

[REDACTED]

Person with Management and Control
Teddybears Childcare Centre Pty Ltd
RE: Teddy Bears Child Care Centre

Email: [REDACTED]@hotmail.com
[REDACTED]@hotmail.com

Dear [REDACTED]

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

Approved provider name: Teddybears Childcare Centre Pty Ltd (the Provider)
Approved provider number: PR-00005870
Approved service name: Teddybears Childcare Centre (the Service)
Approved service number: SE-40002200

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) (the Law)* and the *Education and Care Services National Regulations (the Regulation)*.

In making the decision to issue this compliance notice, I have considered the number of breaches, the nature of the risk posed to children by the non-compliance, and the compliance history of the Provider in regard to the operation of the Service.

The following table outlines the sections of the **Law** and associated **Regulation** which have been engaged due to non-compliance identified during the compliance audit conducted on 17 December 2020.

Provision of the National Law and National Regulations	Description	Steps to be taken by the Approved Provider
National Law Section 161A of Law Regulation 117C	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.	The Provider is to demonstrate that the Nominated Supervisor meets the prescribed minimum requirements for nomination as a nominated supervisor, as set out in Regulation 117C. The Provider is to demonstrate what processes are in place to determine if a person meets the prescribed minimum requirements for nomination as a nominated supervisor prior to their nomination being made.

Regulation 84	The approved provider of an education and care service must ensure that each nominated supervisor and each person in day-to-day charge of the service has an adequate understanding of their obligations under the child protection law of this jurisdiction.	The Provider is to demonstrate how they ensure that each Nominated Supervisors and each staff members at the service who work with children have an adequate understanding of their obligations under ACT child protection laws.
National Law Section 167(1) of Law Regulation 103	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 required to demonstrate that all furniture and equipment utilised at the Service by children is safe, hygienic and in good repair. In addition, the Provider is to specifically provide evidence to demonstrate that the brown lounge identified as torn and in disrepair has been either repaired or replaced at the Service.
National Law Section 168(1) of Law Regulation 74 Regulation 75	The approved provider of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that— (a) is based on an approved learning framework; and (b) is delivered in a manner that accords with the approved learning framework; and (c) is based on the developmental needs, interests and experiences of each child; and (d) is designed to take into account the individual differences of each child.	The Approved Provider is to demonstrate how the educational program is delivered in accordance with section 168 of the <i>Law</i>. The Approved Provider is to submit evidence to demonstrate that the 2020 educational program was implemented, as well as records and information about the educational program are kept as required pursuant to <i>Regulations 74 and 75</i>.

National Law Section 169(2) of Law Regulation 242	An approved provider of an education and care service must ensure that each educator educating and caring for children for the service meets the qualification requirements relevant to the educator's role as prescribed by the national regulations	The Provider must demonstrate what processes are undertaken at the Service to ensure that each educator educating and caring for children meets the qualification requirements relevant to the educator's role. The Provider must provide evidence to demonstrate that those persons taken to be Early Childhood Teachers at the Service meets the qualification requirements as outlined in <i>Regulation 242</i>. If the Provider identifies that those persons taken to be Early Childhood Teachers at the Service do not meet the qualification requirements as outlined in <i>Regulation 242</i>, the Provider must apply for a waiver were required.
National Law Section 175 of Law Regulation 74 Regulation 92 Regulation 147 Regulation 160 Regulation 177	(1) An approved provider of an education and care service must keep the prescribed documents available for inspection by an authorised officer in accordance with this section.	The Approved Provider is required to demonstrate how they ensure all prescribed records, as outlined in <i>Regulation 177</i>, are maintained accurately and are available for inspection when requested by an Authorised Officer. In addition, the Provider is to demonstrate that enrolment records, medication records, and staff records capture all required information as prescribed by the relevant Regulation associated to each matter.

You are required to provide written evidence of your compliance **by the close of business 14 days after receipt of this Notice**, to the ACT Regulatory 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 *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.det.act.gov.au.

If you have any questions about this notice, please don't hesitate to contact me at clare.brookes@act.gov.au or via telephone on (02) 6205 0615. In my absence please contact Jo Williams, Director – Early Childhood Policy and Regulation, at Jo.Williams@act.gov.au or alternatively via telephone on (02) 620 71289.

Yours Sincerely

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

8 February 2021