

██████████
Person with Management and Control
Teddy Bears Childcare Centre Macarthur
50 Carson Street
Macarthur ACT 2604

Email: ██████████@hotmail.com
██████████@hotmail.com

Dear ██████████

In reference to:

COMPLIANCE NOTICE
Section 177 of Education and Care Services National Law (ACT) (the Law)

Approved provider: Teddy Bears Childcare Centre Pty Ltd-PR

Approved provider number: PR-00005870

Issued: 09 February 2021

Thank you for your response to the Compliance Notice relating Teddy Bears Childcare Centre Macarthur SE- 40002200, operated by Teddy Bears Childcare Centre Pty Ltd-PR – 00005870 (the Provider), which was received on 23 February 2021.

The response has now been assessed and it has been determined that the Provider has met the requirements of the Authority, regarding section 169(4) of the *Law*, Regulation 242, section 162A of the *Law*, Regulation 84, section 168 of the *Law*, Regulation 74, and Regulation 103. However, the response does not meet the requirements of the Regulatory Authority regarding sections 161A(1) of the *Law*, section 175 of the *Law*, Regulation 177(2) and section 167 of the *Law*, for the reasons set out below.

1. **Section 161A(1) of the Law - The Approved Provider is to demonstrate that the Nominated Supervisor meets the prescribed minimum requirements for nomination as a nominated supervisor.**
 - a. Evidence submitted consisted of:
 - i. Nominating a Nominated Supervisor/Director Policy created February 2021, Recruitment of Childcare Professional Policy and Procedure, updated February 2021 and Determining Responsible Person Policy.

- ii. The Determining Responsible Person Policy identifies that the current Nominated Supervisor has reviewed the Policy .
 - iii. It is also noted that the Approved Provider has developed interview questions to assist the interview process to assess the capability of the applicant to meet the position criteria under the Recruitment of Childcare Professional Policy.
 - iv. Emails were also submitted, but the evidence submitted lacked content around the specific request for information asked for by the service. It was also unclear if the service contacted Earth Practical Solutions as recommended by Farran Street Education. In addition, there was no evidence submitted, regarding the fifty percent deposit paid to Community Early Learning Australia as outlined within the agreement to provide consultancy services.
 - b. As the evidence failed to demonstrate why the current Nominated Supervisor meets the minimum requirements to be appointed as a nominated supervisor. The Approved Provider is required to demonstrate why the current Nominated Supervisor has been assessed as fit and proper.
- 2. Section 175(1) of the Law – The Approved Provider is required to demonstrate how they ensure prescribed staff records are available for inspection when requested by an Authorised Officer.**
- a. The Approved Provider did not provide evidence to demonstrate how section 175 of the *Law* is met.
 - b. The Approved Provider is required to demonstrate how they will ensure prescribed staff records are available for inspection, including staff employed at the service and agencies staff such as Expect A Star, and Randstad.
- 3. Regulation 177(2) – The Approved Provider is to provide evidence how they ensure Policies are accessible at all times, staff records are maintained and contain the most up to date information and are accurate**
- a. The Approved Provider did not provide evidence to address Regulation 177(2).
 - b. The Approved Provider is required to submit evidence demonstrating how they will ensure Policies are accessible at all times, staff records are maintained and contain the most up to date information and are accurate.
- 4. Section 167 – The Approved Provider is required to demonstrate why the brown lounge was not addressed as per the compliance audit undertaken on 13 December 2019.**

- a. The Approved Provider submitted photographic evidence that the brown lounge in disrepair has been replaced with another brown lounge that appears in reasonable condition.
- b. The Approved Provider did not demonstrate why the lounge was not actioned as per the compliance audit undertaken on 13 December 2019.
- c. The Approved Provider is to explain why the disrepair of the lounge was not addressed as per the compliance audit undertaken on 13 December 2019.

Please provide the additional information requested within 14 days of receipt of this letter.

Should you have any questions, regarding this letter please contact Assistant Director, Audit and Risk Management, Ms Delphine Coutin on (02) 62071105 or alternately via email at: Delphine.Coutin@act.gov.au.

Yours Sincerely



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

2 June 2021