

Mr [REDACTED]
Person with Management or Control
Affinity Education Group Limited
Papilio Early Learning Yarralumla

Email: [REDACTED]@affinityeducation.com.au
Cc: [REDACTED]@affinityeducation.com.au

Dear Mr [REDACTED]

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

Approved provider name: Affinity Education Group Limited
Approved provider number: PR-40001112

I am satisfied that Papilio Early Learning Yarralumla – SE-00009805 (the Service), operated by the Affinity Education Group Limited PR-40001112 (the Provider) is not complying with the provisions of the *Education and Care Services National Law Act (ACT)* (the Law) as outlined hereunder.

In making the decision to issue this compliance notice, I have considered the number of contraventions and the nature of the risk posed to children by the contraventions.

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) the implementation of risk mitigation strategies, including evidence that the Nominated Supervisor and educators are aware of and understand their responsibilities to ensure children are adequately supervise at all times when carrying out nappy changes. 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 cared for by the service from harm and from any hazard likely to cause injury.	The Approved Provider is to demonstrate through an evidence-based approach that: a) during nappy changes every reasonable precaution is taken to protect a child from harm and from hazard likely to cause injury.

		<p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Regulations Regulation 89</p>	<p>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>(a) an appropriate number of first aid kits must be kept having regard to the number of children being educated and cared for by the service; and</p> <p>(b) the first aid kits must be suitably equipped; and</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>The Approved Provider is to submit evidence that:</p> <p>a) first aid kits are suitably equipped; and</p> <p>b) a process has been implemented to ensure the first aid kits remain suitably equipped and that a process is in place for out-of-date items to be disposed of.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Regulations Regulation 103</p>	<p>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 provide evidence:</p> <p>a) that the Approved Provider has actioned the following items:</p> <p>i. the slipperiness of the tiles outside in the adjacent area to the outdoor play spaces;</p> <p>ii. draws in the kitchenette adjacent the preschool room; and</p> <p>iii. sliding door in toddlers’ room.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Regulations Regulation 106</p>	<p>(2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.</p>	<p>The Approved Provider is to demonstrate through an evidence-based approach:</p> <p>a) that the Approved Provider implements actions and strategies to ensure the laundry within the service is maintained in a way that does not pose a risk to children; and</p> <p>b) that all staff employed by the service can implement procedures to maintain laundry the facility.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

<p>National Regulations Regulation 108</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 7 square metres of unencumbered outdoor space.</p>	<p>The Approved Provider is required to have the outdoor space belonging to the Tiny Toddlers room and the Nursery 1 and 2 rooms re-calculated by a building practitioner to determine compliance with Regulation 108 and provide evidence of the calculations.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Regulations Regulation 109</p>	<p>The approved provider of an education and care service must ensure that—</p> <p>(a) adequate, developmentally, and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and</p> <p>(b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	<p>The Approved Provider is to provide evidence:</p> <p>a) that a review has taken place of the Junior Preschool bathroom assessing the accessibility of facilities for children to use; and</p> <p>b) to ensure soap and paper towel is available to maintain hand hygiene.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Regulations Regulation 113</p>	<p>The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.</p> <p>Example— The use of natural features such as trees, sand and natural vegetation.</p>	<p>The approved provider is required to provide a plan showing they are working towards providing outdoor spaces for the children in Nursery 1 & 2 and the Tiny Toddlers that allow children to explore and experience a natural environment when they are outdoors.</p> <p>Action Plan is required within 14 days of the date on this Notice</p>
<p>National Regulations Regulation 170</p>	<p>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 provide evidence:</p> <p>a) that the Approved Provider takes all reasonable steps to ensure the Nominated Supervisor and staff members understand and follow the providers policies and procedures;</p> <p>b) that staff follow procedures to implement a safe environment; and</p> <p>c) actions and strategies the Approved Provider have implemented to ensure educators are receiving guidance assisting staff to implement positive and safe behaviours.</p> <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>

<p>National Regulations Regulation 177 (1) and (2)</p>	<p>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> <ul style="list-style-type: none"> a) the documentation of child assessments or evaluations for delivery of the educational program as set out in regulation 74; (b) an incident, injury, trauma and illness record as set out in regulation 87; (c) a medication record as set out in regulation 92; (d) in the case of a centre-based service, a staff record as set out in regulation 145; (h) in the case of a centre-based service, a record of educators working directly with children as set out in regulation 151; (l) child enrolment records as set out in regulation 160; <p>The approved provider of the education and care service must take reasonable steps to ensure the documents referred to in subregulation (1) are accurate.</p>	<p>The Approved Provider is to demonstrate through an evidence-based approach:</p> <ul style="list-style-type: none"> a) how they will ensure prescribed documents listed adjacent are accurately maintained at all times; b) how in the case of NOT-40719117, strategies and actions have been undertaken to ensure prescribed documents are documented in a way that is not false or misleading mitigating any future non-compliance, regarding Regulation 191; c) in addition, evidence is required to be submitted demonstrating how the Approved Provider ensures emergency contacts and nominees listed on a child's enrolment file are current; and <ul style="list-style-type: none"> i. evidence is to include how staff are aware and can access the most current information in an event of an emergency and seeking authorisations. <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
<p>National Law Section 161A</p>	<p>(1) The approved provider of an education and care service must not nominate an individual to be a nominated supervisor of that service unless that individual meets the prescribed minimum requirements for nomination as a nominated supervisor.</p>	<p>The Approved Provider is to submit evidence that the Nominated Supervisor meets the prescribed minimum requirements for nomination as a nominated Supervisor.</p> <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 will be published on www.det.act.gov.au.

If you have any questions about this notice, please contact me via email at jana.damjanovska@act.gov.au or by phone on 6207 1114.



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

29 June 2022