

Ms [REDACTED]
 Person with Management or Control
 Baringa Childcare Centre Incorporated
 RE: Baringa Early Learning Centre

Email: [REDACTED]

Dear Ms [REDACTED]

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

Approved provider: Baringa Childcare Centre Incorporated PR-00005806

Approved service: Baringa Early Learning Centre SE-00009748

The Regulatory Authority is satisfied that Baringa Early Learning Centre SE-00009748 (the Service) operated by Baringa Childcare Centre Incorporated PR-00005806 (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, the Regulatory Authority has 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 166(1)	The approved provider of an education and care service must ensure that no child being educated and cared for by the service is subjected to- (a) any form of corporal punishment; or (b) any discipline that is unreasonable in the circumstances.	The Provider to is to submit evidence demonstrating the following actions: i. Evidence demonstrating that additional training is provided to all educators regarding ensuring appropriate interactions and disciplining of children. The training is to ensure that all staff, inclusive of casual and agency staff, are aware of, understanding, and embedding child appropriate interaction and behaviour guidance practices to meet the expectations of the Provider's own policy and procedure, and the National Law,

<p>National Law Section 167(1)</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>and that related policies and procedures are understood and followed at all times.</p>
<p>National Law Section 174(2)</p>	<p>An approved provider must notify the Regulatory Authority of the following information in relation to an approved education and care service operated by the approved provider— (a) any serious incident at the approved education and care service; (b) any complaints alleging— (i) that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the approved education and care service; or (ii) that this Law has been contravened; (c) information in respect of any other prescribed matters.</p>	<p>ii. Evidence demonstrating that a process is implemented to have a Person with Management or Control (PMC) identified and delegated to have oversight/governance responsibility to ensure that there is regular mentoring and monitoring of Nominated Supervisors and Responsible Persons. The process is to ensure that Nominated Supervisors and Responsible Persons have a clear understanding of their roles, the expectations of the Provider (inclusive of delegated tasks to notify the Authority of prescribed matters) and the National Law regarding how they undertake their roles, support, manage and monitor educator interactions with children to ensure that children are protected and behaviours guided appropriately at all times.</p> <p>Required evidence to be forwarded to the Regulatory Authority within 21 days 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**. Please direct your response submission via email to brian.cropper@act.gov.au or by post to:

Children’s Education and Care Assurance (CECA),
 Education Directorate
 Attention: Brian Cropper
 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.

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,



Nicole Withers
Assistant Director (Acting)
Children's Education and Care Assurance
Education and Care, Regulation and Support

2 February 2024