

[REDACTED]
Person with Management or Control
G8 Education Limited
[REDACTED]

Email: [REDACTED]
Cc: [REDACTED]

Dear [REDACTED]

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

Approved provider name: G8 Education Limited
Approved provider number: PR-00000898

I am satisfied that NurtureOne Holt Children’s Centre – SE-40008661 (the Service), operated by G8 Education Limited PR-00000898 (the Provider) is not complying with the provisions of the *Education and Care Services National Law Act (ACT)* (the Law) as outlined hereunder.

In making the decision to issue this compliance notice, I have considered the substantiated contravention, the nature of the risk posed to children by the contravention, and the objectives and guiding principles of the Law.

Provision of the National Law and National Regulations	Description	Steps to be taken by the Approved Provider
National Law Section 165 (1)	<p>(1) The Approved Provider of an education and care service must ensure that all children being educated and cared for by the service are adequately supervised at all times that the children are in the care of that service.</p> <p>During the audit multiple supervision issues were observed:</p> <ul style="list-style-type: none"> • In the Toddlers’ room at lunch time educators were tasks focused with no staff members effectively supervising children. • In the Junior Preschool room educators were also tasks focused. An incident between two children 	<p>The Approved Provider is to submit evidence:</p> <ul style="list-style-type: none"> a) Of the implementation of risk mitigation strategies, including evidence that the Nominated Supervisor and educators are aware of and understand their responsibilities to ensure children are adequately supervised at all times. b) That staff are aware of other factors that impact on supervision even if ratios are met across the service, and how they have taken these factors into consideration.

	<p>wrestling and resulting in a child crying went unnoticed by educators.</p> <ul style="list-style-type: none"> • In the junior preschool, no effective supervision was in place to ensure that children with specific diet requirements did not have access to other food from other children. • In nursery 1 at lunchtime, an educator was in the room by themselves. The educator managed multiple tasks to attend to children's needs resulting in children being left in highchairs unsupervised. The Authorised Officer discussed with the Responsible Person that it is challenging for one educator to adequately supervise children in a nursery room while still completing cot room checks regularly and providing food when children have different individual routines. 	<p>c) That a risk management plan is in place for when educators are left alone with children.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Law Section 167 (1)</p>	<p>(1) 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>At the time of the audit the following issues were identified:</p> <ul style="list-style-type: none"> • Evacuation plans and procedures were not consistently displayed at each exit identified as an emergency exit. • Adequate health and hygiene practices were not consistently in place to minimize risks to children. • Premises, furniture and equipment were not consistently safe, clean and in good repair. 	<p>The Approved Provider is to submit evidence of:</p> <p>a) Strategies that have been implemented to ensure children being educated and cared for by the service are protected from harm and from any hazard likely to cause injury. Taking into considerations the issues identified from the audit.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

<p>National Law Section 169 (1)</p>	<p>(1) An approved provider of an education and care service must ensure that, whenever children are being educated and cared for by the service, the relevant number of educators educating and caring for the children is no less than the number prescribed for this purpose.</p> <p>At the time of the audit the Authorised Officer observed that in the nursery 2 room, there was one educator with 8 children under 2 years of age in the cot room. Some children were asleep, and others were awake in cots. There was no other educator in the cot room or the playroom. After a few minutes another educator entered the room and said she had been told to leave the room to undertake cleaning duties. The time this educator left the room was not recorded on the working directly with children record.</p>	<p>The Approved Provider is to submit evidence:</p> <ul style="list-style-type: none"> a) Of training and development of staff on the meaning of working directly with children (WDWC) including all casuals, permanent, part time and fulltime staff. b) Of training and development of staff on the use of WDWC records including all casuals, parttime and fulltime staff. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Regulations Regulation 77 (1) and (2)</p>	<p>(1) The approved provider of an education and care service must ensure that nominated supervisors and staff members of, and volunteers at, the service implement—</p> <ul style="list-style-type: none"> (a) adequate health and hygiene practices; and (b) safe practices for handling, preparing and storing food— <p>to minimise risks to children being educated and cared for by the service.</p> <p>(2) A nominated supervisor of an education and care service must implement, and ensure that all staff members of, and volunteers at, the service implement—</p> <ul style="list-style-type: none"> (a) adequate health and hygiene practices; and (b) safe practices for handling, preparing and storing food— <p>to minimise risks to children being educated and cared for by the service.</p> <p>Adequate health and hygiene practices were not consistently in place to minimize risks to children.</p>	<p>The Approved Provider is to submit evidence:</p> <ul style="list-style-type: none"> a) Of strategies in place to minimise risks to children relating to health, hygiene and safe food practices. This includes strategies to ensure that, in the Toddler 1 room, children’s individual water bottles and milk bottles cannot be accessed by other children. b) Of strategies in place to ensure that tables are clean and hygienic prior to children’s meals. c) Of strategies in place to ensure that educators are aware of and put in practice these strategies at all times. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	<p>The following issues were observed during the visit:</p> <ul style="list-style-type: none"> • A child in the Toddler 1 room went to a shelf and picked up a bottle of milk and started drinking it. An educator took the bottle off the child, saying it did not belong to the child. • A child in the junior preschool room was observed with their feet and shoes on the table just prior to the children eating lunch. The two educators in the room were supervising the bathroom and serving food and did not ask the child to put their feet down or clean the table prior to serving food. 	
<p>National Regulations Regulation 97 (4)</p>	<p>(4) The approved provider of an education and care service must ensure that a copy of the emergency and evacuation floor plan and instructions are displayed in a prominent position near each exit at the education and care service premises, including a family day care residence and approved family day care venue.</p> <p>Evacuation plans and procedures were not consistently displayed at each exit identified as an emergency exit.</p> <ul style="list-style-type: none"> • One preschool room had a plan but no procedure. • The junior preschool room had a plan, but no procedure displayed at the exit to the hallway. • In the toddler 2 room one plan had things in front of it which made it challenging to see and the exit to the outdoor area had no plan or procedure displayed. • Nursery 2 had no plan or procedure at exit. • Nursery 1 had a plan on the bench but not near the exit and no procedure. • Toddler 1 had an evacuation plan near the exit to the hallway, but the plan indicates they exit through the outdoor area to go down 	<p>The Approved Provider is to submit evidence that:</p> <ol style="list-style-type: none"> a) Emergency evacuation plans and procedures are displayed at each exit identified on the emergency plan for each room. b) Staff members are aware of legislative requirements to display these documents. c) Strategies are in place to ensure that these documents are always displayed as prescribed in regulation 97 (4). <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	the external stairs and no plan or procedure is displayed at this exit.	
National Regulations Regulation 103 (1)	<p>(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.</p> <p>The following safety issues were identified during the audit:</p> <ul style="list-style-type: none"> • The labelled chemical cupboard in the preschool bathroom had a broken child lock and chemicals could be accessed by children using this bathroom. • Magnetic construction resources had some pieces that were cracked and broken which could expose small magnets and being hazardous to children. • A nappy change mat in the Toddler 1 room was ripped making it unhygienic. 	<p>The Approved Provider is to submit evidence that:</p> <ul style="list-style-type: none"> a) Strategies are in place to inspect equipment and resources to ensure they are safe, clean and in good condition. b) Strategies are in place for educators to report issues identified with the physical condition of equipment, furniture and resources. c) Strategies are in place to fix/replace reported items in a timely manner. d) Issues identified at the time of the audit have been corrected. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
National Regulations Regulation 122	<p>For the purpose of regulation 122:</p> <p>(1) An educator cannot be included in calculating the educator to child ratio of a centre-based service unless the educator is working directly with children at the service.</p> <p>(2) In this regulation, a reference to an educator includes an early childhood teacher or a suitably qualified person who is counted as an educator under regulation 123(3).</p> <p>At the time of the audit the following observation was made:</p> <p>In the nursery 2 room, an educator was observed with 8 children under 2 years of age in the cot room. After a few minutes another educator entered the room and said she had been told to leave the room to undertake cleaning duties. The time this educator left the room was not recorded on the working directly with children record.</p>	<p>As for Section 169 (1) above:</p> <p>The Approved Provider is to submit evidence:</p> <ul style="list-style-type: none"> a) Of training and development of staff on the meaning of working directly with children (WDWC) including all casuals, permanent, part time and fulltime staff. b) Of training and development of staff on the use of WDWC records including all casuals, parttime and fulltime staff. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

You are required to provide written evidence of your compliance **by the time indicated within the above table**, to the ACT Regulatory Authority (the Authority), Children’s Education and Care Assurance, ACT Education Directorate.

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

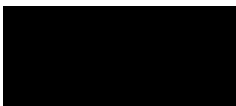
Details of this compliance notice must be recorded in the service’s record of compliance including: the reason the compliance notice was issued; the steps specified in the notice; and the date by which the steps specified must be taken. The information must not identify any person other than the approved 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 will be published on www.det.act.gov.au.

If you have any questions about this notice, please contact Delphine Coutin via email at delphine.coutin@act.gov.au or by phone on 6207 1114.



Jo Williams, Director
Education and Care Regulation and Support
ACT Education Directorate

20 September 2022