

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KK082
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Name of Service:	The Learning Tree
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Address of Service:	St. Canice's Community Action Centre, St Joseph's Road, Kilkenny, Co. Kilkenny
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Eircode:	R95 P0KK
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Name of Registered Provider:	Mike Kelly
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	11/07/2025
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No of pre-school children:	AM	9	PM	7
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Tusla Child & Family Agency, Athy Road, Carlow.
Inspection undertaken by:	Norma Thornton
Title:	Early Years Inspector

Authority to Inspect

The Tusla 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).

Conditions if applicable	Not applicable
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Description of service

The Learning Tree childcare service is a registered pre-school service based within the Father McGrath Family Resource Centre in Kilkenny city.

The service is governed by a voluntary board of management and caters for children aged 2 to 6 years of age. The service operates from 08:30 to 17:30 hours Monday to Friday. There are three classrooms, including a junior pre-school classroom, and two senior pre-school classrooms: Senior Pre-school Room 1 and Room 2. The service has recently developed a sensory room for the children.

There is an outdoor play area located at the back of the service, which is secured by a ten-foot-high cement wall and is accessed via two back doors directly from the classrooms.

Staffing

There were 12 staff members employed in the service including the designated person in charge and a chef. The registered provider does not work in the service.

All staff members who as part of their role in the service was to work directly with the preschool children held qualifications ranging from Level 5 to Level 8 on the national Quality and Qualifications Ireland (QQI) framework.

Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child/ safety/ premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on assessment of compliance under regulations 9, 10, 11, 15, 19 (1), 23, 24, 25, 26 and 28.

A sampling process was used to assess compliance under regulations 15, 19(1) and 23.

As a result, the scope of the inspection included the Junior pre-school classroom and Senior pre-school Room 1 and the outdoor space. The Senior Pre-school Room 2 classroom was closed on the day of inspection as the children had joined with the children in the Senior pre-school Room 2 classroom.

Inspection findings are documented in the 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 rectified the non-compliance and will prevent any non-compliance 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 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.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the person in charge, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

(2) A registered provider 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.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Compliance Information

(1)(a) The designated person in charge was present in the service for the duration of the inspection.

(b) The staff roster demonstrated that either designated person in charge or a named deputy designated person in charge, or both were always onsite while the service was in operation.

(c) A clear outline of the management of the structure was displayed in the service, identifying the lines of authority, accountability, the roles, and responsibilities of individual staff members in the service.

(2) Staff files for 12 staff members were reviewed by the inspector.

(a)(b) Two validated references were available on file for each of the 12 staff members, from either a past employer or from a reputable source.

(c) Garda vetting certificates were available on file, for each staff member. The registered provider demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) Police vetting disclosure certificates were available for four staff members employed in the service, who had lived outside of the state for a period of longer than six months.

(4) Certificates of qualifications were available for inspection, for each staff member, who as part of their role were working directly with the children, demonstrating that each staff member held at least a minimum Level 5 to Level 8 qualification in early childhood care and education on the national QQI Framework.

Part III – Management and Staff

Regulation 10 - Policies, procedures etc. of pre-school service

A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.

Compliance Information

On review of the service's policies the inspector was assured that the registered provider ensured that all required documents specified in Schedule 5, were available in the service and were communicated to the staff as part of their induction process on commencing employment in the service, with annual reviews and revisions taking place as appropriate.

Part III – Management and Staff

Regulation 11 - Staffing levels

(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.

(2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.

shall be the ratio specified in paragraph (3).

(8) Without prejudice to paragraphs (2) to (7)-

(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,

Compliance Information

(1) Throughout the inspection, there was an adequate number of staff members working directly with the children attending the service.

(2) The following adult to child ratios were maintained in the service.

In the morning there were nine children aged 2 to 5 years cared for by six staff members and in the afternoon, there were seven children cared for by four staff members.

(8) The staff roster demonstrated that there were always at least two staff members in the pre-school, while the service was in operation.

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, welfare and development of child

(1) A registered provider shall, in providing a pre-school service, ensure that-

(a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and

(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

Compliance Information

(1)(a)(b) On observation of the two classrooms in operation on the day of inspection, the inspector was assured that staff provided a caring learning environment through their respectful interactions and engagement with the children in their care. Children were observed to be confident and comfortable in their classrooms, familiar and proud of the various aesthetically pleasing interest areas that they and the staff had created.

On the inspection day the Junior Preschool room was divided by the integrated structural divider panel to allow for works to take on the windows externally. The divider provided soundproofing the inner half of the room where two staff members cared for two children up until 11:00 when a third child arrived at the service. The staff were observed to ensure that the physical environment was maintained in a familiar pattern for the children ensuring that all their usual interest areas such as their cosy reading couch, sensory area, nature shelves, jig-saw table and tabletop activities were all available and accessible to the children.

On occasions when the children peeked through the glass panel in the room divider to watch the trades men replacing the windows, a staff member was by their side, down at their level explaining to them what was happening. The children were excited to see the new large windows being fitted and were reassured by the information provided to them by the staff when they heard the low noise of the workmen's equipment on occasion.

The inspector observed that the staff were familiar and responsive to the needs of the children in their care. Having taken handover from parents at drop-off, the staff were aware that one child was very tired after having been busy with a summer outing the day before. The staff were observed to ensure that the cosy rest area which had a leaf canopy over it and sensory lighting was arranged to be inviting and restful for the child. The child subsequently asked the staff member to sit with him on the couch and read a story to him while he rested and the other child decided to sit on the soft rug on the floor, to also listen for a while before then moving off to a nearby table to make the jig-saws that had been laid out in preparation.

The reading and story-telling, that was observed provided the tired child with an opportunity to rest, and while both children listened to the story of a hungry caterpillar, opportunities arose for the staff to talk to them about foods they liked or unusual foods that they had tried such as pickles, which extended into a discussion about whether each individual liked pickles or not in their hamburgers, and trips to a well-known burger restaurant. Staff were observed to assess if children looked hungry and would like to have snack -time which the children decided on having before planning to then go outside to enjoy the outdoor space.

The Senior Pre-School room was also observed to provide a variety of interest areas for the children, and included an art and creativity area which was similar to a sweet shop / ice cream parlour, consisting of shelves of clear containers of colourful materials, such as pom poms, lollipop sticks, googly eyes, beads, coloured cards, paintbrushes and sponges, ribbons, miniature ducks, a variety of non-toxic paints and small individual of glue were all positioned so children could enjoy the task of choosing and planning the materials and equipment that they needed.

Children moved independently between tables of inviting activities such as the sensory table with water play, containing animals and sequins, a play dough table with a plentiful supply of different coloured play dough and a drawing and colouring table. The children were supported by staff in their activities and care needs as required. While the staff led in the preparation of the inviting physical environment, the inspector observed that the children had ownership of the play and acting out their emergent interests as play evolved during the session. The play dough table, through the imagination of the children evolved into an Italian pizza take-away, with pizzas and even a birthday cake being created, pizza boxes being produced in a timely manner by the staff and pizza deliveries being made. As business grew the delivery service evolved into an Italian restaurant with staff seated at restaurant tables and children naturally playing the roles they wanted to such as chef, waiters and even a musical singing band creating a very realistic entertaining Italian restaurant atmosphere. During the hour-long role play, the inspector observed staff to hold back, allowing the children's imagination, ideas and thoughts to evolve, creating a beautiful experience for all. Intermittently staff were observed to respond encouragingly saying that their "food" was lovely and the service was excellent, prompting the children to continue enjoying their play. The staff supported the children by producing props such as the pizza boxes but allowing the children to source play equipment from the role play area and kitchen such as chef's hats and aprons, musical instruments, cups, plates and utensils.

Staff were responsive to children's care needs, promptly responding to children who required help with using the toilet or after wiping their noses ensuring that children followed through with handwashing. As children took

breaks from the invigorating role play, staff held them on their laps if requested providing hugs and reassuring the child that it was ok to take a rest from time to time.

The staff in both rooms sat with the children at mealtimes, ensuring everyone was included in the ritual of a mealtime, enjoying their own snacks and chatting to the children.

Part VI - Safety

Regulation 23 - Safeguarding health, safety and welfare of child

A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.

Compliance Information

General Safety:

The childcare service could only be accessed by first checking in at the main reception area of the Father McGrath centre. Parents were observed to be familiar with the entry pathway to their child's classroom and there was a familiarity between the receptionist and any parents observed dropping and collecting their children. A keypad and call bell system operated at the entrance to each classroom which reduced the risk of any unauthorised person gaining access to the service and reduced the risk of any child potentially exiting the service unsupervised. The outdoor play area was secured with a high wall and a secured high side entrance gate. The children accessed the outdoor play area directly from their classrooms.

All cleaning equipment and materials were stored in a secure storage area, which could not be accessed by the children.

Infection Control:

There was an adequate number of toilet facilities provided in the service to meet the needs of the children attending the service.

Each toilet unit had child height handwash basins, supplied with liquid hand soap and paper towelling, which the children could easily access and use.

Children were observed to use the toilet and hand washing facilities independently, while staff supported and assisted children when required.

Staff were observed to support and prompt the children to wash their hands correctly after using the toilet, after messy and outdoor play, and before snack times in line with the service's toileting and infection control policies.

Administration of Medication:

There were no medications currently required to be administered to any child in the service, however the staff demonstrated that they were well informed of the procedures to be followed, in administering any type of medication to a child, in line with the service's administration of medication policy

Safe Sleep:

As all children attending the service were over two years of age, there was a supply of stackable beds available if a child attending the part-time or full day childcare services required to nap or sleep while in the service. An appropriate safe sleep policy was available in the service and staff demonstrated knowledge on implementing safe sleep practices regarding supervision of sleeping children and monitoring the physical checks of a sleeping child every ten minutes.

Outing:

The service had an adequate outings policy in place for any planned outings away from the service.

Part VI - Safety

Regulation 24 - Checking in and out and record of attendance

(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.

(3) A registered provider shall ensure that-

(a) no person other than-

(i) pre-school child attending the service,

(ii) a person dropping or collecting such a child,

(iii) an employee, or

(iv) an unpaid worker, can enter the premises without his or her entry being approved by an employee, and

(b) a daily record in writing is kept of the entry on the premises of any such person.

Compliance Information

(1) The staff in each of the two classrooms in operation on the day of inspection, demonstrated to the inspector that each pre-school child's daily attendance and departure times from the service were recorded.

(3)(a)(b) The staff ensured that no other person other than a pre-school child, person dropping or collecting a child, employee or unpaid worker could enter the premises without their entry being approved by an employee. All authorised visitors to the service were required to record the date of entry, their name, contact number, reason for entry, check in and out times on the visitors record book located at the main reception of the Father McGrath Centre before being allowed to proceed to the reception area of the pre-school service.

Part VI - Safety

Regulation 25 - First aid

(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.

(2) A registered provider shall ensure that a suitably equipped first aid box for children-
(a) is safely stored in an easily accessible and conspicuous position on the premises, and
(b) is available to the children attending the pre-school service at all times.

Compliance Information

(1)
There were three staff members employed in the service with current certification in the required first aid responder (FAR) training for children. At all times while the service was operating, there was at least one staff member with FAR training present. This was reflected in the staff roster reviewed by the inspector on the day of inspection. The inspector was reassured by the designated person in charge that additional staff members were due to attend first aid responder training in the coming months

(2)(a)(b)

There was first aid station available in each of the three classrooms

Records demonstrated that the first aid station were checked and restocked as required monthly.

Part VI - Safety

Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-
- (a) any fire drill that takes place in the premises, and
 - (b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,
 - (b) an employee, and
 - (c) an authorised person.
- (3) A registered provider shall ensure that a record referred to in paragraph (2) is retained for a period of 5 years after its creation
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

Compliance Information

- (1) The following fire safety records were maintained.
- (a) There was a written record of the monthly fire drills that took place in the service. The last fire drill was recorded as having taken place in June.
- On the day of inspection, at 10:02 hours the smoke alarm was triggered by workmen's machinery in part of the centre and a fire drill for the pre-school service was actioned, observed by the inspector and successfully executed.
- (b) The registered provider maintained a record of the number, type and maintenance of fire-fighting equipment and smoke alarms in the service, the last maintenance check for the fire-fighting equipment was recorded as having taken place in February 2025 and for the smoke alarm system was recorded as having taken place on 17 February 2025.
- (2) The fire safety records were available and open for inspection by the early years inspector or by a parent / employee on request.
- (3) The designated person in charge demonstrated that records were maintained for the five years prior to inspection.

(4) The registered provider ensured that a fire evacuation procedure notice was clearly displayed in the main entrance hall and in each classroom.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

An insurance certificate displaying adequate insurance for a full day care childcare service was displayed on the notice board in the entrance hall.

The insurance certificate provided cover from 28 March 2025 to the 27 March 2026.

Part VII - Premises and Space Requirements

Regulation 30 - Minimum space requirements

(1) Subject to paragraphs (2) to (6), a registered provider shall ensure that adequate clear floor space is available in the premises for the work, play and movement of children attending the pre-school service.

(4) Where a registered provider contemporaneously provides-

(a) a sessional pre-school service, and

(b) a full day care service or a part-time day care service, or both,

the minimum clear floor space applicable for the duration of the sessional preschool service in respect of the children attending that service shall be the floor space specified in paragraph (3).

Compliance Information

(1) There is adequate clear floor space provided in the service for the children.

(4)(a)(b) The maximum number of children that can be accommodated in the clear floor space provided in each classroom, is as follows.

Room Name	Size square metres	Age Range	Sessional	Part-time/ Full Day
Junior Pre-School	67.71 M ²	2 - 3 years	22	22 (Currently 16)
Senior Pre-School 1	40.87 M ²	3 - 5 years	22	17 (Currently 14)

Early Years Inspectorate Regulatory Report Pre School

Senior Pre-School 2	27.8 M ²	3-5 years	15	12 (Currently 9 attending)
Total	136.38 M ²		59	51
Sensory Room (For purpose of max number of children availing of use of the sensory room)	12.74 M ²	2-3 years		5
		3-5 years		5

\The service is currently registered to accommodate a maximum number of 39 pre-school children.