

Mr [REDACTED]
 Person with Management and Control
 Canberra Grammar School
 RE: Canberra Grammar School Northside Pre-Kindergarten

Email: [REDACTED]
 Cc: [REDACTED]

Dear Mr [REDACTED]

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

Approved provider name: Canberra Grammar School, PR-00005816 (the Provider)

Approved service name: Canberra Grammar School Northside Pre-Kindergarten
 SE-00009656 (the Service)

I am satisfied that Canberra Grammar School Northside Pre-Kindergarten SE-00009656 (the Service), operated by Canberra Grammar School, PR-00005816 (the Provider), is not complying with the provisions of the *Education and Care Services National Law Act (ACT)* (the Law) and the *Education and Care Services National Regulations* (the National Regulations) as outlined hereunder.

In making the decision to issue this compliance notice, I have considered the substantiated contraventions, the nature of the risk posed to children by the contraventions, and the objectives and guiding principles of the Law.

Provision of the National Law and National Regulations	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 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 how Nominated Supervisors and Responsible Persons are being mentored and supported to lead the provision of compliant and quality accountability of children during all aspects of an excursion, particularly transportation of children.
National Law Section 167(1)	The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect	

<p>National Regulation Regulation 101(2)(d) – Conduct of risk assessment for excursion</p>	<p>children being educated and care for by the service from harm and from any hazard likely to cause injury.</p> <p>(2) Without limiting subregulation (1), a risk assessment must consider—</p> <p>(d) if the excursion involves transporting children—</p> <ul style="list-style-type: none"> i. the means of transport; and ii. any requirements for seatbelts or safety restraints under a law of each jurisdiction in which the children are being transported; and iii. the process for entering and exiting— <ul style="list-style-type: none"> (A) the education and care service premises; and (B) the pick-up location or destination (as required); and iv. procedures for embarking and disembarking the means of transport, including how each child is to be accounted for on embarking and disembarking 	<ul style="list-style-type: none"> ii. Evidence demonstrating the Provider’s policy position, including any associated procedures, regarding how children are supervised and accounted for during transportation. iii. Evidence to demonstrate how the Provider is ensuring all educators are aware of and understand the process of accounting for children as they embark and disembark a vehicle, and how this is being practiced ensuring processes are embedded. iv. Evidence demonstrating that the Provider has reviewed and amended excursion risk assessments involving transportation of children to be compliant with Regulation 101(2)(d). <p>Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.</p>
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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 Authorised Officer Janine Fairburn via email at janine.fairburn@act.gov.au.



Jo Williams
Director
Children's Education and Care Assurance
Education and Care, Regulation and Support

22 March 2023