staff who had lived outside of the State for over six consecutive months as adults.

(2)

Documented evidence was provided to confirm that vetting procedures were conducted prior to the appointment of staff members in 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)(4)

The registered provider ensured that there was an adequate number of staff present in the service on both days of inspection. On day 1 of inspection on the 11 December 2023, children were cared for collectively in a hall at ground floor level on arrival of the inspectors. Children moved from the hall to the four playrooms at first floor level during the course of the inspection. There were 56 children present in the service across the four rooms in use and 7 staff members were present. The registered provider and a second staff member were available to provide relief cover as required.

At 5.50pm on day 1 of inspection, eight children remained in the service across two rooms in use with four staff members. A review of the staff rosters and records of the children's attendance for the week of the 13 November 2023 demonstrated the minimum ratio of 1 adult to 12 children was maintained during this period.

On day 2 of the inspection, there were 57 children present with 8 staff members across the 4 school age rooms in the service. The inspector observed appropriate supervision of the children.

Regulation 11: Premises

(b) where no such space is provided, the school age children attending the service have access on a daily basis to an outdoor space.

Regulatory Requirement Met

(b)

The school age children attending the service had access to two separate outdoor spaces. One outdoor area comprised of a large green park located at the back of the building. A second green area was located at the side of the building and was also available for use by the service. The inspectors observed that children were not taken outdoors on both days of inspection. The registered provider advised that children were not taken out during poor weather conditions. Records were furnished by the registered provider on both days of inspection that advised of the days children were taken outdoors. A site used to store vehicles and construction materials to one side and at the back of the green area was safely fenced off on both days of inspection. Heavy duty fencing safely anchored to the ground provided a barrier between the site and the green area. Access to the site was secured with a high level metal gate on both days of inspection. The site was observed to be closed off and not in use on the days of 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 August 2023 to 27 March 2024 for a maximum of 58 school age children.

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.*

Regulatory Requirement Met

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

The service had a complaints policy which outlined the procedure for making both verbal and written complaints. The procedure for keeping the complainant informed of how the complaint was dealt with included an appeals provision should the complainant be dissatisfied with the outcome of the complaint investigation. A staff member in the service confirmed receipt of the complaints policy. The registered provider advised that no complaints were received by the service.

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.

- Records were maintained to confirm dates and times the green areas were used by the service. These outdoor play records were furnished to the inspectors on both days of inspection. The records advised of the dates and times children went outdoors and the rooms in the service children went outdoors from. The records also advised of the names and number of staff that accompanied children outdoors.

Regulatory Requirement not met

- On the 11 December 2023, day 1 of inspection, the entrance and exit door to the service was not secured on arrival of the inspectors at 3.15pm and for the duration of the inspection to guard against both unauthorised access to the service and unsupervised exit by the children. Fifty six children were being cared for in the hall at ground floor level by 6 staff members. The access door to the hall was not secured. At 3.50pm the inspectors observed three parents walk into the hall to collect children. The registered provider advised that the service had use of the hall on Mondays weekly and on Fridays depending on availability. It was also advised by the registered provider that a staff member remained inside the entrance door of the hall when children were present. An immediate action notice was issued on the 12 December 2023 in response to this non-compliance concerning the safety of children.
- It was advised in the outings policy for the service that outdoor risk assessments were conducted before children attended the green areas outdoors. Records of outdoor space risk assessments for the outings that were recorded for the 11 January 2024, 2 February 2024 and 19 February 2024 were not available on day two of inspection. The registered provider

acknowledged that risk assessments were not conducted on the aforementioned dates. Where risk assessments are not completed, this may pose a risk to the safety of the children.

It was acknowledged on day 2 of inspection, that high visibility jackets were available in all playrooms for children to wear when taken outdoors. Through discussion with a staff member in both the red and green rooms, the inspector evidenced that they were aware of the procedure to follow when taking children outdoors.

On both days of inspection, the green areas were not observed in use by the inspectors. The registered provider advised the inspector that it was too cold to take children outdoors on both days. The inspector acknowledged that weather conditions were poor on both days of the inspection.

Corrective & Preventive Action Response submitted by the Registered Provider

1. The response to the immediate action notice received from the registered provider on the 12 December 2023 advised as follows:

Secure keypad locked doors provided access to all rooms in the service which were located at first floor level. Access to the keypad code was confined to staff members. Parents were required to take children upstairs to this entrance door for acceptance into the service by a staff member at drop off times which includes drop off for the breakfast club provided by the service. Children were signed into the service by a staff member for the breakfast club.

Children collected from schools were brought directly to their designated rooms by a staff member for subsequent sign in and sign out by a staff member in the room.

Use of the hall at ground floor level was staggered between rooms with staff accompanying children to the hall from their designated care room. Access to the hall was confined to children, staff and parents collecting children directly from the hall when in use on a rostered Monday weekly. A staff member stood inside the entrance door to the hall to guard against unsupervised exit by children and unauthorised access to the children when the hall was in use. Children used the toilets at ground floor level under adult supervision.

In addition, the registered provider advised in the response to the immediate action notice that the keypad lock on a door leading from community rooms in use at ground floor level to both the

hall and sanitary accommodation would be locked when the hall was in use. It was indicated that an additional sign in sheet had been introduced to sign children and staff into the hall. Children were also required to wear high visibility vests while using the hall.

On day 2 of inspection, the inspector observed that the entrance door to the service at first floor level was secured. Parents and guardians were observed to drop and collect children directly from the secured door leading to the rooms in the school age service.

On day two of inspection, the inspector reviewed the attendance records for the children in the four school age rooms for the 26 and 27 February 2024. Records confirmed that all children were signed in and out of the service on arrival from school and at the collection times.

The inspector also observed that the door leading from the community rooms at ground floor level to both the hall and sanitary accommodation was secured with a keypad to guard against unauthorised access to the children in the service and unsupervised exit by children. The door leading into the hall was also secured with a keypad. The measures outlined by the registered provider in the response to the immediate action notice were observed to be in place on day 2 of the inspection. These measures were found to be adequate to address the non-compliance observed on day 1 of the inspection conducted on the 11 December 2023.

As a preventive measure, the registered provider advised in the corrective and preventive action plan submitted on the 18 June 2024 that all keypad locks in the service will continue to be secured with immediate effect.

2. As a corrective measure, the registered provider advised in the corrective and preventive action plan submitted on the 18 June 2024 that risk assessments will be conducted and recorded on all days before children are taken out to play in the green areas. As a preventive measure, it was confirmed that the risk assessments will be conducted before children are taken out to play in the green areas with immediate effect. As a further preventive measure, the registered provider further advised in the corrective and preventive action plan submitted on the 9 July 2024 that a member of senior staff will check the risk assessment forms at the end of each week to ensure they were completed for each day children were taken outdoors to the green areas during the week.

Summary of Findings

The inspector has reviewed the actions and evidence submitted. The action taken by the registered provider has met the requirement of the Child Care Act 1991, Section 58(G) as amended by Part 12 of the Child and Family Agency Act, 2013.