

		Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
National Law Section 167 (1)	(1) The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury.	The approved provider is to submit evidence of: a) Strategies that have been implemented to ensure the premises, furniture and equipment are safe, clean and in good repair at all times. b) Strategies that have been implemented to ensure that educators follow the service’s policies and procedures in relation to protecting children harms and hazard likely to cause injury. c) Strategies that have been implemented to ensure that the entire approved outdoor space as required under Regulation 108. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
National Law Section 168 (1)	(1) The approved provider of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that (a) is based on an approved learning framework; and (b) is delivered in a manner that accords with the approved learning framework; and (c) is based on the developmental needs, interests and experiences of each child; and (d) is designed to take into account the individual differences of each child.	The approved provider it to submit evidence of: a) Reasonable steps being taken to ensure that the education and care service provides an educational program that meet the requirements of regulation 73. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
Regulation 73	(1) This Part applies in relation to the program (the educational program) that is required to be delivered under section 168 of the Law to a child being educated and cared for by an education and care service.	The approved provider is to submit evidence of: a) A planning cycle being in place and meeting the requirements of regulation 73.

	<p>(2) An educational program is to contribute to the following outcomes for each child—</p> <ul style="list-style-type: none"> (a) the child will have a strong sense of identity; (b) the child will be connected with and contribute to his or her world; (c) the child will have a strong sense of wellbeing; (d) the child will be a confident and involved learner; (e) the child will be an effective communicator. <p>At the time of the audit there was limited evidence that the educational programs displayed were being delivered.</p> <p>The resources and learning environments set up across the service did not reflect the program that was displayed</p>	<ul style="list-style-type: none"> b) Strategies in place to ensure that the educational program is being developed and delivered to all children in a consistent way. c) Strategies in place for the educational leader to oversee the development, implementation of and reflection on the educational program. d) Strategies in place for the educational leader to support and mentor the educators developing, implementing and reflecting on the educational program. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 103</p>	<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>At the time of the audit the following issues were identified:</p> <ul style="list-style-type: none"> • The closed part of the playground was full of rubbish, debris and a worm farm that was in disrepair. • Cupboards containing chemicals were left unlocked and were accessible to children. • Walls had been drawn on, showed peeling paint 	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that the entire service is always kept clean and tidy and in good repair. b) Attendance of professional cleaners on site on a regular basis to undertake cleaning duties and the details of the cleaning duties they must undertake. c) An action plan to have the walls in the studios freshly painted withing 8 months from receiving this compliance notice. The approved provider is to submit evidence of the action plan progress every 2 months. d) All issues identified herewith being rectified and evidence supplied.

	<p>and wall paper and were grimy.</p> <ul style="list-style-type: none"> • Accumulated scums in toilet bowls. • A cupboard had been water damaged and the plywood was crumbling. • Hand railing to the loft in one of the Studios was very unstable and rattling when used. • The floor in the storerooms were dirty and the storerooms untidy. • The laundry was dirty, untidy and unventilated. <p>A child size bookcase was empty or contained pages of torn books.</p>	<p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 105</p>	<p>The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.</p> <p>At the time of the audit resources available in Studios 7 and 8 were insufficient in number and largely broken. Outdoor resources were also sparse, especially in older age groups.</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) The provision of sufficient materials, resources and developmentally appropriate equipment both for the indoor and outdoor learning environments across the service. b) Action plan demonstrating the purchase of materials, resources and developmentally appropriate equipment both for the indoor and outdoor learning environments across the service. c) Learning environments set up thoughtfully and maintained respectfully. d) Support provided to educators to understand the meaning of engaging learning environments. e) Support provided to educators to set up thoughtful and engaging learning environments. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

<p>Regulation 108</p>	<p>(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.</p> <p>(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—</p> <ul style="list-style-type: none"> (a) any pathway or thoroughfare, except where used by children as part of the education and care program; (b) any car parking area; (c) any storage shed or other storage area; (d) any other space that is not suitable for children. <p>(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.</p> <p>At the time of the audit the service had closed off and was not using a large part of the playground.</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that educators understand the obligations to use all approved outdoor areas. b) All approved outdoor spaces by the Regulatory Authority as outdoor space are utilized for outdoor play and physical activities. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 115</p>	<p>The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.</p> <p>At the time of the audit Authorised Officers were informed that children access the bathroom area and play with water in the hand washing basins</p>	<p>The approved provider is to provide evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that the bathroom facilities are adequately supervised at all times, including when children access the toilet and bathroom facilities from outdoor play or during simultaneous indoor / outdoor play. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	<p>or throw toys and objects in the toilet bowls regularly. A toy shovel was stuck in one of the toilet bowls during the visit.</p>	
<p>Regulation 134</p>	<p>(1) If a centre-based service provides education and care to more than 80 children preschool age or under on a given day—</p> <p>(a) an early childhood teacher must be in attendance at the service—</p> <p>(i) for at least 6 hours on that day, if the service operates for 50 or more hours a week; or</p> <p>(ii) for 60 per cent of the operating hours of the service on that day, if the service operates for less than 50 hours a week; and</p> <p>(b) a second early childhood teacher or a suitably qualified person must be in attendance at the service—</p> <p>(i) for at least 6 hours on that day, if the service operates for 50 or more hours a week; or</p> <p>(ii) for 60 per cent of the operating hours of the service on that day, if the service operates for less than 50 hours a week.</p> <p>At the time of the audit the service did not have a suitably qualified ECT who could be in attendance at the service for at least 6 hours each day the service operates.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure the service is always compliant with regulation 134.</p> <p>b) Strategies in place to ensure that a waiver is applied for if the service is unable to be compliant with regulation 134.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	The current second ECT is able to work 3 days per week.	
Regulation 151	<p>The approved provider of a centre-based service must keep a record of educators working directly with children that includes the following information—</p> <ul style="list-style-type: none"> (a) the name of each educator who works directly with children being educated and cared for by the service; (b) the hours that each educator works directly with children being educated and cared for by the service 	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that working directly with children records are accurate at all times. b) Strategies in place to ensure educators understand the purpose of working directly with children records. c) Strategies in place to ensure that educators understand how to complete working directly with children records accurately. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
Regulation 155	<p>An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that—</p> <ul style="list-style-type: none"> (a) encourages the children to express themselves and their opinions; and (b) allows the children to undertake experiences that develop self-reliance and self-esteem; and (c) maintains at all times the dignity and rights of each child; and (d) gives each child positive guidance and encouragement toward acceptable behaviour; and (e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child 	<p>The Approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to mentor educators on respectful and supportive interactions with children. b) Strategies in place to support educators in their implementation of respectful and supportive interactions with children. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	<p>being educated and cared for by the service.</p> <p>At the time of the audit interactions observed in the babies' rooms lacked warmth and educators were mainly tasks focused.</p> <p>At the time of the audit authorised officers observed an educator picking up a child from behind, sitting them down and putting their hood on their head without speaking to them.</p> <p>Another educator used their foot to stop child from crawling out the sliding door.</p>	
<p>Regulation 170</p>	<p>(1) The approved provider of a centre-based service must take reasonable steps to ensure that nominated supervisors and staff members of, and volunteers at, the service follow the policies and procedures required under regulation 168.</p> <p>At the time of the audit a sign at the entrance to the babies' rooms indicated that the room is a no shoes area. Educators working in the room were observed wearing shoes in the room. At the beginning of the audit, no shoe covers were available. When the Authorised Officer returned later in the visit, a basket of shoe covers was available on the bench outside the room and the educators in the room were wearing shoe covers or were in socks.</p>	<p>The approved provider is to provide evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that all staff members at the service follow the policies and procedures consistently and are aware of their responsibilities. b) Educators' understanding of the no shoes policy in place in the babies' room. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

Time for Compliance

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.

Yours Sincerely



Jo Williams
Director
Children's Education and Care Assurance
Education and Care, Regulation and Support

8 August 2023