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Company Director
OSHCLUB PTY LTD
Suite 2, Level 1
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Email: [REDACTED]@junioradventuresgroup.com.au
[REDACTED]

Dear Ms [REDACTED]

COMPLIANCE NOTICE

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

Approved provider name: OSHClub PTY LTD (the Provider)
Approved provider number: PR-40004402

RELEVANT SERVICES

Approved service name: Farrer OSHClub SE-40000263
Approved service number: SE-40000263

Approved service name: Harrison OSHClub
Approved service number: SE-40013142

Approved service name: St Thomas Aquinas OSHClub
Approved service number: SE-00009840

Approved service name: St John the Apostle OSHClub
Approved service number: SE-40008497

Approved service name: St Peter and Paul OSHClub
Approved service number: SE-00009708

Approved service name: Nicholls OSHClub
Approved service number: SE-00009722

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

In making the decision to issue this compliance notice, I have taken into account the number of contraventions, the nature of the risk posed to children by the non-compliance, and the compliance history of OSHCLUB PTY LTD and its services in the ACT.

The table below outlines the sections of the *Law* which have been engaged where non-compliance was identified during the compliance audits at the services named above which were conducted between 19 February 2024 and 15 May 2024.

In addition, the table below outlines the steps to be taken by the approved provider to satisfy the Regulatory Authority (the Authority) that you are meeting your obligations under the *Law*.

The steps to be taken by the approved provider must be addressed by the close of business of the date mentioned for each item in the table below. You are required to provide written evidence of your compliance to the Authority, Children’s Education and Care Assurance, by the close of business of the date mentioned for each item in the table below.

Provision of the National Law and National Regulations	Description	Steps to be taken by the Approved Provider
<p>National Law Section 161 Offence to operate education and care service without nominated supervisor</p>	<p>The approved provider of an education and care service must not operate the service unless there is at least one nominated supervisor for that service.</p> <p>At Harrison OSHClub, educators and responsible person were unaware of who was the nominated supervisor.</p> <p>After discussion with responsible person, it was confirmed that the nominated supervisor displayed and recorded on NQAITS is no longer employed with the Provider. There was no other nominated supervisor listed.</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that there is always a current Nominated Supervisor for each service. b) Strategies in place to remove Nominated Supervisor on the NQAITS when they cease their employment or placed in a different position. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Law Section 165 (1) Offence to inadequately supervise children</p>	<p>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><u>St Peter and Paul OSHClub, the following was identified:</u></p> <ul style="list-style-type: none"> • An educator completing their second day at the service was left outside alone to supervise 23 children. <p>The educator had to attend to a child who injured themselves and they did</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure effective supervision at all services in the ACT operated by the Provider. b) Strategies in place to ensure that all staff members are supported and understand effective supervision. c) Strategies in place for the Provider to monitor the continuous

	<p>not hold a first aid qualification.</p> <ul style="list-style-type: none"> The authorised officer observed four unsupervised children in a kitchenette with unlocked cupboards that contained chemicals. <p><u>Nicholls OSHClub, the following was identified:</u></p> <ul style="list-style-type: none"> Educator responsible for supervising children was observed on personal phone for non-work purpose. Children observed walking around in areas with no educator having knowledge of this. Educators appeared to be moving between areas without communication to each other. Limited support or guidance from educators as children moved between the hall, the canteen area, and the additional room. Children accessed the canteen unsupervised. Children heard playing in the bathrooms and were observed walking out of the bathrooms with food. 	<p>implementation of effective supervision at their services.</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) Offence relating to protection of children from harm and hazards.</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 care for by the service from harm and from any hazard likely to cause injury.</p> <p><u>Nicholls OSHClub, the following was identified:</u></p> <ul style="list-style-type: none"> At afternoon tea, it was not demonstrated how the service ensures that children with allergies or other dietary requirements 	<p>The approved provider is to submit evidence of:</p> <ol style="list-style-type: none"> Strategies are in place to ensure that children are protected from harm and/or hazards. Strategies in place to ensure that medication are always within their use by date. Hazardous products no longer being in reach of

	<p>needs are met. For example, a child asked which was gluten free food and the educators did not appear to know or be aware of this children's dietary requirements.</p> <p><u>Farrer OSHClub, the following was identified:</u></p> <ul style="list-style-type: none"> • Hazardous products were sighted to be in reach of children. • A child's medication was kept in an open folder located in the office space, at reach of children. • A child's medication was out of date by a number of months. <p><u>Harrison OSHClub, the following was observed:</u></p> <ul style="list-style-type: none"> • Children's medications were kept in a tub in the multipurpose room in an unlocked cupboard, accessible to children. The responsible person advised that all the doors on the cupboards did not have locks on them. • At the second visit the tub of medications had been moved to a locked storage area, no longer accessible to children. However, the storage area was not identifiable with any signage advising storage of children's medications. • It was unclear what processes were in place to avoid contamination and minimise the risk of children's allergies and intolerances when preparing meals. 	<p>children at Farrer OSHClub.</p> <ul style="list-style-type: none"> d) Children's medication being within their used by date at Farrer OSHClub. e) Clear signage being displayed at Harrison OSHClub on the cupboard containing children's medication. f) Strategies are in place at Harrison OSHClub to ensure no contamination occurs during food preparation. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Law Section 168 (1)</p>	<p>The approved provider of an education and care service must ensure that a program is delivered</p>	<p>The approved provider is to submit evidence of:</p>

<p>Offence relating to required programs</p>	<p>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.</p> <p>At St Thomas Aquinas OSHClub, information, and documentation to support how the education program is developed, based on the developmental needs, interests, and experiences of each child, was minimal.</p> <p>It was unclear how the current program is delivered in a manner that aligns with the approved learning framework with a clear planning cycle is in place. No evidence of how the program is reflected on could be sighted.</p>	<p>a) The educational leader’s work completed to ensure adequate programs are in place.</p> <p>b) Strategies in place to ensure educators are supported and understand the approved learning frameworks and have the knowledge to plan, deliver and reflect on appropriate programs.</p> <p>c) An appropriate program being implemented and documented at the service.</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 (2) Offence relating to staffing arrangements.</p> <p>National Regulations Regulation 126 (1) and (2) Centre-based services – general educator qualifications.</p>	<p>The 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>(2) The qualification requirements for educators at a centre-based service educating and caring for children over preschool age in a jurisdiction are the qualification requirements (if any) set out in Chapter 7 for that jurisdiction.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that services are adequately staffed at all times to meet the minimum qualification requirements as set out under Regulation 126 (1) and (2).</p> <p>b) Strategies in place to ensure that services are adequately staffed so that every reasonable precaution is taken to protect children from harm and from any hazard likely to cause injury, specific to staffing</p>

<p>Regulation 260 Educator to child ratio—children over preschool age—centre-based services</p> <p>Regulation 261 (1) General qualifications for educators – children over preschool age</p>	<p>At St Peter and Paul OSHClub, on 24 April 2024 qualification requirements were not met from 6:45 till 8:00 and then after 14:00.</p> <p>The Provider notified the Authority on 29 April 2024 through NQAITS, that qualifications requirements were not met at Nicholls OSHClub.</p> <p>The Provider on 30 April 2024 applied for a temporary waiver. The Authority requested, further information to be able to assess the application. Further emails were sent on 6 June and 20 June and an extension to provide information was granted on 25 June 2024. On 26 June 2024, the Provider asked for application to be cancelled.</p> <p>(1) This regulation applies in place of regulation 123(1)(d). (2) The educator to child ratio for children over preschool age at a centre-based service is 1 educator to 11 children.</p> <p>At Farrer OSHClub, educator to child ratio was not met. A notification was submitted to the Authority following the visit.</p> <p>(1) For the purposes of regulation 126(2), the qualification requirement for educators at a centre-based service educating and caring for children over preschool age is at least 1 qualified educator for every 33 children.</p> <p>(1) The first educator required to meet the qualified educator to child ratio for children over preschool age must—</p>	<p>arrangements, supervision.</p> <p>c) Strategies in place to ensure that temporary waivers are applied for if the Provider is unable to comply with regulation 126 (1) or (2).</p> <p>d) Strategies in place to ensure that the people responsible to organise staffing are knowledgeable about the qualification requirements under regulation 126, 261 and 262 and are knowledgeable about temporary waiver applications.</p> <p>e) Evidence that the services mentioned are compliant with staffing requirements.</p> <p>f) Strategies in place to ensure that the services always operate with the required ratios.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
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Regulation 262

Required qualifications to be a qualified educator for children over preschool age

(a) hold a qualification that is published under regulation 137(2) in the list of approved qualifications for the first qualified educator working with children over preschool age for the Australian Capital Territory; or

(b) comply with the following—

(i) be enrolled in a course for a qualification that is included in the list referred to in paragraph (a); and

(ii) be able to demonstrate that he or she is continuing to study for that qualification; and

(iii) be approved by the Regulatory Authority to work as a qualified educator for children over preschool age.

(2) All other educators required to meet the qualified educator to child ratio must—

(a) hold any qualification that is included in the list referred to in subregulation (1)(a); or

(b) hold a qualification that is published under regulation 137(2) in the list of approved qualifications for the second and subsequent qualified educators working with children over preschool age for the Australian Capital Territory.

(3) The Regulatory Authority may, on application, grant an approval for the purposes of subregulation (1).

St Peter and Paul OSHClub, the following was identified:

- The service did not meet qualification requirements from 6:45 until 8:00 and then after 14:00. An educator who holds a Certificate III and is currently working towards a Diploma was counted as second qualified. At the time of the audit a Certificate III was not an approved qualification. The

	<p>educator does not hold an educator approval issued by the Authority.</p> <p><u>Harrison OSHClub, the following was identified:</u></p> <ul style="list-style-type: none"> No first, second or subsequent qualified educators could be identified , there were 68 children were in attendance. <p><u>St John the Apostle, the following was identified:</u></p> <p>There was no second qualified educator rostered on from 13:00. The service had a maximum of 36 children on the day.</p>	
<p>National Law Section 172 Offence to fail to display prescribed information</p> <p>Regulation 173 Prescribed information to be displayed education and care service other than a family day care</p>	<p>(1) An approved provider of an education and care service (other than a family day care service) must ensure that the prescribed information about the following is displayed, in the prescribed form (if any), so that it is clearly visible to anyone from the main entrance to the education and care service premises—</p> <p>(a) the provider approval; (b) the service approval; (c) each nominated supervisor of the service; (d) the rating of the service; (e) any service waivers or temporary waivers held by the service; (f) any other prescribed matters.</p> <p><u>St Peter and Paul OSHClub:</u></p> <ul style="list-style-type: none"> The service was operating out of an alternate room, no information was displayed where parents were dropping off and collecting children. ██████████'s name was displayed as the nominated supervisor - NQAITS states ██████████ 	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that staff members are knowledgeable of which prescribed information must be displayed.</p> <p>b) Strategies in place at each service with a contravention of S172 of the Law to ensure the prescribed information is displayed at all times that service are operating.</p> <p>c) Non-compliances stated on the left being addressed.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

██████████ is the Nominated Supervisor.

- The name and position of the responsible person displayed in the hall was ██████████, however ██████████ was at another service when Authorised Officer arrived, and the Responsible Person was ██████████.
- No name of the person at the education and care service whom complaints may be addressed to was displayed.
- A notice stating that a child who has been diagnosed as at risk of anaphylaxis is enrolled at the service was not displayed.

At Harrison OSHClub:

- The name, number and conditions of the service approval were not displayed.
- The name of the nominated supervisor was not displayed.
- The name and telephone number of the person complaints may be addressed to were not displayed.
- The name and position of the responsible person were not displayed.
- The name of the educational leader displayed was inaccurate.

Aat Farrer OSHClub:

- The name of the nominated supervisor was not displayed.
- The hours and days of operation of the service were not displayed.

	<ul style="list-style-type: none"> • The name and telephone number of the person complaints may be addressed to were not displayed. • The name and position of the responsible person were not displayed. • The name of the educational leader displayed was inaccurate. • The name of the nominated supervisor as advised to the authorised officers during the visit did not match the records of the NQAITS. <p><u>At St Thomas Aquinas OSHClub:</u></p> <ul style="list-style-type: none"> • The hours and days of operation of the service were not displayed. • The name and position of the responsible person were not displayed. 	
<p>National Law Section S173 (2) (b) A nominated supervisor is no longer employed or engaged by the service, is removed from the role, or withdraws consent to the nomination</p>	<p>(2) An approved provider must notify the Regulatory Authority of the following in relation to an approved education and care service operated by the approved provider (b) if a nominated supervisor of an approved education and care service— (i) ceases to be employed or engaged by the service; or (ii) is removed from the role of nominated supervisor; or (iii) withdraws consent to the nomination</p> <p>At Harrison OSHClub, educators and responsible person were unaware of who was the Nominated Supervisor.</p> <p>It was confirmed after discussion with the responsible person that the nominated supervisor displayed and recorded on NQAITS is no longer employed with the Provider.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to remove Nominated Supervisor on the NQAITS when a Nominated Supervisor ceases their employment or is placed in a different position.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	No other Nominated Supervisor was listed.	
Regulation 56 (1) Review and revision of quality improvement plans	<p>(1) The approved provider of an education and care service must review and revise the quality improvement plan for the service having regard to the National Quality Standard—</p> <p>(a) at least annually; and</p> <p>(b) at any time when directed by the Regulatory Authority.</p> <p>At Harrison OSHClub, the responsible person was unaware of the existence of a quality improvement plan (QIP) for the service.</p> <p>A QIP was later located it did not appear to have been updated since 2023, apart from the nominated supervisor changing their name on the front page of the document. No evidence could be provided to demonstrate that the quality improvement plan was reviewed annually.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that each service’s quality improvement is reviewed at least annually in a meaningful way.</p> <p>b) Strategies in place to ensure that staff members are knowledgeable of the location of the quality improvement plan.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
Regulation 74 Documenting of child assessments or evaluations for delivery of educational program	<p>(1) The approved provider of the education and care service must ensure that, for the purposes of the educational program, the following are documented—</p> <p>(a) for a child preschool age or under—</p> <p>(i) assessments of the child’s developmental needs, interests, experiences, and participation in the educational program; and</p> <p>(ii) assessments of the child’s progress against the outcomes of the educational program; and</p> <p>(b) for a child over preschool age, evaluations of the child’s wellbeing, development, and learning.</p> <p>(2) In preparing the documentation, the approved provider must—</p> <p>(a) consider—</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that educators are knowledgeable about the two learning frameworks and how they apply in their service.</p> <p>b) Strategies in place to ensure documenting of children’s assessment and evaluations for the delivery of the educational program are occurring.</p> <p>c) Non-compliance identified at the time of the visits being rectified.</p>

	<p>(i) the period of time that the child is being educated and cared for by the service; and (ii) how the documentation will be used by the educators at the service; and (b) prepare the documentation in a way that is readily understandable by the educators at the service and the parents of the child.</p> <p><u>At Nicholls OSHClub, the following was sighted:</u></p> <ul style="list-style-type: none"> Documentation/evaluations of each child's well-being, development, learning and engagement in the program is limited. <p>It was acknowledged that this is an area the team is focused on developing.</p> <p><u>At Farrer OSHClub, the following was sighted:</u></p> <ul style="list-style-type: none"> Programs included some reference to My Time Our Place (MTO); however, two preschool children were in attendance at the time of the visit and no evidence could be provided to demonstrate that the service uses the Early Years Learning Framework(EYLF). There was no reference to the document made in observations, evaluations or displays for families. <p><u>At Harrison OSHClub, the following was observed:</u></p> <ul style="list-style-type: none"> The responsible person, collaborating with educators to write the weekly programs, was not aware of the approved learning frameworks. The sighted program had no reference to EYLF and the references to MTO were either missing from the 	<p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
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	<p>sections or filled out inaccurately.</p> <p><u>At St Thomas Aquinas OSHClub the following was sighted:</u></p> <ul style="list-style-type: none"> • Documentation to show how the service is actively recording and reflecting on children’s engagement at the service, including evaluations of the child’s wellbeing, development and learning against the framework, was very minimal. 	
<p>Regulation 75 Information about educational program to be kept available</p>	<p>The approved provider of an education and care service must ensure that—</p> <p>(a) information about the contents and operation of the educational program for the service is displayed at the education and care service premises at a place accessible to parents of children being educated and cared for by the service; and</p> <p>(b) a copy of the educational program is available at the following places for inspection on request—</p> <p>(i) in the case of a centre-based service, at the education and care service premises;</p> <p>(ii) (ii) in the case of a family day care service, at each family day care residence or family day care venue.</p> <p>At St Peter and Paul OSHClub, the educational program for the 29 April 2024 was not displayed. There appeared to be no program in place advising parents and children of the routine nor activities for children to engage in play.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that staff members are knowledgeable about the requirements of this regulation.</p> <p>b) Strategies in place to monitor that educational program are kept available.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	The displayed information sighted within the hall was dated 26 April 2024.	
Regulation 76 Information about educational program to be given to parents	<p>The approved provider of an education and care service must ensure that a parent of a child being educated and cared for by the service is provided with the following information on request—</p> <p>(a) information about the content and operation of the educational program so far as it relates to that child;</p> <p>(b) information about the child’s participation in the program;</p> <p>(c) a copy of the documents kept under regulation 74 in respect of the child.</p> <p>At Harrison OSHClub, no evidence could be provided to demonstrate the documenting of children’s interests, engagement, or development in relation to the educational program.</p> <p>No evidence could be provided to demonstrate that families are provided with information on their child’s participation in the program.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that staff members are knowledgeable about the requirements of this regulation.</p> <p>b) Strategies in place to monitor that information about the educational program is given to parents.</p> <p>c) Strategies in place at Harrison OSHClub demonstrating that information about the educational program is given to parents.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
Regulation 77 (1) Health, hygiene, and safe food practices	<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> <p>(a) adequate health and hygiene practices; and</p> <p>(b) safe practices for handling, preparing, and storing food—to minimise risks to children being educated and cared for by the service.</p> <p>At Harrison OSHClub, multiple packets of food sighted in the pantry had not been appropriately sealed and stored after opening. No containers appeared to be available to be able to seal open food items.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Policies and procedures in place to store and serve food.</p> <p>b) Policies and procedures in place on hand washing.</p> <p>c) Strategies in place to ensure that staff members and children follow the service’s policies and procedures.</p> <p>d) Non-compliance mentioned on left being rectified.</p>

	<p>It was not clear how children were supported to wash/clean hands before eating, with no process observed during the session. Children arrived from the school, drop their bags, and lined up for afternoon tea.</p>	<p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 78 (1) (a) Food and beverages</p>	<p>1) The approved provider of an education and care service must ensure that children being educated and cared for by the service—</p> <p>(a) have access to safe drinking water at all times.</p> <p>At St Peter and Paul OSHClub children did not have access to drinking water at all times. The authorised officer requested water jugs and clean cups to be provided to the children in attendance at the service.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that staff members are knowledgeable about this regulation.</p> <p>b) Strategies in place at the service to ensure children have access to drinking water at all times.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 79 (1): Service providing food and beverages</p>	<p>(1) The approved provider of an education and care service that provides food or a beverage to children being educated and cared for by the service must ensure that—</p> <p>(a) the food or beverage provided is nutritious and adequate in quantity; and</p> <p>(b) the food or beverage provided is chosen having regard to the dietary requirements of individual children taking into account—</p> <p>(i) each child’s growth and development needs; and</p> <p>(ii) any specific cultural, religious or health requirements.</p> <p><u>At Nicholls OSHClub, the following was observed:</u></p> <ul style="list-style-type: none"> As the two schools arrive at separate times, the children from the second school only appeared to have 	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that food provided is nutritious and meets national health guidelines.</p> <p>b) Strategies in place to ensure that menus are developed in accordance with the service’s nutrition policy and procedure.</p> <p>c) Strategies in place to monitor that menus developed in accordance with the nutrition policy and procedure are followed.</p> <p>d) Strategies in place to ensure that changes to</p>

	<p>access to what food had been left over from the first group.</p> <p><u>At Farrer OSHClub, the following was observed:</u></p> <ul style="list-style-type: none"> • Children were not provided with nutritious food. When discussed with management, it was noted that the menu did not appear to have been developed in line with service policies and procedures. • Adjustments made to the menu were not recorded . <p><u>At Harrison OSHClub, the following was sighted:</u></p> <ul style="list-style-type: none"> • The menu was inadequate in providing children with nutritious food. When discussed with management, it was noted that that the menu did not appear to have been developed in line with service policies and procedures. 	<p>the menu are recorded and parents are notified of the changes.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 84 (1) Awareness of child protection Law</p>	<p>(1) The approved provider of an education and care service must ensure that a person specified in subregulation (2) who works with children is advised of—</p> <p>(a) the existence and application of the current child protection law; and</p> <p>(b) any obligations that the person may have under that law.</p> <p><u>At Farrer OSHClub and Harrison OSHClub, the following was observed:</u></p> <ul style="list-style-type: none"> • Some educators were asked about their obligations as mandated reporters and their responses demonstrated they were not fully aware of their obligations under 	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that each staff member has been made aware of their obligations as a mandated reporter.</p> <p>b) Child protection policy and procedure.</p> <p>c) Processes undertaken to ensure that all staff members of the three services identified on the left are now aware of their obligations as mandated reporters.</p>

	<p>the Children and Youth People Act (CYP). Educators could identify that they could go to their management for support but were not aware that they are required to make a report to Child Protection Services. Educators were unsure about the correct procedure to follow if they suspected a child was being abused.</p> <p><u>At St Thomas Aquinas OSHClub the following was observed:</u></p> <ul style="list-style-type: none"> Some educators were asked to describe their knowledge of being a mandated reporter. Some responses were limited in their understanding around being a mandated reporter and what steps they would follow. 	<p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 84A (1) Sleep and Rest</p>	<p>(1) The approved provider of an education and care service must take reasonable steps to ensure that the needs for sleep and rest of children being educated and cared for by the service are met, having regard to the ages, developmental stages and individual needs of the children.</p> <p>At St Peter and Paul OSHClub, the room the service was operating from on the 29 April 2024 did not accommodate children needs for rest or quiet space.</p> <p>The room was overcrowded for the number of children in attendance and had limited unencumbered space.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that staff members set up spaces adequate for children to rest or sleep in.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 84C Risk assessment for purposes of sleep and rest policies and procedure</p>	<p>1) The approved provider of an education and care service must ensure that a sleep and rest risk assessment is conducted in accordance with this regulation—</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that a risk</p>

	<p>(a) at least once every 12 months; and (b) as soon as practicable after becoming aware of any circumstance that may affect the safety, health, or wellbeing of children during sleep and rest.</p> <p>At St Peter and Paul OSHClub, Nicholls OSHClub and St John the Apostle OSHClub, no risk assessment for purposes of sleep and rest could be provided.</p>	<p>assessment is developed and reviewed in accordance with this regulation.</p> <p>b) A risk assessment being in place at the service mentioned on the left.</p> <p>c) Strategies in place to ensure that staff members are knowledgeable about the risk assessment in place at the service they work at.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 89 (1) (b) & (c): First aid kits</p>	<p>(1) The approved provider of an education and care service must ensure that first aid kits are kept in accordance with this subregulation, wherever the service is providing education and care to children—</p> <p>(b) the first aid kits must be suitably equipped</p> <p>(c) the first aid kits must be easily recognisable and readily accessible to adults, having regard to the design of the education and care service premises.</p> <p>At Nicholls OSHClub and Farrer OSHClub, items in the first aid kits were passed their expiry date or not available.</p> <p>At Harrison OSHClub and Nicholls OSHClub, first aid kits were not easily identifiable and readily accessible with no signage that indicated their location.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure first aid kits are checked regularly and items are replaced as needed.</p> <p>b) Strategies in place to ensure that first aid kits can be located easily and are readily accessible.</p> <p>c) First aid kits being easily recognisable and accessible at Nicholls OSHClub and Harrison OSHClub.</p> <p>d) First aid kits being restocked appropriately at Nicholls OSHClub and Farrer OSHClub.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

<p>Regulation 90 Medical conditions policy</p>	<p>(1) The medical conditions policy of the education and care service must set out practices in relation to the following— (iii) requiring the development of a risk-minimisation plan in consultation with the parents of a child— (A) to ensure that the risks relating to the child’s specific health care need, allergy or relevant medical condition are assessed and minimised; and (B) if relevant, to ensure that practices and procedures in relation to the safe handling, preparation, consumption, and service of food are developed and implemented; and (C) if relevant, to ensure that practices and procedures to ensure that the parents are notified of any known allergens that pose a risk to a child and strategies for minimising the risk are developed and implemented; and (D) to ensure that practices and procedures ensuring that all staff members and volunteers can identify the child, the child’s medical management plan and the location of the child’s medication are developed and implemented; and (E) if relevant, to ensure that practices and procedures ensuring that the child does not attend the service without medication prescribed by the child’s medical practitioner in relation to the child’s specific health care need,</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that risk minimisation plans and communication plans are current and reviewed in accordance with the Provider’s procedure. b) Current risk minimisation plans for all children with a plan enrolled at Farrer OSHClub. c) Current risk minimisation plans and communication plans completed for all children with a plan enrolled at St Thomas Aquinas OSHClub. d) Strategies in place to archive plans of children no longer enrolled at the services. e) All staff members at both services mentioned on the left being aware of the existence of current minimisation plans and communication plans in place for children with a medical condition or specific health care need. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
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	<p>allergy or relevant medical condition are developed and implemented.</p> <p>(iv) requiring the development of a communications plan to ensure that— (A) relevant staff members and volunteers are informed about the medical conditions policy and the medical management plan and risk minimisation plan for the child; and (B) a child’s parent can communicate any changes to the medical management plan and risk minimisation plan for the child, setting out how that communication can occur.</p> <p>At Farrer OSHClub, some risk minimisation plans were out of date according to the Provider’s own review dates.</p> <p>At St Thomas Aquinas OSHClub, multiple risk minimisation plans and communication plans were incomplete. Plans of children who have left the service were filed with plans for children currently enrolled.</p>	
<p>Regulation 97 Emergency and evacuation procedures</p>	<p>(1) The emergency and evacuation procedures required under regulation 168 must set out— (a) instructions for what must be done in the event of an emergency; and (b) an emergency and evacuation floor plan; and (c) if the education and care service premises is located within a multi-storey building shared with other occupants and on a storey with no direct egress to an assembly area—</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that floor plans and evacuation procedure are in place when a service is relocated to another area of a school. b) Strategies in place to ensure risk assessments of potential emergencies are reviewed in accordance with prescribed timeframes.

	<p>(i) all possible evacuation routes from each storey on which the premises is located; and</p> <p>(ii) the evacuation routes that are proposed to be used in an evacuation; and</p> <p>(iii) how all children will be safely evacuated from the premises, including non-ambulatory children; and</p> <p>(iv) the stages in which an evacuation will be carried out; and</p> <p>(v) the identity of the person in charge of an evacuation; and</p> <p>(vi) the roles and responsibilities of staff members during an evacuation; and</p> <p>(vii) the arrangements made with the other occupants of the multi-storey building in relation to the evacuation of the multi-storey building.</p> <p>(2) For the purposes of preparing the emergency and evacuation procedures, the approved provider of an education and care service must ensure that a risk assessment is conducted to identify potential emergencies that are relevant to the service.</p> <p>(2A) The approved provider of a centre-based service must review the risk assessment conducted under subregulation (2)—</p> <p>(a) at least once every 12 months; and</p> <p>(b) as soon as practicable after becoming aware of any circumstance that may affect the safe evacuation of children from the service.</p> <p>(2B) As soon as practicable after reviewing the risk assessment under subregulation (2A), the approved provider of a centre-based service must make any necessary updates to</p>	<p>c) Reviewed risk assessments of potential emergencies for the services mentioned on the left.</p> <p>d) Strategies in place to ensure that emergency and evacuation procedures are being rehearsed within the prescribed timeframes and these rehearsals are documented in accordance with legislation.</p> <p>e) Evacuation floor plans being displayed in accordance with legislation at the services mentioned on the left.</p> <p>f) Emergency procedure has been rehearsed at St Peter and Paul OSHClub.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
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	<p>the emergency and evacuation policies and procedures.</p> <p>3) The approved provider of an education and care service must ensure that—</p> <p>(a) in the case of a centre-based service, the emergency and evacuation procedures are rehearsed every 3 months by the staff members, volunteers, and children present at the service on the day of the rehearsal and the responsible person in relation to the service who is present at the time of the rehearsal; and</p> <p>(ab) in the case of a family day care service, the emergency and evacuation procedures are rehearsed every 3 months by each family day care educator and the children being educated and cared for by the family day care educator on that day; and</p> <p>(b) the rehearsals of the emergency and evacuation procedures are documented.</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><u>At St Peter and Paul OSHClub, the following was identified:</u></p> <ul style="list-style-type: none">• No evacuation floor plans, or instruction was displayed at the location the service was operating from on 29 April 2024.	
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	<ul style="list-style-type: none"> • The risk assessment for potential emergencies had not been updated or a separate risk assessment completed to operate from the school classroom. • No lockdown rehearsals had been rehearsed. <p><u>At Farrer OSHClub, the following was identified:</u></p> <ul style="list-style-type: none"> • The risk assessment was due for renewal. • The floor plans were inaccurate and did not identify the current location point on the plan when being viewed. <p><u>At Harrison OSHClub, the following was identified:</u></p> <ul style="list-style-type: none"> • Some floors plans were inaccurate. • Some floor plans were unreadable with small, blurry writing. <p><u>At St Thomas Aquinas the following was identified:</u></p> <ul style="list-style-type: none"> • The risk assessment of potential emergencies was not thorough and did not include common potential emergencies such as, but not limited to, fires, intruders, bomb threat, bushfire. 	
<p>Regulation 101 Conduct of risk assessment for excursion</p>	<p>(1) A risk assessment for an excursion must— (a) identify and assess risks that the excursion may pose to the safety, health or wellbeing of any child being taken on the excursion; and (b) specify how the identified risks will be managed and minimised. (2) Without limiting subregulation (1), a risk assessment must consider—</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) A compliant risk-assessment template for future excursions. b) Strategies in place to ensure that all educators are aware of the template to use to complete risk assessment for excursions.

	<p>(a) the proposed route and destination for the excursion; and (b) any water hazards; and (c) any risks associated with water-based activities; and (d) if the excursion involves transporting children— (i) the means of transport; and (ii) any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported; and (iii) the process for entering and exiting— (A) the education and care service premises; and (B) the pick-up location or destination (as required); and (iv) procedures for embarking and disembarking the means of transport, including how each child is to be accounted for on embarking and disembarking; and (e) the number of adults and children involved in the excursion; and (f) given the risks posed by the excursion, the number of educators or other responsible adults that is appropriate to provide supervision and whether any adults with specialised skills are required; and (g) the proposed activities; and (h) the proposed duration of the excursion; and (i) the items that should be taken on the excursion.</p> <p>During the visit at Harrison OSHClub, it was identified that the risk assessment for excursions was missing some of the prescribed information.</p>	<p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 102AAC Risk assessment for the purposes of safe</p>	<p>(1) For the purposes of preparing the safe arrival of children policies and procedures</p>	<p>The approved provider is to submit evidence of:</p>

<p>arrival of children policies and procedures</p>	<p>under regulation 102AAB(1), the approved provider of an education and care service must ensure that a risk assessment is conducted in accordance with this regulation.</p> <p>(2) The approved provider must conduct a risk assessment— (a) at least once every 12 months; and (b) as soon as practicable after becoming aware of any circumstance that may affect the safe arrival of children travelling between an education and care service and any other education or early childhood service.</p> <p>(3) A risk assessment must— (a) identify and assess any risks that a child’s travel between an education and care service and any other education or early childhood service may pose to the safety, health or wellbeing of the child; and (b) specify how the identified risks will be managed and minimised.</p> <p>(4) Without limiting subregulation (3), a risk assessment must consider the following, in respect of a child who travels between an education and care service and any other education or early childhood service—</p> <p>(a) the age, developmental stage, and individual needs of the child;</p> <p>(b) the role and responsibilities of the following persons (if applicable)—</p> <p>(i) in the case of a child who leaves the service premises to travel to an education and care service premises of another education and care service, the nominated supervisor of each service;</p> <p>(ii) the child’s parent;</p> <p>(iii) an authorised nominee named in the child’s enrolment record;</p>	<p>a) A risk assessment for the purposes of safe arrival of children policies and procedures being in place at the services mentioned on the left.</p> <p>b) Strategies to ensure that staff members are aware of the existence of the risk assessment for the purposes of safe arrival of children policies and procedures.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
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	<p>(iv) a person authorised by— (A) the child’s parent; or (B) an authorised nominee named in the child’s enrolment record;</p> <p>(c) the role and responsibilities of the service the care of which the child is entering or leaving;</p> <p>(d) the communication arrangements between the service the child is leaving and the service the child is entering including any communication arrangements if the child is missing or cannot be accounted for during the child’s travel;</p> <p>(e) the procedure to be followed by the service if the service has identified that the child is missing or cannot be accounted for during the child’s travel;</p> <p>(f) given the risks posed by the child’s travel, the number of educators or other responsible adults that are appropriate to provide supervision;</p> <p>(g) the proposed route and destination, including any proximity to harm and hazards; (h) the process for entering and exiting— (i) the service premises; and (ii) the pick-up location or destination (as required);</p> <p>(i) the procedure to be followed by the service to ensure the child leaves the service premises in accordance with regulation 99(4)(b).</p> <p>(5) If, after conducting a risk assessment, a risk relating to a child’s travel is identified, the approved provider must make any necessary updates to the safe arrival of children policies and procedures as soon as practicable.</p>	
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	<p>(6) The approved provider must keep a record of each risk assessment conducted under this regulation.</p> <p>At Nicholls OSHClub and St Thomas Aquinas OSHClub, no risk assessment for the purposes of safe arrival of children could be presented to Authorised Officers.</p>	
<p>Regulation 103 (1) Premises, furniture, and equipment to be safe, clean and in good repair</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><u>At Nicholls OSHClub, the following was identified:</u></p> <ul style="list-style-type: none"> • School bags were blocking exit paths in the event of an evacuation. • Trestle tables were leaning against partition wall, with children observed playing in and around them. • Children were climbing over large movable blocks next to the stage. <p><u>During the visit at St John the Apostle</u> a cupboard containing chemicals was left unlocked .There was a sign stating the cupboard must always be locked.</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Communication to staff members regarding the need for emergency exits to be readily accessible. b) Tables being safely stored. c) Strategies in place to ensure that children are guided into safe play. d) Strategies in place for effective supervision. e) Cupboards containing chemicals being locked. f) Strategies in place to remind staff members to lock cupboards containing hazardous products. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 105 Furniture material and equipment</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>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to support educators to set up rich play environments. b) Strategies in place to monitor access to

	<p>At Nicholls OSHClub, the rooms used had minimal experiences set up and limited additional resources for children to access.</p> <p>The Hall space had empty tables until 3:50pm, when limited amount of resources were set up.</p> <p>During the afternoon, one group of children were taken to the oval, but had no access to balls or other play equipment.</p>	<p>meaningful activities, experiences, resources, and equipment.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 117A Placing a person in day-to-day charge</p>	<p>For the purposes of the definition of a person in day-to-day charge in section 5(1) of the Law, a person is in day-to-day charge of an education and care service if—</p> <p>(a) the person is placed in day-to-day charge by the approved provider or a nominated supervisor of the education and care service; and</p> <p>(b) the person consents to the placement in writing.</p> <p>At Nicholls OSHClub, there was no record of written consent to be the responsible person available .</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Staff record showing which staff members have consented to be the responsible person at the service.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 118 Educational Leader</p> <p>Regulation 148 Educational Leader</p>	<p>The approved provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, co-ordinator or other individual as educational leader at the service to lead the development and implementation of educational programs in the service.</p> <p>At St Peter and Paul OSHClub, there was no designation in writing for [REDACTED] as the Educational Leader although their name was displayed as being the Educational Leader. The educator who spoke to the Authorised Officer talked was not sure if [REDACTED] r was still employed with OSHClub.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that staff records are compliant and include the designation in writing of current Educational Leaders at the service.</p> <p>b) Designation in writing for [REDACTED]</p> <p>c) Designation in writing for [REDACTED]. If [REDACTED] was no longer employed at the time of the audit, evidence of strategies in place to ensure that correct prescribed information is displayed is required to be provided.</p>

	<p>At St John the Apostle OSHClub, there was no designation in writing for [REDACTED] as the Educational Leader although their name was displayed as being the Educational Leader.</p>	<p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 126 (1) Centre based services-general educator qualifications</p>	<p>(1) The qualification requirements for educators at a centre-based service educating and caring for children preschool age or under are as follows— (a) at least 50 per cent of the educators who are required to meet the relevant educator to child ratios for the service must hold, or be actively working towards, at least an approved diploma level education and care qualification; and (b) all other educators who are required to meet the relevant educator to child ratios for the service must hold, or be actively working towards, at least an approved certificate III level education and care qualification.</p> <p>At Farrer OSHClub and Harrison OSHClub, there were preschool children in attendance and there was no Diploma qualified educator working.</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that services are compliant with the requirements of this regulation. b) Diploma qualified educators being employed at the services. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 147 Staff members</p>	<p>The staff record must include the following information in relation to staff members— (a) the full name, address, and date of birth of the staff member; (b) evidence— (i) of any relevant qualifications held by the staff member; or (ii) if applicable, that the staff member is actively working towards that qualification as provided under regulation 10; (c) evidence of any approved training (including first aid training) completed by the staff member; (d) if the education and care service is located in a jurisdiction with a</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that staff members records are kept in accordance with the requirements of this regulation. b) Staff records being compliant at the services mentioned on the left. <p>Evidence to demonstrate compliance is required within 14</p>

	<p>working with children law or a working with vulnerable people law, a record of the identifying number of the current check conducted under that law and the expiry date of that check, if applicable, unless paragraph (e) applies; (e) except in the case of New South Wales, Queensland, and Tasmania if the staff member has provided proof of the staff member's current teacher registration under an education law of a participating jurisdiction, a record of the identifying number of the teacher registration and the expiry date of that registration; (f) in relation to Tasmania, a record of the identifying number of the staff member's current working with vulnerable people registration and the expiry date of that registration.</p> <p>Staff members records were missing prescribed information at Nicholls OSHClub, Farrer OSHClub, Harrison OSHClub, St Thomas Aquinas OSHClub and St Peter and Paul.</p>	<p>days of the date of receipt of this Notice.</p>
<p>Regulation 151 Record of educators working directly with children</p>	<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> <p>(a) the name of each educator who works directly with children being educated and cared for by the service;</p> <p>(b) the hours that each educator works directly with children being educated and cared for by the service.</p> <p>At Farrer OSHClub and Harrison OSHClub, a roster was used to record the hours of educators working directly with children. However, the documents did not</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Staff members being aware of the requirements to include full names on the document used to record educators working directly with children.</p> <p>b) Current rosters being inclusive of educators full names for the service mentioned on the left.</p> <p>Evidence to demonstrate compliance is required within 14</p>

	include the full names of the educators.	days of the date of receipt of this Notice.
Regulation 158 (1) Child attendance records	<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>At St Peter and Paul OSHClub, children attendance records were not accurate. The signing in and out of children is electronically recorded at the service , the device was located within the hall which is not where the service was operating from on the day. Parents were dropping of children and collecting without the information being recorded electronically. No other record of children was being applied on the day. Parents could not access the device due to the re-location of the service within the school.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that an electronic device or other means of recording children’s attendance are always available to record children’s attendance in accordance with this regulation.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
Regulation 162 Health and information to be kept in enrolment record	<p>The health information to be kept in the enrolment record for each child enrolled at the education and care service is—</p> <p>(a) the name, address, and telephone number of the child’s registered medical practitioner or medical service; and</p> <p>(b) if available, the child’s Medicare number; and</p> <p>(c) details of any—</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure responsible persons know the requirements of regulation 162.</p> <p>b) Health information being kept with the children’s enrolment records at the</p>

	<p>(i) specific healthcare needs of the child, including any medical condition; and</p> <p>(ii) allergies, including whether the child has been diagnosed as at risk of anaphylaxis; and</p> <p>(d) any medical management plan, anaphylaxis medical management plan or risk minimisation plan to be followed with respect to a specific healthcare need, medical condition or allergy referred to in paragraph (c); and</p> <p>(e) details of any dietary restrictions for the child; and</p> <p>(f) the immunisation status of the child; and</p> <p>(g) if the approved provider or a staff member or family day care educator has sighted a child health record for the child, a notation to that effect.</p> <p>At Harrison OSHClub, evidence could not be provided to demonstrate that children’s health information is kept in enrolment records. The responsible person stated that they were not aware that children’s risk minimisation and communication plans, relating to the child’s specific health care need, allergy, or relevant medical condition, need to be stored with enrolment records, as prescribed under Regulation 162.</p>	<p>service mentioned on the left.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>Regulation 167 (1) (C) Record of service compliance</p>	<p>(1) Subject to subregulations (2) and (3), the record of the service’s compliance must include the following information—</p> <p>(c) details of any compliance direction or compliance notice issued to the approved provider in respect of the service, including—</p> <p>(i) the reason stated by the Regulatory Authority for issuing the direction or notice;</p> <p>(ii) the steps specified in the direction or notice;</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Record of service compliance being available at the service.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	<p>(iii) the date by which the steps specified must be taken.</p> <p>At St John the Apostle OSHClub, no record of service compliance could be provided.</p>	
<p>Regulation 168 Policies and procedures are available</p> <p>Regulation 171 (1) The approved provider of an education and care service must ensure that copies of the current policies and procedures required under regulation 168</p>	<p>(1) The approved provider of an education and care service must ensure that the service has in place policies and procedures in relation to the matters set out in subregulation (2).</p> <p>(2) Policies and procedures are required in relation to the following—</p> <p>(a) health and safety, including matters relating to—</p> <p>(v) sleep and rest for children, including the matters set out in regulation 84B,</p> <p>(gb) the safe arrival of children who travel between an education and care service and any other education or early childhood service within the meaning of regulation 102AA, including the matters set out in regulation 102AAB,</p> <p>(h) providing a child safe environment, including matters relating to—</p> <p>(i) the promotion of a culture of child safety and wellbeing within the service; and</p> <p>(ii) the safe use of online environments at the service.</p> <p><u>At Farrer OSHClub, the following was identified:</u></p> <ul style="list-style-type: none"> • The sleep and rest policy could not be provided. It was identified later after receiving a copy that the policy had not been reviewed to include the amendments that came into effect on 1st October 2023. • The safe arrival of children policy was not provided. 	<p>The approved provider is to submit evidence of:</p> <p>a) The sleep and rest policy and procedure for both services mentioned on the left.</p> <p>b) The Safe Arrival of children policy and procedure for both services mentioned on the left.</p> <p>c) The child safe environment policy and procedure for St John the Apostle OSHClub.</p> <p>d) Strategies in place to ensure that staff members are aware of the content of policies, including the ones mentioned above.</p> <p>e) Strategies in place to ensure that all policies and procedures are easily accessible and that staff members are aware of how to access these.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	<p>The delivery and collection of children was provided with no reference to the safe arrival or children or an associated risk assessment.</p> <p><u>At St John the Apostle OSHClub the following policies and procedures could not be provided to the Authorised Officer:</u></p> <ul style="list-style-type: none"> • Sleep and rest policy and procedure. • Safe arrival of children policy. • Child safe environment policy. 	
<p>Regulation 170 Policies and procedures to be followed</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 Farrer OSHClub, a checklist including checking prescribed information displayed had not been completed accurately.</p> <p>At Harrison OSHClub, the menu on display was inadequate in providing children with nutritious food. Discussed with the responsible person, identified that the menu did not appear to have been developed in line with service policies and procedures.</p> <p>At St Thomas Aquinas OSHClub, it was discussed who the responsible persons at the service are. This included the acknowledgement of a challenging day one responsible person had experienced. The Determining the Responsible Person policy was reviewed, and it appears that the educator who was</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that all policies and procedures are being followed by staff members at all times. b) Strategies in place to ensure that all staff members are aware of the content of the service’s policies and procedures and understand how to put them in practice. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

	<p>placed in the role of responsible person while the nominated supervisor was supporting at another service, did not meet the requirements as set out in the service's policy</p>	
<p>Regulation 177 Prescribed enrolment and other documents to be kept by approved provider</p>	<p>(1) For the purposes of section 175(1) of the Law, the following documents are prescribed in relation to each education and care service operated by the approved provider—</p> <p>(a) the documentation of child assessments or evaluations for delivery of the educational program as set out in regulation 74;</p> <p>(b) an incident, injury, trauma, and illness record as set out in regulation 87;</p> <p>(c) a medication record as set out in regulation 92;</p> <p>(d) a record of assessments of family day care residences and approved family day care venues conducted under regulation 116;</p> <p>(e) in the case of a centre-based service, a staff record as set out in regulation 145;</p> <p>(f) a record of volunteers and students as set out in regulation 149;</p> <p>(g) the records of the responsible person at the service as set out in regulation 150;</p> <p>(h) in the case of a centre-based service, a record of educators working directly with children as set out in regulation 151;</p> <p>(i) a record of access to early childhood teachers as set out in regulation 152;</p> <p>(j) in the case of a family day care service, a record of staff engaged or employed by the service kept under regulation 154;</p> <p>(k) a children's attendance record as set out in regulation 158;</p> <p>(l) child enrolment records as set out in regulation 160;</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that the Provider keeps prescribed documents.</p> <p>b) Strategies in place to support staff members to keep accurate prescribed records.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

(m) a record of the service's compliance with the Law as set out in regulation 167;

(n) a record of each nominated supervisor and any person in day-to-day charge of the education and care service under section 162 of the Law;

(o) in the case of a centre-based service, a record of children embarking a means of transport at the education and care service premises as set out in regulation 102E(4)(c);

(p) in the case of a centre-based service, a record of children disembarking a means of transport at the education and care service premises as set out in regulation 102F(4)(d).

At St Peter and Paul OSHClub, the following was identified:

- Attendance records were inaccurate as families or staff members did not have access to the electronic device to sign the children out.
- Administration of medication records were incomplete with inaccurate dates, no year and no witnesses recorded.

At Harrison OSHClub, the following was identified:

- Administration of medication records were incomplete with no signatures, witnesses. Medication authorisation forms were not completed accurately with the family not completing all sections of the authorisation.
- Authorisation for excursions were incomplete with no anticipated number of children, number of staff or other adults, mode of

	transport and whether it has seatbelts recorded.	
Regulation 185 Law and regulations to be available	<p>The approved provider of an education and care service must ensure that a copy of the Law and these Regulations is accessible at the education and care service premises at all times for use by nominated supervisors, staff members, volunteers, parents of children enrolled at the service and any person seeking to make use of the service.</p> <p>At Harrison OSHClub, St Thomas Aquinas OSHClub and St John the Apostle OSHClub, there was no current versions of the <i>Law</i> and the <i>Regulations</i>.</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies in place to ensure that current versions of the Law and Regulations are accessible at services. b) Current versions of the Law and Regulations being accessible at the services mentioned on the left. <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.

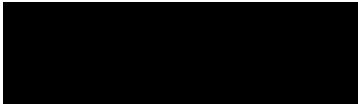
The information does not need to be recorded until after the period for applying for internal review has expired.

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.education.act.gov.au.

If you have any questions about this notice, please contact me at delphine.coutin@act.gov.au

Yours Sincerely



Delphine Coutin
Assistant Director, Audit and Risk Management
Education and Care Regulation and Support
ACT Education Directorate

1 August 2024