

Ms [REDACTED]

Person with Management or Control

Communities@Work

RE: Communities@Work Maribyrnong Out of School Hours Care

Email: [REDACTED]@commsatwork.org

Dear Ms [REDACTED],

COMPLIANCE NOTICE

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

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

Approved service name: Communities@Work Bonython Out of School Hours Care SE-00009645 (the Service)

The Regulatory Authority is satisfied that Communities@Work Bonython Out of School Hours Care SE-00009645 (the Service) operated by Communities@Work PR-00005824 (the Provider), is not complying with the provisions of the *Education and Care Services National Law Act (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, the Regulatory Authority has considered the substantiated contraventions, 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.	<p>The Provider to is to submit Evidence demonstrating the following actions:</p> <ul style="list-style-type: none"> i. Evidence demonstrating the Provider’s policy position, including any associated procedures, regarding how children are supervised and accounted whilst attending the Service. ii. All staff are aware of, and understand, expectations of the National Law and the Provider in respect to provision of adequate
National Law Section 167(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.	

<p>National Law Section 169(1) and (2)</p>	<p>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>An approved provider of an education and care service must ensure that each educator educating and caring for children for the service meets the qualification requirements relevant to the educator’s role as prescribed by the national regulations.</p>	<p>supervision of all children at all times that they are being educated and cared for by the Service.</p> <p>ii. Evidence to demonstrate that appropriate strategies and procedures are in place which inform, and guide delegated staff on how to respond to changes proactively and reactively regarding staffing arrangements to mitigate non-compliance with section 169 and 162 of the Law.</p>
<p>National Law Section 162(1)</p>	<p>The Approved Provider of an education and care service must ensure that one of the following persons is present at all times that the service is educating and caring for children –</p> <ul style="list-style-type: none"> a) The approved provider, if the approved provider is an individual or, in any other case, a person with management or control of an education and care service operated by the approved provider; b) A nominated supervisor of the service; c) A person in day-to-day charge of the service. 	<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 may be published on www.det.act.gov.au.

If you have any questions about this notice, please contact me via email at janine.fairburn@act.gov.au.



Janine Fairburn
Assistant Director
Children's Education and Care Assurance
Education and Care, Regulation and Support

8 September 2023