



ACT
Government
Education

[REDACTED]
Persons with Management and Control
Happy Miracles Pty Ltd
T/A Bright Bees Early Learning - Nicholls

[REDACTED]
[REDACTED]
Email: [REDACTED]

Dear [REDACTED]

COMPLIANCE NOTICE

Section 177, *Education and Care Services National Law Act 2010*¹

Approved Provider name: Happy Miracles Pty Ltd
Approved Provider number: PR-40030487

I am satisfied that Bright Bees Early Learning Nicholls SE-40010244 (the Service), operated by Happy Miracles Pty Ltd, PR-40030487 (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 Regulations) as outlined hereunder.

In making the decision to issue this compliance notice, I have considered the number of contraventions, the nature of the risk posed to children by those contraventions, and the compliance history of the Provider in regard to the operation of the Service.

The table below outlines the sections of the Law and Regulations which have been engaged where non-compliance was identified during the Risk Audit. A copy of the Risk Audit at **Attachment A** has been included to assist in transparency and provide you with an understanding of the process undertaken when Authorised Officers enter a service to collect evidence, take notes of their observations and include photos that support a contravention of the Law and the Regulations.

Attachment A should be read in conjunction with the table below assisting you with your response to this Compliance Notice.

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, ACT Education Directorate, 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
National Law Section 165 (1)	(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.	The approved provider is to submit evidence of: a) Reasonable precautions being taken to ensure adequate supervision of children is implemented at all times. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
National Law Section 167 (1)	(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.	The approved provider is to submit evidence of: a) Actions undertaken to ensure that evacuation exits (evacuation route) are always maintained in a way that prevent risk of harm and hazard in an emergency situation or rehearsal. b) The process to ensure outdoor play spaces are secure but can be accessed and exited in an emergency. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
National Regulations Regulation 73	(1) This Part applies in relation to the program (the educational program) that is required to be delivered under section 168 of the Law to a child being educated and cared for by an education and care service. (2) An educational program is to contribute to the following outcomes for each child— (a) the child will have a strong sense of identity;	The approved provider is to submit evidence of: a) Actions and strategies undertaken to ensure a program during family grouping is implemented and considers the age of all children, their abilities and their development. b) Actions undertaken to transition children from family grouping to environments that are set-up, inviting and supportive of children’s interests, abilities, and development.

	<ul style="list-style-type: none"> (b) the child will be connected with and contribute to his or her world; (c) the child will have a strong sense of wellbeing; (d) the child will be a confident and involved learner; (e) the child will be an effective communicator. 	<p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of the Notice.</p>
<p>National Regulations Regulation 155</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> <ul style="list-style-type: none"> (a) encourages the children to express themselves and their opinions; and (b) allows the children to undertake experiences that develop self-reliance and self-esteem; and (c) maintains at all times the dignity and rights of each child; and (d) gives each child positive guidance and encouragement toward acceptable behaviour; and (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>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Strategies and actions implemented during family grouping to ensure interactions meet the requirements of regulation 155. The approved provider needs to consider the size and composition of the groups in which children are being educated. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of the Notice.</p>
<p>National Regulations Regulation 156</p>	<p>(1) The approved provider of an education and care service must take reasonable steps to ensure that the service provides children being educated and cared for by the service with opportunities to interact and develop respectful and positive relationships with each other and with staff members of, and volunteers at, the service.</p>	<p>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Actions undertaken to assist and support educators to gain a greater understanding of how to develop and maintain reciprocal and ongoing relationships with children. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of the Notice.</p>

	(2) For the purposes of subregulation (1), the approved provider must have regard to the size and the composition of the groups in which children are being educated and cared for by the service.	
National Regulations Regulation 173(2)(c)	(c) in the case of a centre-based service, the name and position of the responsible person in charge of the education and care service at any given time;	<p>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure the Responsible person name displayed is accurate at all times.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of the Notice.</p>
National Regulations Regulation 151	<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>The approved provider is to submit evidence of:</p> <p>a) Strategies in place to ensure that working directly with children records are accurate at all times.</p> <p>b) Strategies in place to ensure educators understand the purpose of working directly with children records.</p> <p>c) Strategies in place to ensure that educators understand how to complete working directly with children records accurately.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
National Regulations Regulation 13	<p>For the purposes of these Regulations a person is working directly with children at a given time if at that time the person—</p> <p>(a) is physically present with the children; and</p> <p>(b) is directly engaged in providing education and care to the children.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Support and actions undertaken to ensure educators understand Regulation 13.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of the Notice.</p>

<p>National Regulations Regulation 107</p>	<p>(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.</p>	<p>The approved provider is to submit evidence of:</p> <p>a) Their understanding of space requirements and actions implemented to ensure rooms are not overcrowded posing risk to children safety.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of the Notice.</p>
<p>National Regulations Regulation 105</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> <p>a) The provision of sufficient materials, resources and developmentally appropriate equipment both for the indoor and outdoor learning environments across the service.</p> <p>b) Action plan in place to purchase adequate materials, resources and developmentally appropriate equipment both for the indoor and outdoor learning environments across the service.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of the Notice.</p>
<p>National Regulations Regulation 170</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>The approved provider is to submit evidence of:</p> <p>a) Strategies undertaken to ensure educators cleaning tasks have been undertaken as set-out within checklists and in a manner that does not compromise education and care or impact on them working directly with children.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of the Notice.</p>

<p>National Regulations Regulation 103</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>The approved provider is to submit evidence of:</p> <ul style="list-style-type: none"> a) Actions and strategies undertaken to ensure the premises, furniture, equipment is safe, clean and in good repair at all times. b) Strategies in place to ensure the ongoing maintenance of premises, furniture and equipment will continue to be safe, clean and in good repair at all times. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of the 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 will be published on www.det.act.gov.au.

If you have any questions about this notice, please contact Delphine Coutin via email at Delphine.Coutin@act.gov.au.

Yours Sincerely



Jo Williams
Director
Education and Care Regulation and Support
ACT Education Directorate

8 August 2023