

Ms [REDACTED]
 Person with Management or Control
 Community Services #1 Incorporated
 RE: Mawson Out of School Hours Care

Email: [REDACTED]

Dear Ms [REDACTED]

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

Approved provider name: Community Services #1 Incorporated
Approved provider number: PR-00005865

Approved service name: Mawson Out of School Hours Care
Approved service number: SE-00009687

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 167 (1) Offence relating to protection of children from harm and hazard.	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.	The Provider must submit evidence (including supporting documentation and acknowledgement by educators) to demonstrate the actions outlined by the Provider within the submitted 90-day-play, including final Positive Behaviour Support Plan for [REDACTED], evidence of training of educators in the plan, behaviour guidance training, positive family relationships training and effective supervision training for all educators engaged at the Service. Evidence required within 21 days of receipt of this Notice.

		<p>Provide evidence that appropriate policy and procedures are in place regarding the Provider's enrolment system to ensure that:</p> <ul style="list-style-type: none"> - vulnerable children, including children at risk, are identified; - relevant information is communicated to the nominated supervisor and educators at the service; and - appropriate supports are in place. <p>Evidence required within 21 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 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> <p>(a) any serious incident at the approved education and care service;</p> <p>(b) any complaints alleging-</p> <ol 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; <p>(c) information in respect of any other prescribed matters.</p>	<p>The Provider must produce evidence (including supporting documentation) to the Regulatory Authority of training of all educators in notification responsibilities, appropriate record keeping and documentation, as outlined by the Provider within the submitted 90 day plan.</p> <p>Evidence required within 21 days of receipt of this Notice.</p>
<p>National Law Section 175(1) Offence relating to requirement to keep enrolment and other documents.</p> <p>National Regulations 177(1) – Prescribed enrolment and other documents to be kept by approved provider. 87 – Incident, injury, trauma and illness record</p>	<p>An approved provider of an education and care service must keep the prescribed documents available for inspection by an authorised officer in accordance with this section.</p>	<p>The Provider must produce evidence (including supporting documentation) to the Regulatory Authority of training of all educators in appropriate record keeping and documentation, as outlined by the Provider within the submitted 90 day plan.</p> <p>Evidence required within 21 days of receipt of this Notice.</p>

<p>National Regulations 86 – Notification to parents of incident, injury, trauma and illness</p>	<p>The approved provider of an education and care service must ensure that a parent of a child being educated and cared for by the service is notified as soon as practicable, but not later than 24 hours after the occurrence, if the child is involved in any incident, injury, trauma or illness while the child is being educated and cared for by the education and care service.</p>	<p>The Provider must submit evidence of training in positive family relationships and that all educators are aware of the requirements under Regulation 86 .</p> <p>Evidence required within 21 days of receipt of this Notice.</p>
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The steps directed to be taken must be addressed within the times specified in this Notice.

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

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 tanya.masterman@act.gov.au.

Yours Sincerely



Clare Brookes
Senior Director
Early Childhood Policy and Regulation
Education Directorate

10 March 2021