

Mr [REDACTED]
Person with Management or Control
ARTEMIS EDUCATION PTY LTD
T/A Artemis Early Learning
[REDACTED]
[REDACTED]

Email: [REDACTED]

Dear Mr [REDACTED]

COMPLIANCE NOTICE
Section 177, Education and Care Services National Law Act 2010¹

Approved provider name: ARTEMIS EDUCATION PTY LTD
Approved provider number: PR-40030037

I am satisfied that Artemis Early Learning SE-40002132 (the Service), operated by ARTEMIS EDUCATION PTY LTD PR-40030037 (the Provider) is not complying with the provisions of the *Education and Care Services National Law Act 2010* (the Law) and the *Education and Care Services National Regulations* (the Regulations) as outlined hereunder.

In making the decision to issue this compliance notice, I have considered the number of contraventions, the nature of the risk posed to children by the contraventions, and the compliance history of the Provider and its service in the ACT.

The table below outlines the sections of the Law and Regulations which have been engaged where non-compliance was identified during the Compliance Audit conducted on 6 July 2023. A copy of the Scheduled Compliance Audit at **Attachment A** has been included to assist in transparency and provide you with an understanding of the process undertaken when Authorised Officers enter a service to collect evidence, take notes of their observations and include photos that support a contravention of the Law and the Regulations.

Attachment A should be read in conjunction with the table below assisting you with your response to this Compliance Notice.

In addition, the table below outlines the steps to be taken by the approved provider to satisfy the Regulatory Authority (the Authority) that you are meeting your obligations under the Law.

The steps to be taken by the approved provider must be addressed by the close of business of the date mentioned for each item in the table below. You are required to provide written evidence of your compliance to the Authority, Children's Education and Care Assurance, ACT Education Directorate, by the close of business of the date mentioned for each item in the table below.

¹ Adopted in the ACT under the *Education and Care Services National Law (ACT) Act 2011*

Provision of the Law and Regulations	Description	Steps to be taken by the Approved Provider
National Law Section 167 (1)	(1) The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury. At the time of the audit policies and procedures were not consistently followed by educators posing risks to children. Specifically, the following policies and procedures were not being followed: • Safe Sleeping • Food storage • Playground Supervision • Animal and Pet Policy	The approved provider it to submit evidence as outlined under regulation 170 (1) in this table. The approved provider is also to submit evidence of: a) Strategies in place to ensure that only safe sleeping practices recommended by Red Nose are implemented at the service. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
National Law Section 168 (1)	(1) 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 it to submit evidence of: a) Strategies undertaken to ensure that a program is being consistently delivered to all children being educated and cared for by the service. b) Reasonable steps being taken to ensure that the education and care service provides an educational program that meet the requirements of regulation 73. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.

Regulation 73	(1) This Part applies in relation to the program (the educational program) that is required to be delivered under section 168 of the Law to a child being educated and cared for by an education and care service. 1) An educational program is to contribute to the following outcomes for each child— (a) the child will have a strong sense of identity; (b) the child will be connected with and contribute to his or her world; (c) the child will have a strong sense of wellbeing; (d) the child will be a confident and involved learner; (e) the child will be an effective communicator.	The approved provider is to submit evidence of: a) Strategies undertaken to ensure the educational leader oversees the development, implementation of and reflection on the educational program. b) Strategies undertaken for the educational leader to be supporting and mentoring the educators developing, implementing, and reflecting on the educational program Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
Regulation 77	(1) 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. During the audit the Nominated Supervisor’s dog was unsupervised for a period of time in the infant’s outdoor playground. During the audit open milk cartons were stored in room refrigerators without recording the time and date opened in the logbook.	The Provider is to submit evidence of: a) Actions and strategies developed and implemented to ensure that every reasonable precaution is taken to protect children from harm and from any hazard likely to cause injury. b) Actions and strategies developed and implemented to ensure that the Nominated Supervisor and staff members at the service understand and are able to implement adequate health and hygiene practices and safe practices for handling, preparing and storing food. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
Regulation 170 (1)	(1) The approved provider of a centre-based service must take reasonable steps to ensure that nominated supervisors and staff members of, and volunteers at, the service follow the policies and procedures required under regulation 168.	The Approved Provider is to submit evidence of: a) Strategies in place to ensure the Nominated Supervisor understands and is knowledgeable about the content of the service’s policies.

	During the audit the Nominated Supervisor's dog was unsupervised for a period of time in the infant's outdoor playground. The policy mentioned the dog has its own area. During the audit open milk cartons were stored in room refrigerators without recording the time and date opened in the logbook as per the service's procedure. During the audit staff members were observed not following the Playground Supervision Policy resulting in those children not being adequately supervised.	b) Strategies in place to ensure that the Nominated Supervisor has systems in place to support the consistent implementation of the service's policies in practice. c) Strategies in place to ensure all staff members understand and are knowledgeable about the content of the service's policies and apply them consistently in their practices. d) Actions and strategies developed and implemented to 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 the service. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice
Division 9 Staff and educator records – centre-based services Regulation 145 Regulation 146 Regulation 147	(1) The approved provider of a centre-based service must ensure that a staff record is kept for that service in accordance with this Division. (2) The staff record must include— (a) the information about nominated supervisors set out in regulation 146; and (b) the information about staff members set out in regulation 147; and (c) the information about the educational leader set out in regulation 148; and (d) the information about volunteers set out in regulation 149(1). At the time of the audit the Nominated Supervisor could not provide evidence that [REDACTED]'s holds a current WWVP registration or evidence that Ms [REDACTED] had applied for one.	The approved provider is to submit evidence of: a) Strategies developed and implemented to ensure that staff records kept at the service contain all the prescribed information as stated in Regulation 145. b) Evidence that [REDACTED] has current Working with Vulnerable People registration or has applied for a registration. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice

Regulation 97 (4)	(4) The approved provider of an education and care service must ensure that a copy of the emergency and evacuation floor plan and instructions are displayed in a prominent position near each exit at the education and care service premises, including a family day care residence and approved family day care venue.	The approved is to submit evidence of: a) Emergency and evacuation floor plan and instructions are displayed near each exit at the service. b) Strategy developed and implemented to ensure that the service continues to be compliant with Regulation 97 (4). Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice
Regulation 80 (b)	(1) The approved provider of an education and care service that provides food and beverages (other than water) to children being educated and cared for by the service must ensure that a weekly menu— (a) is displayed at a place at the education and care service premises accessible to parents of children being educated and cared for by the service; and (b) accurately describes the food and beverages to be provided by the service each day. The menu displayed at the service at the time of the audit showed changes to the original menu. The Authorised Officer could not sight communication to families regarding the changes made to the daily menu.	The approved provider is to submit evidence of: a) The process implemented to communicate changes of the menu to families. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice
Regulation 95 (a)	Subject to regulation 96, if medication is administered to a child being educated and cared for by an education and care service— (a) the medication must be administered— (i) if the medication has been prescribed by a registered medical practitioner, from its original container, bearing the original label with the name of	The approved provider is to submit evidence of: a) Actions and strategies developed and implemented to ensure the administration of medication procedure is always followed. b) Strategies in place to ensure that medication is regularly checked to ensure it always remains in date. Evidence to demonstrate

	the child to whom the medication is to be administered, and before the expiry or use by date; or (ii) from its original container, bearing the original label and instructions and before the expiry or use by date. Medication sighted at the time of the audit was past its expiry date.	compliance is required within 14 days of the date of receipt of this Notice
Regulation 103	(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair. The following safety issues were identified at the audit – • Gates at the front of the playground were secured together by a number of plastic straps. At the time of the audit observation were made of two children playing with the gates and trying to push them apart. • Nappy change mats were splitting. • Some tables showed they had ingrained dirt and were scribbled on.	The approved provider is to submit evidence of: a) Strategies in place to monitor the premises, furniture and equipment to ensure they are always safe, clean and in good repair. b) Safety issues identified at the time of the audit and mentioned on the left have been addressed. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice
Regulation 105	The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials, and developmentally appropriate equipment suitable for the education and care of that child. At the time of the audit the children were not provided with sufficient materials and developmentally appropriate equipment.	The approved provider is to submit evidence of: a) The provision of sufficient materials, resources and developmentally appropriate equipment both for the indoor and outdoor learning environments across the service. b) The budget in place to purchase materials, resources and developmentally appropriate and sufficient equipment both for the indoor and outdoor

	The environments provided were not engaging and there was little to no evidence of natural environments	learning environments across the service. Evidence to demonstrate compliance is required within 14 days of the date of receipt of the Notice.
Regulation 155	An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that— (a) encourages the children to express themselves and their opinions; and (b) allows the children to undertake experiences that develop self-reliance and self-esteem; and (c) maintains at all times the dignity and rights of each child; and (d) gives each child positive guidance and encouragement toward acceptable behaviour; and (e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service. At the time of the audit lack of interactions to support distressed infants were observed, tones of voice used to talk to children was sometimes firm and lacked warmth.	The approved provider is to submit evidence of: a) Educators being supported to provide positive and encouraging interactions with the children. b) Educators being supported to develop strategies to ensure that children are being encouraged to develop self-reliance and self-esteem. c) Educators being supported to complete professional learning around positive interactions with children. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
Regulation 113	The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment. It was noted at the time of the audit that the outdoor environment provided limited possibilities for children to engage with the natural environment	The approved provider is to submit evidence of: a) A plan in place showing they are working towards providing outdoor spaces allowing the children to explore and experience a natural environment when they are outdoors.

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 *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 Nicola Atherton at nicola.atherton@act.gov.au.



Jo Williams
Director- Regulatory Operations
Early Childhood Policy and Regulation

1 September 2023