

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

Email: [REDACTED]

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

Approved provider name: Education Directorate PR-00006465

Approved service name: Curtin Primary School - Curtin North Preschool Unit SE-00011179

I am satisfied that Curtin Primary School - Curtin North Preschool Unit SE-00011179 (the Service), operated by Education Directorate PR-00006465 (the Provider), is not complying with the provisions of the *Education and Care Services National Law (ACT)* (the Law) and the *Education and Care Services National Regulations* (the National Regulations) 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 contraventions, 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)	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.	(1) The Provider is to furnish evidence of risk assessment pertaining to the adequate supervision of all children, including those requiring additional support. (2) The Provider is to furnish copies of Child Attendance records and Working Directly with Children records for week commencing 11 September 2023. Required evidence to be forwarded to the Regulatory Authority within 21 days of receipt of this Notice.

<p>National Law Section 167(1)</p> <p>National Law Section 217</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>A person must not refuse or fail to comply with a requirement under section 215 or 216 to the extent that the person is capable of complying with that requirement.</p>	<p>(3) The provider is to furnish training information/ package regarding nominated supervisor roles and responsibilities under the National Law and Regulations for review and approval prior to commencement of training.</p> <p>(4) Provider is to advise the dates on which nominated supervisors will undergo training.</p> <p>(5) The Provider to furnish evidence of all nominated supervisors completing training.</p> <p>Provider to furnish training packages to the Authority by February 2024 for review and approval.</p> <p>Provider to advise of nominated supervisor training dates by March 2024.</p> <p>Evidence of completion of training for nominated supervisors to be furnished by Provider by May 2024.</p>
<p>National Regulations Regulation 158</p>	<p>Regulation 158 – Children’s attendance record to kept by provider</p> <p>(1) The approved provider of an education and care service must ensure that a record of attendance is kept for the service that-</p> <p>(a) Records the full name of each child attending the service; and</p> <p>(b) Records the date and time each child arrives and departs; and</p> <p>(c) Is signed by one of the following persons at the time that the child arrives and departs-</p> <p>(i). The person who delivers the child to the education and care service premises or collects the child from the education and care service premises;</p> <p>(ii). A nominated supervisor or an educator.</p>	<p>The Provider to is to submit Evidence demonstrating the Provider’s compliance with own policy and procedures required within regulation 158.</p> <p>Evidence to demonstrate compliance is required within 21 days of the date of receipt of this Notice.</p>

<p>National Regulations Regulation 87</p>	<p>(2)A preschool program provided by a school is not required to comply with sub-regulation (1) if it keeps attendance records in accordance with the education law, or Government education department policy, of the participating jurisdiction.</p> <p>Regulation 87 - Incident, injury, trauma and illness record</p> <p>(1) The approved provider of an education and care service must ensure that an incident, injury, trauma and illness record is kept in accordance with this regulation.</p> <p>(2) -</p> <p>(3) The incident, injury, trauma and illness record must include—</p> <p>(a) details of any incident in relation to a child or injury received by a child or trauma to which a child has been subjected while being educated and cared for by the education and care service or the family day care educator, including—</p> <p>(i) the name and age of the child; and</p> <p>(ii) the circumstances leading to the incident, injury or trauma; and</p> <p>(iii) the time and date the incident occurred, the injury was received or the child was subjected to the trauma;</p> <p>(b) details of any illness which becomes apparent while the child is being educated and cared for by the education and care service or the family day care educator including—</p> <p>(i) the name and age of the child; and</p>	<p>The Provider is to furnish evidence of process in place to ensure compliance with regulation 87 is communicated to all preschool staff.</p> <p>Evidence to demonstrate compliance is required within 21 days of the date of receipt of this Notice.</p>
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	<p>(ii) the relevant circumstances surrounding the child becoming ill and any apparent symptoms; and</p> <p>(iii) the time and date of the apparent onset of the illness;</p> <p>(c) details of the action taken by the education and care service or family day care educator in relation to any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the education and care service or family day care educator, including—</p> <p>(i) any medication administered or first aid provided; and</p> <p>(ii) any medical personnel contacted;</p> <p>(d) details of any person who witnessed the incident, injury or trauma;</p> <p>(e) the name of any person—</p> <p>(i) whom the education and care service notified or attempted to notify, of any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the education and care service or family day care educator; and</p> <p>(ii) the time and date of the notifications or attempted notifications;</p> <p>(f) the name and signature of the person making an entry in the record, and the time and date that the entry was made.</p> <p>(4) The information referred to in subregulation (3) must be included in the incident, injury, trauma and illness record as soon as</p>	
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	<p>practicable, but not later than 24 hours after the incident, injury or trauma, or the onset of the illness.</p>	
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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 you have any questions about this notice, please contact Authorised Officer Brian Cropper via email at brian.cropper@act.gov.au.

Yours Sincerely,



Jo Williams

Director

Children's Education and Care Assurance

Education and Care, Regulation and Support

6 October 2023