

EMERGENCY ACTION NOTICE
Section 179, Education and Care Services National Law (ACT) Act 2011

Name of approved provider Guardian Corporate Early Learning Centres Pty Ltd

Provider approval number PR-00004736

Name of approved service Guardian Childcare & Education Forrest

Service approval number SE-40005756

Under the *Education and Care Services National Law (ACT) Act 2011* (the *Law*) an Emergency Action Notice may be issued if the Regulatory Authority is satisfied that an education and care service is operating in a manner that poses, or is likely to pose, an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by the service.

I am satisfied that on 11 July 2024, Guardian Childcare & Education Forrest, located at 25 National Circuit Forrest ACT 2603, was not operating in accordance with the provisions of the *Law* or *Education and Care Services National Regulations 2011 (the Regulation)* set out below. The non-compliance identified was in particular reference to health, safety and wellbeing of the children across the service. These included health and hygiene practices, safe food handling practices, nappy change practices and the lack of provision of soap for children to use when using the handwashing facilities.

The non-compliances identified that pose, or are likely to pose, an immediate risk to the safety, health or wellbeing of children being educated and cared for by the service and the related provisions of the *Law* and/or *Regulations* are set out below.

Provision	Non-compliance
<p>167 Offence relating to protection of children from harm and hazards</p> <p>(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. Penalty: \$10 000, in the case</p>	<p>The children’s bathrooms across the service had not been cleaned sufficiently the previous evening. Garbage bin from the previous day had not been emptied. Paint marks smeared on the soap containers. The lack of using sufficient hygiene practices in the children’s bathrooms pose an immediate risk to the health of the children being educated and cared for by the service.</p> <p>The waste inserts in the hand basins outside the preschool bathroom are broken. These basins pose an immediate risk of finger entrapment.</p> <p>Lack of maintenance and general hygiene means the approved provider has failed to protect children being educated and cared for by the service from harms and hazards.</p>

<p>of an individual. \$50 000, in any other case.</p>	
<p>Regulation 77 Health, hygiene and safe food practices The approved provider of an education and care service must ensure that nominated supervisors and staff members of, and volunteers at, the service implement – (a) adequate health and hygiene practices; and (b) safe practices for handling, preparing and storing food – to minimise risks to children being educated and cared for by the service.</p>	<p>Health and hygiene practices The children in the preschool room were not being encouraged to wash their hands before eating their morning tea. When attention was drawn to this practice not being followed the children were not provided any guidance as to how to wash their hands, they were not encouraged to use soap or to dry their hands after rinsing them with water. It was evident that hand washing has not been embedded in the daily practices at the service.</p> <p>An educator in the preschool room was observed not washing their hands prior to putting on gloves to serve food. The gloves had been held in the educators’ hands whilst she moved around the room prior to putting them on and then serving food to the children.</p> <p>An educator in the preschool room was observed wiping a child’s nose. The educator did not put gloves on. When reminded by the Nominated Supervisor that gloves must be worn when wiping children’s noses, he put gloves on, he then proceeded to wipe the child’s nose with paper towel not tissues which were available.</p> <p>Practice observed during multiple nappy changes did not comply with the services nappy change procedure. After a nappy change had been completed, children were not supported to wash their hands and the change mat was not cleaned in-between children. The educator changing the nappies did wear gloves which were changed for each child, however there was no hand washing occurring after each nappy change.</p> <p>Practice observed demonstrated how procedures are not consistently being followed by educators and children which poses an immediate risk to the children being educated and cared for by the service.</p> <p>Safe food handling practices Observations were made on food practices at the service. Morning tea was prepared and left on the trolley outside the preschool room for a period of at least 20 minutes prior to being served to the younger preschool children. After the younger preschool children had eaten their morning tea the remaining food was taken to the older preschool children for their morning tea. Morning tea consisted of toast with jam. Which by the time both groups of children were eating was cold. Safe practices for handling and storing food were not observed at</p>

	the time of the audit.
<p>Regulation 109 Toilet and hygiene facilities</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;</p>	<p>Toilet paper holders and soap wash dispensers had not been refilled from the previous days use.</p> <p>Soap wash was difficult to access from the dispensers as they were almost empty resulting in children struggling to independently wash hands. One of the toilet paper roll holders was empty and Paper towel was available in small quantities on the shelves at the back of the toilets and the nappy change bench. Children were unable to access paper towel independently to dry their hands.</p> <p>The approved provider has failed to provide developmentally and age-appropriate toilet, washing and drying facilities for the children being educated and cared for by the service.</p>

The approved provider is required to take the following actions to assist the Regulatory Authority determining that all children are protected from harm and any hazard that is likely to cause injury.

Action Required

The approved provider must ensure that:

- Processes are in place to ensure effective cleaning and regular restocking of bathroom supplies of toilet paper, paper towel and soap dispensers, is occurring and that these items are available for children to access from the beginning of each day.
- Maintenance of broken hand basins has been actioned, and that measures have been put in place to remove the basins or make them safe, until they can be repaired or replaced.
- Strategies are in place to demonstrate how the service will ensure that effective handwashing is occurring such as before and after meals, both for children and educators.
- Educators have clear understanding of effective hygiene practices and glove usage, such as when supporting children to blow their nose or when serving food.
- Plans are in place to monitor educator practice and ensure that nappy change procedures are being followed correctly.
- Strategies are required to be developed to ensure that children’s meals are not allowed to sit for long periods and that children have access to food and are not required to wait.

These actions must be undertaken, and evidence provided by the close of business 12 July 2024.

The approved provider must submit evidence that the above actions have been undertaken, in writing, to Delphine Coutin, Assistant Director Audit and Risk Management at delphine.coutin@act.gov.au or by submitting evidence through the NQAITS.

Failure to comply

If you do not take the required actions, or do not take those steps within the required timeframe, further compliance actions may be imposed, including suspension of your service approval.



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

11 July 2024