



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

Email: [REDACTED]
[REDACTED]

Dear Ms [REDACTED]

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

Approved provider name: Baringa Childcare Centre Incorporated (the Provider)
Approved provider number: PR-00005806

Approved service name: Baringa Early Learning Centre (the Service)
Approved service number: SE-00009748

The Regulatory Authority is satisfied that the Service, operated by the Provider, is not complying with the provisions of the *Education and Care Services National Law (ACT)* (the *Law*) as outlined hereunder.

In making the decision to issue this compliance notice, I have considered the objectives and guiding principles of the *Law*, the nature of the risk posed to children by the non-compliance, and the compliance history of the Service.

You are required to provide written evidence of your compliance **within the time specified in the table below.**

| Provision of the National Law | Description | Steps to be taken by the Approved Provider |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Law Section 165(1) | The approved provider of an education and care service must ensure that 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 Provider to is to submit evidence demonstrating the following actions: i. Evidence demonstrating that a review of policies and procedures relevant to supervision and safeguarding children has been undertaken to ensure that policies and procedures are still fit for service. |

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|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>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>purpose and meeting the expectations under the Law.</p> <ul style="list-style-type: none"> ii. Evidence demonstrating how the Provider is ensuring that all staff, inclusive of the Nominated Supervisor, casual and agency staff, are aware of, understanding and embedding supervisory practice to meet the expectations of the Provider’s own policy and procedure, and the Law. iii. Evidence demonstrating how the Provider is ensuring that staff are provided with appropriate training and resources to build relationships with the children in their care and understand their individual needs. iv. Evidence demonstrating that a process is implemented to have a Person with Management and Control (PMC) identified and delegated to have oversight/governance responsibility to ensure that there is regular monitoring of Nominated Supervisor and educator practice. The process is to ensure that Nominated Supervisor and educator practices and interactions with children not only meet quality expectations, but also that practices are undertaken with children’s safety and wellbeing being at the focus of tasks undertaken, and that policies and procedures are understood and followed at all times. <p>Evidence required within 14 days of receipt of this Notice.</p> |
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The steps directed to be taken must be addressed within the times specified in this Notice.

Please direct your response submission via email to janine.fairburn@act.gov.au or by post to:

Children’s Education and Care Assurance (CECA),
Education Directorate
Attention: Janine Fairburn
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 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 janine.fairburn@act.gov.au.

Yours Sincerely



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

27 October 2023