

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2019DL004
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Name of Service:	The Learning Tree
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Address of Service:	Kilconnell, Glebe, Kilmacrennan, Co. Donegal
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Eircode:	F92 KXF6
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Name of Registered Provider:	Sarahmarie Almond
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Service type:	Full Day, Sessional
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Date of Inspection:	05/03/2026
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No of pre-school children:	AM	18	PM	6
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Address of the Early Years Inspectorate:	Donegal Early Years Inspectorate, St. Conal's Campus, Letterkenny, Co. Donegal. F92 TD92
Inspection undertaken by:	N Toner & Y Coyne
Title:	Early Years Inspector & Inspection Regional Manager

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 is a registered privately owned and operated preschool service offering full day and sessional care to children aged 2-6 years. The service operates Monday to Friday from 8.00am to 6.00pm with a sessional service from 9.15am to 12.15pm each day. Located within the small town of Kilmacrenan, the service operates from a single story detached one room building with adjacent kitchen and sanitary facilities. There are large outdoor areas located to the front, rear and side of the premises.

Staffing

The service employs a total of nine staff members including the registered provider and the person in charge. There were four staff members present on the day of inspection, who were working directly with the children. All staff had obtained an appropriate qualification in Early Childhood Care and Education.

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/ safety/ and facilities. The inspection may also focus on other areas as required. The inspection focused on an examination of compliance under regulations 9, 11, 16k, 20, 22, 23 and 25. However, on inspection, an additional non-compliance which posed a risk was identified under Regulation 24. These findings are outlined within the relevant regulation within this report.

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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.

Additional Information

An Immediate Action Notice was issued to the registered provider on 5th March 2026 due to a radiator in the care room exceeding the recommended maximum temperature of 50°C. This posed a potential risk to the health and safety of children in the service. Please see body of the report for more detail.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, person in charge, staff and children who were present on the day of the inspection.

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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,*

(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) There was a designated person in charge and a person to deputise in their absence in the service.
 - (b) There was a deputy person in charge present on the inspector's arrival to the service. The registered provider and person in charge arrived in the service shortly after the inspector's arrival and then remained there throughout the inspection. The registered provider confirmed that the named person in charge or the named deputy is always present during the operation of the service.

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(2) On the day of the inspection, the person in charge confirmed that there were nine staff members who worked in the service. Recruitment files in respect of the nine staff members were reviewed, and the following information was available:

(a) Eleven written and validated references from a past employers, were on file for the nine staff members

(b) Seven written and validated references from a source other than a past employer was on file for the nine staff members.

(c) Garda vetting disclosures had been obtained for nine adults. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) International police vetting was available for one adult who had resided outside of the state for a period of six consecutive months or more as an adult.

(4) Nine adults had attained major awards in Early childhood care and education at level 5 or above on the national framework of qualifications, or qualifications deemed by the Department of Children, Disability and Equality (DCDE) to meet the regulatory requirement

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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.

Compliance Information

(1) An adequate number of adults were working directly with the pre-school children attending the service throughout the inspection.

(2) On the day of inspection, the minimum adult/child ratio was maintained. There were a total of three adults working directly with 22 children aged 2-6 years.

Part IV – Information and Records

Regulation 16 – Record in relation to pre-school service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

(k) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance Information

(1) (k)

A review of incident records confirmed that risk assessments were completed following any accident or incident, and that parents were appropriately informed of the outcomes.

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Part V - Care of Child in Pre-school Service

Regulation 20 – Facilities for rest and play

(1) Subject to this regulation, a registered provider shall ensure that-

(a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoors and, where required by these Regulations, outdoors, during the day, and

(b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

Compliance Information

(1) (a)

The indoor play space was well-organised and divided into clearly defined learning and play areas that supported children's development and interests. Sections included a dress-up area, a library corner with soft furnishings, a puzzle and jigsaw area with age-appropriate materials, and accessible shelves containing a wide variety of toys. Art materials were stored at child height, allowing children to independently access resources and engage in creative activities.

A dedicated nature-themed area contained natural materials such as twigs, leaves, and grass, encouraging sensory exploration. A music area was equipped with a range of musical instruments. Small tables and chairs provided adequate seating for all children attending the service. The library area offered age-appropriate books and a soft, comfortable space where children could relax after lunch. A child-accessible sink was available to support hand hygiene practices. Toys available included blocks, magnets, trains, trucks, farm animals, dolls, jigsaws, and sensory items, supporting imaginative, fine-motor, and cognitive development. Children were observed engaging in creative construction using magnets and blocks. Other children were seen playing with the dolls, playing make believe and exploring the different areas of the room.

Two outdoor play areas were in use on the day of inspection. One outdoor area was directly accessible from the main care room through a door, allowing children free flow between indoor and outdoor play. This space was fully covered, enabling use in all weather conditions, and was large enough to accommodate all children attending the service simultaneously. Within this covered area, children had access to a large playhouse, tables with sensory and nature-based activities (including twigs, leaves, and soil), and designated spaces for art and design featuring blackboards and easels. A small stage area was also present, allowing children opportunities for imaginative play and performance. Children were observed actively engaging with these activities. The second outdoor area, located at the front of the service, contained push bikes, scooters, tyres for climbing and balancing, and a selection of outdoor-appropriate toys such as trucks, cars, and dolls. The surface consisted of loose

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chippings, which children enjoyed running and playing on. Tyres were used for supervised risky play, supporting children's gross-motor development, balance, and coordination. There was an outdoor storage space to house all equipment after play to keep the materiel's clean and dry.

(1)

(b) After dinner, staff provided soft mattresses, cushions and blankets for children who wished to rest or sleep, ensuring their comfort and wellbeing. No children decided to sleep on the day of inspection, but instead relaxed on the mats for a brief time before returning to play.

Part V - Care of Child in Pre-school Service

Regulation 22 – Food and drink

A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.

Compliance Information

Snack time in the service took place at approximately 10:30am, followed by lunch at 12:15pm and dinner between 1:30pm and 2:30pm. A further light snack was provided later in the afternoon. The service has an on-site kitchen, and a hot meal is prepared daily for the children. A weekly menu was available and included a variety of meal options.

During the inspection, the morning snack was observed. Children sat together at suitably sized tables and chairs, and staff interacted positively with them throughout the meal. Children were encouraged to feed themselves, with staff offering support where required. All children had access to their drink bottles, which were placed beside them. Snacks provided were healthy in nature, including chopped apples, mixed fruit, rice cakes, and small sandwiches. Children appeared relaxed and engaged in conversation with each other while eating. Staff reported that the service maintains effective communication with families regarding healthy eating and actively promotes healthy food choices. Children were encouraged to take their time finishing their snack. When finished, they independently put away their lunch boxes and returned to play. Drink bottles were stored on an accessible shelf, allowing children to obtain drinks throughout the day as needed.

Dinner time was also observed. Five children sat together and were served fish fingers, potatoes, and vegetables. Staff sat with the children, encouraged them to drink regularly, and engaged in positive, supportive

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communication. One child chose not to eat at that time and continued playing; staff informed the inspector that the child could have their dinner later if they wished. A cook was present on site, and meals were prepared fresh daily.

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 main entrance to the premises was secured with a doorbell system alerting staff to the arrival of parents or visitors. The mechanism in place for entry and exit from the building prevents children from exiting the service unsupervised and restricts unauthorised persons from gaining access to the service.
- Toys and equipment appeared in good condition, appropriate for the age group of children attending the service and free from obvious hazards.
- Cleaning equipment and materials were stored in a secure area.
- The emergency exit doors were unobstructed throughout the inspection.

Infection Control:

- Thermostatically controlled warm water, liquid soap, and paper towels were available in all wash hand basins accessible to children.
- Children were observed washing their hands at appropriate intervals including on return from outdoor play, prior to eating and after using the toilet.
- Ventilation was provided in the room and in the sanitary accommodation by way of openable windows.
- The kitchen was inaccessible to children and there was a fridge in the hallway of the service for the safe storage of perishable food items.
- The service was visibly clean, and staff were observed conducting routine cleaning after children's meals.

Fire Safety:

- On the day evacuation doors remained clear ensuring safe egress from the service in an emergency.
- Fire drills were done monthly, and records were available for review.

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Non-Compliance Information

General Safety:

- An Immediate Action Notice was issued to the registered provider on 5th March 2026 due to a radiator in the care room exceeding the recommended maximum temperature of 50°C. This posed a potential risk to the health and safety of children in the service. A response was received from the registered provider on 6th March 2026 confirming that the area had been made safe and that a plan was in place to address and rectify the issue without delay.

Infection Control:

- There were no foot operated bins in the sanitary areas of the service, which could lead to an infection control risk for the children attending.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

- The radiator in the care room was removed and replaced immediately on 5th March 2026 to ensure it operates within safe temperature limits.
- The new radiator was installed and tested, confirming that it does not exceed 50°C.
- A risk assessment was completed following the replacement to ensure the environment is safe for children.
- A daily safety check has been implemented, including monitoring of radiator temperatures.
- A maintenance schedule is now in place to regularly check all heating equipment.
- Staff have been reminded of their responsibility to identify and report any potential hazards immediately.

Infection Control:

- Foot-operated bins were purchased and installed immediately in all sanitary areas of the service.
- All bins are now fully operational and accessible, ensuring hygienic waste disposal without hand contact.
- Staff were informed of the change and instructed on appropriate use.

Supporting documentation submitted

General Safety:

Photographic evidence supplied of a new radiator in place.

Infection Control:

Photographic evidence supplied of a proposed new bin.

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Summary Comment

The response from the registered provider and supporting documentation submitted has adequately addressed the non-compliances in Regulation 23.

Part VI – Safety

Regulation 24 - Checking in and out and record of attendance

(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

Non-Compliance Information

On arrival to the service, inspectors were granted access without being required to sign into the premises. This practice does not meet the regulatory requirement that access to the service must be restricted until the check-in register has been completed by the person requesting entry and their identity has been verified by an employee or unpaid worker.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider submitted no response to address this issue.

Supporting documentation submitted

The registered provider submitted no supporting documentation to address this issue.

Summary Comment

Non-compliance remains under Regulation 24 (3)(a)(iv). The registered provider submitted no response or supporting documentation to address this issue. This matter will be reviewed during the next inspection.

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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) Eight staff members had up to date first aid responder training.

(2)

(a) (b) A suitably equipped first aid box was available for the children.