

Mr [REDACTED]
Guardian Corporate Early Learning Centres Pty Ltd
T/A Guardian Early Learning Centre Forrest
L20, Suite 2002, 101 Grafton Street
BONDI JUNCTION NSW 2022

Dear Ms [REDACTED]

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

Approved provider name: Guardian Corporate Early Learning Centres Pty Ltd
(the Provider)
Approved provider number: PR-00004736

Approved service name: Guardian Childcare and Education Forrest (the Service)
Approved service number: SE-40005756

I am satisfied that the Service, operated by the Provider, is not complying with the provisions of the *Education and Care Services National Law (ACT) Act 2011* and the *Education and Care Services National Regulations* as outlined hereunder.

In making the decision to issue this compliance notice, I have taken into account the number of contraventions, 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 and National Regulations	Description	Steps to be taken by the Approved Provider
National Law Section 165 (1) Offence relating to inadequately supervising children.	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 must produce evidence to the Regulatory Authority that ensures all children being educated and cared for by the service were adequately supervised at all times for week beginning Monday 7 September 2020, and week beginning Monday 21 September 2020. Evidence required within 14 days of receipt of this Notice.

National Law Section 167 (1) Offence relating to protection of children from harm and hazard	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 Provider must produce evidence to the Regulatory Authority demonstrating how every reasonable precaution was taken week beginning Monday 7 September 2020, and week beginning Monday 21 September 2020, to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury. Evidence required within 14 days of receipt of this Notice.
National Law Section 169 (1) Offence relating to staffing arrangements.	The approved provider of an education and care service must ensure that, whenever children are being educated and cared for by a service, the relevant number of educators educating and caring for the children is no less than the number prescribed for this purpose.	The Provider must produce evidence to the Regulatory Authority demonstrating how it ensured the relevant number of educators was no less than the number prescribed between week beginning Monday 7 September 2020, and week beginning Monday 21 September 2020. In addition, steps taken to ensure future staffing arrangements are met at all times in accordance with Section 169(1) of the <i>Law</i> and Regulation 123. Evidence required within 14 days of receipt of this Notice.
National Regulations Regulation 177 (2) Prescribed enrolment and other documents to kept by approved provider.	For the purposes of section 175(1) of the <i>Law</i>, the following documents are prescribed in relation to each education and care service operated by the approved provider— (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;	The Provider must produce evidence to the Regulatory Authority demonstrating what steps are taken to ensure the accuracy of prescribed documents.

	(d) a record of assessments of family day care residences and approved family day care venues conducted under regulation 116; (e) in the case of a centre-based service, a staff record as set out in regulation 145; (f) a record of volunteers and students as set out in regulation 149; (g) the records of the responsible person at the service as set out in regulation 150; (h) in the case of a centre-based service, a record of educators working directly with children as set out in regulation 151; (i) a record of access to early childhood teachers as set out in regulation 152; (j) in the case of a family day care service, a record of staff engaged or employed by the service kept under regulation 154; (k) a children's attendance record as set out in regulation 158; (l) child enrolment records as set out in regulation 160; (m) a record of the service's compliance with the Law as set out in regulation 167; (n) a record of each nominated supervisor and any person in day-to-day charge of the education and care service under section 162 of the Law.	
	(2) The approved provider of the education and care service must	

	take reasonable steps to ensure the documents referred to in subregulation (1) are accurate.	
National Regulations Regulation 151 Record of educators working directly with children.	The approved provider of a centre-based service must keep a record of educators working directly with children that includes the following information— (a) the name of each educator who works directly with children being educated and cared for by the service; (b) the hours that each educator works directly with children being educated and cared for by the service.	The Provider must produce evidence to the Regulatory Authority demonstrating what steps are taken within the service to ensure the accuracy of prescribed documents.

The steps directed to be taken must be addressed within the times specified in this Notice.

Please direct your response submission via email to Authorised Officer Nicola Atherton nicola.atherton@act.gov.au or by post to Children's Education and Care Assurance, Attention Nicola Atherton, 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 Authorised Officer on 02 6207 1114, or alternatively at: nicola.atherton@act.gov.au

Yours sincerely



Clare Brookes
Senior Director,
Early Childhood Policy and Regulation
ACT Education Directorate
9 December 2020