

Person with Management and Control
Reid Early Childhood Incorporated
27 Amaroo Street
Reid ACT 2612

Dear

COMPLIANCE NOTICE

Section 177, Education and Care Services National Law (ACT) Act 2011

Approved provider name: Reid Early Childhood Incorporated
Approved provider number: PR - 00005862

I am satisfied that Reid Early Childhood Centre - SE-00009829 (the Service), operated by Reid Early Childhood Incorporated - PR-00005862 (the Provider), is not complying with the provisions of the *Education and Care Services National Law (ACT) Act 2011 (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 breaches, the nature of the risk posed to children by non-compliance, and the compliance history of the Provider in regard to the operation of the Service.

The following tables outline the sections of the *Law* which have been engaged by non-compliances and the *Regulations* for which non-compliance were identified during the assessment and rating visit at the service from 6 to 8 July 2021. In addition, the table 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 *National 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.

Provision of the <i>National Law</i>	Description	Steps to be taken by the Approved Provider
Section 165 of the <i>Law</i> Offence to inadequately supervise children	(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. Contravention that engaged section 165 is as follows: Children were not consistently supervised adequately throughout the service and throughout the day - Supervision of infants sleeping was not adequate at the time of the assessment and rating visit on 7 July 2021. The authorised officer observed an educator checking on a sleeping infant through the window of the cot room. This does not enable educators to see if infants are breathing because of the darkness of the cot room. - On the same day the authorised officer observed an educator signing off on two time sleep checks that had not been conducted. The authorised officer also observed that an infant had not been checked for 25 minutes. - On 7 July 2021 from 12:05pm until 12:11pm, 6 children were not adequately supervised in the Junior Preschool main play room. One child was eating and 5 children	The approved provider is to provide evidence to the Regulatory Authority of the following: - Educators are knowledgeable of the service's sleep and rest policy that requires them to check on infants regularly; - Educators understand and apply effective supervision of sleeping infants including how to check that infants are breathing during sleep; - Educators understand their responsibilities to effectively supervise children at all times; and - Strategies in place to ensure effective communication between educators before they leave a children's room. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice. The provider is also encouraged to review the service's sleep and rest policy to include more details around how and how often infants must be checked during their sleep.

	were playing around beds. An educator had gone to get a mop and signed out of the room at 12pm. The room was left with one educator in the bathroom attending to a child and 2 educators in the rest room. The educator in the bathroom did not appear aware of children in main room and the children were out of sight of the educators in the rest room. An altercation between children began in the unsupervised room and was heard by an educator on their break in the kitchen. Realising there was no educator in the room the educator interacted with the children for a moment until the educator in the bathroom came back in the room.	
Section 167 of the Law Offence relating to protection of children from harm and hazards	(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. Contravention that engaged section 167 is as follows: <u>Premises, furniture and equipment to be safe, clean and in good repair</u> During the assessment and rating visit on 6 July 2021 it was identified that: Cupboards containing fish tank chemicals in the preschool room were	The Provider is required to engage a suitably qualified education and care consultant to assist the service in developing policies and procedures, to increase the Provider and the nominated supervisor's knowledge of the National Law and Regulations to ensure the service is adequately managed, across all areas, and is able to meet the minimum requirements of the National Law and Regulations. The consultant will also be engaged to support the Nominated Supervisor and the educators around best practice educating and caring for young children. The consultant must be approved by the Regulatory Authority. The consultant must provide a report to the Regulatory Authority demonstrating that the above requirements have been met.

	stored in an unlock cupboard. - In the nursery space a cupboard containing a bin was left unlock. <u>Emergency and evacuation procedures</u> During the assessment and rating visit on 8 July 2021 it was identified that: - Records of evacuation and emergency procedures' rehearsals showed inconsistencies. - All emergency and evacuation procedures had not been rehearsed every three months. <u>Medical conditions policy</u> During the assessment and rating visit on 7 July 2021 it was identified that: - Six children <u>with identified medical conditions</u> did not have medical management plans, risk minimisation plans or communication plans for diagnosed medical conditions. - Information regarding these medical conditions were inconsistently recorded in enrolment records. <u>Awareness of child protection law</u> During the assessment and rating visit on 8 July 2021 it was identified that: - Some educators were unaware of their responsibility as a mandated reporter.	Agreement of the Regulatory Authority to a suitable consultant and evidence to demonstrate engagement is required within 30 days of the date of receipt of this Notice. Consultant's report is required within 3 months of the date of the consultant's engagement.
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Section 174 of the <i>Law</i> Offence to fail to notify certain information to Regulatory Authority	(2) An approved provider must notify the Regulatory Authority of the following information in relation to an approved education and care service operated by the approved provider— (c) information in respect of any other prescribed matters. Contravention that engaged section 174 is as follows: During the assessment and rating visit on 8 July 2021 it was identified that: - The approved provider had not notified the Regulatory Authority of an outbreak of gastroenteritis at the service involving 12 children and 3 educators. The Nominated Supervisor notified ACT Health at the time of the incident. - The approved provider was unaware of all circumstances in which they are required to notify the Regulatory Authority.	The approved provider is to provide evidence: - of adequate knowledge regarding prescribed information to be notified to the Regulatory Authority; and - that sound processes are in place to ensure the Regulatory Authority is notified of prescribed information within the legislated timeframe. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.

Provision of the <i>National Regulations</i>	Description	Steps to be taken by the Approved Provider
Section 84 of the National Regulations Awareness of child protection law	The approved provider of an education and care service must ensure that nominated supervisors and staff members at the service who work with children are advised of— (a) the existence and application of the current child protection law; and (b) any obligations that they may have under that law	The approved provider is to submit the following: - evidence that all educators are aware of the existence of the current Child Protection Law in the ACT; and - evidence that all educators are aware of

	The Authority is satisfied that the provider has not ensure that staff members at the service who work with children were advised of— (a) the existence and application of the current child protection law; and (b) any obligations that they may have under that law. During the assessment and rating visit on 8 July 2021 the authorised officer identified that some educators were unaware of their responsibility as mandated reporters.	their responsibilities as mandated reporters. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
Section 90 of the National Regulations Medical conditions policy	(1) The medical conditions policy of the education and care service must set out practices in relation to the following— (c) the requirements arising if a child enrolled at the education and care service has a specific health care need, allergy or relevant medical condition, including— (i) requiring a parent of the child to provide a medical management plan for the child; and (ii) requiring the medical management plan to be followed in the event of an incident relating to the child’s specific health care need, allergy or relevant medical condition; and (iii) requiring the development of a risk-minimisation plan in consultation with the parents of a child — (A) to ensure that the risks relating to the child’s specific health care need, allergy or relevant medical condition are assessed and minimised; and (B) if relevant, to ensure that practices and procedures in relation to the safe handling, preparation, consumption and service of food are developed and implemented; and (C) if relevant, to ensure that practices and procedures to ensure that the parents are notified of any known allergens that pose a risk to a	The approved provider is to submit the following: • evidence that a medical management plan, a risk minimisation plan and a communication plan is in place for all children with a medical condition enrolled at the service; • evidence that all staff members are aware of children’s medical management plans and risk minimisation plans in place; • evidence that processes are in place to ensure that medical management plans are requested at the time of enrolment or when a medical condition is diagnosed; • evidence that processes are in place to ensure that risk minimisation plans and communication plans are developed for children with a medical condition; and • evidence that processes are in place to ensure the content of the plans is always current.

	child and strategies for minimising the risk are developed and implemented; and (D) to ensure that practices and procedures ensuring that all staff members and volunteers can identify the child, the child's medical management plan and the location of the child's medication are developed and implemented; and (E) if relevant, to ensure that practices and procedures ensuring that the child does not attend the service without medication prescribed by the child's medical practitioner in relation to the child's specific health care need, allergy or relevant medical condition are developed and implemented; and (iv) requiring the development of a communications plan to ensure that (A) relevant staff members and volunteers are informed about the medical conditions policy and the medical management plan and risk minimisation plan for the child; and (B) a child's parent can communicate any changes to the medical management plan and risk minimisation plan for the child, setting out how that communication can occur. The Authority is satisfied that the provider did not ensure that medical management plans, risk minimisation plans and communication plans are in place for all children who have a medical condition. During the assessment and rating visit on 7 July 2021 it was identified that:	Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
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	• Six children did not have medical management plans, risk minimisation plans or communication plans for diagnosed medical conditions. • Information regarding these medical conditions were inconsistently recorded in enrolment records.	
Section 97 of the <i>National Regulations</i> Emergency and evacuation procedures	(3) The approved provider of an education and care service must ensure that — (a) in the case of a centre-based service, the emergency and evacuation procedures are rehearsed every 3 months by the staff members, volunteers and children present at the service on the day of the rehearsal and the responsible person in relation to the service who is present at the time of the rehearsal; and (b) the rehearsals of the emergency and evacuation procedures are documented. The Authority is satisfied that the provider did not ensure that emergency and evacuation procedures were rehearsed every three months in accordance with the requirements of regulation 97. The Authority is satisfied that the provider did not ensure that a risk assessment of potential emergencies relevant to the service had been conducted to guide the development of the emergency and evacuation procedures. During the assessment and rating visit on 8 July 2021 it was identified that: • Records of evacuation and emergency procedures' rehearsals showed inconsistencies. • All emergency and evacuation procedures had not been rehearsed every three months.	The approved provider is to submit the following: • a schedule of rehearsals of the emergency and evacuation procedures for the period August 2021 to August 2022; and • evidence that sound processes are in place to ensure that scheduled rehearsals are conducted and recorded Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.

	Risk assessments have not been carried out for the centre environment.	
Section 103 of the <i>National Regulations</i> Premises, furniture and equipment to be safe, clean and in good repair.	(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 Authority is satisfied that the provider did not ensure that the education and care premises, were safe. During the assessment and rating visit on 6 July 2021 it was identified that: - Cupboards containing fish tank chemicals in the preschool room were stored in an unlock cupboard. - In the nursery space a cupboard containing a bin was left unlock.	The approved provider is to submit the following: - evidence that fish tank chemicals are not accessible to children; - evidence that bins are not accessible to infants; - evidence that educators understand their responsibilities to keep children safe from any hazards; and - evidence that sound processes are in place to ensure that premises, furniture and equipment to be safe, clean and in good repair. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
Section 151 of the <i>National Regulations</i> Records 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 Authority is satisfied that the Provider has not ensured that a record of educators working directly with children was kept at the service and in accordance with regulation 151. During the assessment and rating visit on 7 July 2021 it was identified that: Educators were completing tasks in other rooms or spaces without	The approved provider is to submit the following: - evidence that educators understand their responsibilities to accurately record when they are working directly with children; and - evidence that sound processes are in place to ensure that records of educators working directly with children are completed accurately. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.

	recording that they were no longer working directly with the children. • Educators were not filling in the document with their full name.	
Section 155 of the <i>National Regulations</i> Interactions with children	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. The Authority is satisfied that the Provider did not ensure that reasonable steps were taken to ensure that the education and care service provides education and care to children in a way that: • encourages the children to express themselves and their opinions; and • allows the children to undertake experiences that develop self-reliance and self-esteem; and • gives each child positive guidance and encouragement toward acceptable behaviour. During the assessment and rating visit on 8 July 2021 it was identified that: • a child was repeatedly lifted from under their arms at waist height and an educator using her leg to move the child forward. The child was crying and did not want to come inside. The child was not hurt or struggling but upset;	The approved provider is to submit the following: • a plan to provide professional learning to educators about the importance of positive relationships and interactions. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.

	• a door was shut behind the child so they could not access the area they wanted to be in. The child was crying; • the toys the child was playing with were removed from him and child was encouraged to go to the bathroom; • the child was brought to the bathroom to wash their hands before a meal against their will. The child was not hurt and no force was used. The child was crying lying on the floor. • It is noted that an educator appeared to be talking to the child in his home language to communicate and to reassure the child.	
Section 161 of the <i>National Regulations</i> Authorisations to be kept in enrolment record	(1) The authorisations to be kept in the enrolment record for each child enrolled at an education and care service are— (a) an authorisation, signed by a parent or a person named in the enrolment record as authorised to consent to the medical treatment of the child, for the approved provider, a nominated supervisor or an educator to seek— (i) medical treatment for the child from a registered medical practitioner, hospital or ambulance service; and (ii) transportation of the child by an ambulance service; and (b) if relevant, an authorisation given under regulation 102 for the education and care service to take the child on regular outings. During the assessment and rating visit on 8 July 2021 it was identified that: • Authorisations were not available in children's enrolment records.	The approved provider is to submit the following: • evidence that a process is in place to ensure that authorisations set out in regulation 161 are in place for each child enrolled at the service. Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
Section 162 of the National Regulations Health information to be kept on enrolment record	The health information to be kept in the enrolment record for each child enrolled at the education and care service is— (a) the name, address and telephone number of the child's registered medical practitioner or medical service; and	The approved provider is to submit the following: • evidence that sound processes are in place to ensure that all enrolment records include all prescribed information relating to each child's

	(b) if available, the child's Medicare number; and (c) details of any— (i) specific healthcare needs of the child, including any medical condition; and (ii) allergies, including whether the child has been diagnosed as at risk of anaphylaxis; and (d) any medical management plan, anaphylaxis medical management plan or risk minimisation plan to be followed with respect to a specific healthcare need, medical condition or allergy referred to in paragraph (c); and (e) details of any dietary restrictions for the child; and (f) the immunisation status of the child; and (g) if the approved provider or a staff member or family day care educator has sighted a child health record for the child, a notation to that effect. During the assessment and rating visit on 8 July 2021 it was identified that: • A child's () enrolment documentation was not updated to include information regarding his allergy to sunscreen; • Not all enrolment records included information regarding a child's immunisation status; • Health information was not available in children's enrolment records.	health, including immunisation status, medical management plans, risk minimisation plans and communication plans; and • evidence that health information has been updated for () Evidence to demonstrate compliance is required within 14 days of the date of receipt of this Notice.
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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 Delphine Coutin via email at delphine.coutin@act.gov.au or by phone on 6207 1114.



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

26 July 2021