

Ms [REDACTED]  
 Person with Management or Control  
 Communities@Work  
 RE: Communities@Work Palmerston Out of School Hours Care

Email: [REDACTED]@commsatwork.org

Dear Ms [REDACTED]

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

**Approved provider name:** Communities@Work (the Provider)  
**Approved provider number:** PR-00005824

**Approved service name:** Communities@Work Palmerston Out of School Hours Care (the Service)  
**Approved service number:** SE-00009682

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

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

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 165(1)                            | The approved provider of an education and care service must ensure that 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. | The Provider is required to submit evidence demonstrating: <ul style="list-style-type: none"> <li>i. How the Provider is ensuring that staff are provided with appropriate training, resources and support assisting educators to build their knowledge and understand the child’s physical and development abilities to ensure the educators have an understanding how to adequate supervise all children at all</li> </ul> |

|   |  |   |
|---|--|---|
| <p><b>Section 167(1)</b></p> <p><b>Regulation 155</b></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>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> <p>(a) encourages the children to express themselves and their opinions; and</p> <p>(b) allows the children to undertake experiences that develop self-reliance and self-esteem; and</p> <p>(c) maintains at all times the dignity and rights of each child; and</p> <p>(d) gives each child positive guidance and encouragement toward acceptable behaviour; and</p> <p>(e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service.</p> | <p>times and mitigate risks of harm or hazard likely to cause injury.</p> <p>ii. How the Provider is working with the family, school, committees, or other support agencies to develop the Providers and Services understanding of the child’s cues, triggers and friendship groups to ensure an appropriate inclusion and support plan is created and communicated for the child requiring additional supports.</p> <p>iii. Evidence demonstrating the Provider has reviewed/re-examined [REDACTED] Inclusion plan, support plan and undertaken a risk assessment to ensure similar incident does not occur.</p> <p>iv. Evidence demonstrating how educators have been informed of [REDACTED] inclusion and support plans to ensure that that practice always supports safe inclusion for [REDACTED] when she attends the Service.</p> <p><b>Evidence required within 14 days of receipt of this Notice.</b></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 [Jo.Williams@act.gov.au](mailto:Jo.Williams@act.gov.au) or by post to:

Children’s Education and Care Assurance,  
Attention: Nicola Atherton  
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.

### 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](http://www.education.act.gov.au).

If you have any questions about this notice, please contact Authorised Officer, Vittorio Colosimo at [Jo.Williams@act.gov.au](mailto:Jo.Williams@act.gov.au).

Yours Sincerely



Jo Williams  
Director Regulatory Operations  
Education and Care Regulation and Support

4 December 2023