



Mr [REDACTED]
Person with Management or Control
Extend (Australia) Pty Ltd
RE: Orana Steiner OSHC- Extend

[REDACTED]

Dear Mr [REDACTED]

**Amendment of service approval by the Regulatory Authority
Section 55, *Education and Care Services National Law (ACT) Act 2011 (National Law)***

The ACT Regulatory Authority (the Authority), also known as Children’s Education and Care Assurance, is satisfied that Extend (Australia) Pty Ltd (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) in their operation of the following education and care service (the Service):

SERVICE NAME	Orana Steiner OSHC - Extend
SERVICE APPROVAL NUMBER	SE-00009696

Considering the Service’s compliance history and the objectives and guiding principles of the Law, it has been determined that imposing a condition on the Service Approval would be appropriate and in the best interests of children.

Background Facts

1. Service approval SE- 00009696 was transferred on application to the Provider on 19 April 2021.
2. Between 12 October and 27 November 2023, the Authority issued the following compliance actions to the Provider:
 - a. A compliance notice was issued on 12 October 2023 to address contravention of sections 165 (1), 166(1), 167 (1), 169(2), 172(f) of the Law and regulations 77, 84, 95, 103, 170, 177(2) of the Regulations.

The Provider's response submitted on 26 October 2023 and was assessed by the Authority as unsatisfactory. The Authority sent an email to the Provider on 30 October 2023 addressing the lack of evidence provided in the response and requesting further evidence.

A second response from the Provider was submitted on 2 November 2023. The Authority assessed the second response as unsatisfactory.

- b. An emergency action notice was issued on 23 November 2023 to address contravention of sections 162(c), 167, 169 of the *Law*.

Responses from the Provider were submitted, and breaches were rectified.

3. On 23 November, the Authority issued a show cause notice to the Provider regarding contravention of sections 165 (1), 166(1), 167 (1), 169(2), 172(f) of the *Law*, including breaches of the following regulations 77, 84, 95, 103, 170, 177(2).

Response from the Provider was submitted. The Authority found sufficient evidence to support contravention of sections 165 (1) and 167(1) of the *Law*.

Law

Legislative Provisions Relevant to matter

Section 51 of the *Law* - Conditions on a service approval

- (1) A service approval is granted subject to the condition that the education and care service is operated in a way that-
 - (a) ensures the safety, health and wellbeing of the children being educated and cared for by the service; and
 - (b) meets the educational and developmental needs of the children being educated and cared for by the service.

Section 55 of the *National Law* – Amendment of service approval by Regulatory Authority

- (1) The Regulatory Authority may amend a service approval at any time without an application from the approved provider.
- (2) Without limiting subsection (1), an amendment may vary a condition of the service approval or impose a new condition on the service approval.
- (3) The Regulatory Authority must give written notice of the amendment to the approved provider.
- (4) An amendment under this section has effect:
 - (a) 14 days after the Regulatory Authority gives notice of the amendment under subsection (3); or

- (b) If another period is specified by the Regulatory Authority, at the end of that period.
- (5) The Regulatory Authority must amend a service approval to the extent that it relates to an associated children's service in accordance with any direction by the children's services regulator if that direction is given in accordance with the children's services law of this jurisdiction.

Decision

I have decided to amend the service approval as follows:

Imposed a condition under section 51 of the Law for the Provider to:

- I. Every three months, submit to the Authority a list of children enrolled at the service who have medical conditions.
- II. Every three months, submit to the Authority medical management plans, risk minimisation plans and communication plans of children with medical conditions enrolled at the service.
- III. Every three months, submit the service's supervision plan.

An amended Service Approval is enclosed.

Reasons

Due to the recent non-compliance of the service, the Provider is required to submit the documents mentioned above to facilitate compliance with supervision and legislated requirements regarding medical conditions.

Rights of Review

A decision to amend a service approval is a **reviewable decision** as defined in Section 190 of the *Law*. Under section 191 of the *Law*, you may apply for an internal review of these decisions or either of them. Any application must be lodged within 14 days after you are notified of the decision (or, if not notified, within 14 days after becoming aware of the decision).

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.

Display of information

In accordance with section 172 of the *National Law*, you are required to display prescribed information about the service approval, including the details of any waivers, in position that is clearly visible to anyone from the main entrance to the education and care service premises.

If you have any questions please contact Children's Education and Care Assurance on (02) 6207 1114.

Yours sincerely



Delphine Coutin
Assistant Director, Audit and Risk Management
Children's Education and Care Assurance, ACT Education Directorate
Hedley Beare Centre for Teaching and Learning, Fremantle Drive, Stirling ACT 2611

23 January 2024

Enc. Amended service approval