

Ms [REDACTED]
 Person with Management or Control
 ACT Education Directorate
 RE: Gordon Primary School Preschool Unit

Email: [REDACTED]@act.gov.au
 CC'd: [REDACTED]@act.gov.au

Dear [REDACTED]

COMPLIANCE NOTICE
Section 177, Education and Care Services National Law (ACT)

Approved provider name: ACT Education Directorate (the Provider)
Approved provider number: PR-00006465

Approved service name: Gordon Primary School – Preschool Unit (the Service)
Approved service number: SE-00011193

I am satisfied that Service, operated by the Provider, has not complied with the provisions of the *Education and Care Services National Law (ACT)* and the *Education and Care Services National Regulations* as outlined hereunder.

In making the decision to issue this compliance notice, I have taken into account the number of contraventions, previous compliance history and the nature of the risk posed to children by the non-compliance. You are required to provide written evidence of your compliance **within the time specified in the table below.**

Provision of the National Law and National Regulations	Description	Steps to be taken by the Approved Provider
National Law Section 166 (1) Offence relating to use of inappropriate discipline.	The approved provider of an education and care service must ensure that no child being educated and cared for by the service is subjected to- a) Any form of corporal punishment; or b) Any discipline that is unreasonable in the circumstances.	The Provider must produce evidence to the Regulatory Authority of reasonable practice, policy and procedure to demonstrate compliance with section 166(1) of the National Law. Evidence required within 14 days of receipt of this Notice.

<p>National Law Section 167 (1) Offence relating to protection of children from harm and hazard.</p>	<p>The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.</p>	<p>The Provider must produce evidence to the Regulatory Authority to demonstrate that policy and procedure, and expectations of the Provider in relation to the disciplining of children at the Service, has been communicated to all educators to ensure that educators are aware of, understand and follow expected policy and procedure at all times.</p> <p>Evidence required within 14 days of receipt of this Notice.</p>
<p>National Law Section 174 (2) Fail to notify certain information to regulatory Authority.</p> <p>National Regulation 12 National Regulation 175 National Regulation 176</p>	<p>An approved Provider must notify the Regulatory Authority of the following information in relation to an approved education and care service-</p> <ul style="list-style-type: none"> (a) any serious incident at the approved education and care service; (b) any complaints alleging- <ul style="list-style-type: none"> i. that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the approved education and care service; or ii. that this Law has been contravened; (c) information in respect of any other prescribed matters. 	<p>The Provider must produce evidence to the Regulatory Authority of reasonable practice, policy and procedure to demonstrate compliance with section 174 of the National Law and associated National Regulations.</p> <p>The Provider must produce evidence to the Regulatory Authority to demonstrate that when and how notifiable matters will be submitted to the Authority, has been communicated to all staff delegated to perform the function so that those delegated are aware of, understand and follow expected policy and procedure at all times.</p> <p>Required within 14 days of receipt of this Notice.</p>

The steps directed to be taken must be addressed within the times specified in this Notice.

Please direct your response submission via email to Brian.Cropper@act.gov.au or by post to Children’s Education and Care Assurance, Attention Brian Cropper, GPO Box 158, Canberra ACT 2601

Failure to comply

It is an offence for an approved provider to fail to comply with this compliance notice within the period specified. If you do not take the required actions, or do not take those steps within the required timeframe, I may consider imposing further sanctions, including suspension of your service approval or prosecution. The penalty that a court may impose is \$6000 for an individual and \$30,000 for an entity.

Review of decision

A decision to issue a compliance notice is a reviewable decision for internal review by the Regulatory Authority. An application for review may be made by completing the form AR01 Application for Internal Review of Reviewable Decision which can be obtained from the ACECQA website. An application for review must be submitted to the Regulatory Authority within 14 days after the day on which you are notified of this decision.

Service's record of compliance

Details of this compliance notice must be recorded in the service's record of compliance including: the reason the compliance notice was issued; the steps specified in the notice; and the date by which the steps specified must be taken. The information must not identify any person other than the approved provider.

The information does not need to be recorded until after the period for applying for internal review has expired.

Publication

Under section 270(5) of the National Law, the Regulatory Authority may publish information about this compliance notice. If no review is requested within 14 days, details of this compliance notice may be published on www.education.act.gov.au.

If you have any questions about this notice, please contact Tanya Masterman at Brian.Cropper@act.gov.au.

Yours Sincerely



Clare Brookes
Director
Early Childhood Policy and Regulation
Education Directorate

7 December 2020