

# 2015 Enforcement Action

Updated 11 February 2016

Name and address of service	Certified supervisor name & number (for actions against individuals)	Approved provider name & number	Nature of enforcement action	Reason for taking enforcement action (including breach)	Date of enforcement action	Details of enforcement action taken
N/A	N/A	African Australian Family Day Care Pty Ltd (PR-00006533)	Cancellation of provider approval	Approved Provider has not operated any education and care service for a period of more than 12 months.	Cancellation was effective on 23/12/2015	Cancellation of provider approval under section 31
YMCA Ballarat – Ballarat Specialist School OSHC, 25 Gillies Street North, Lake Gardens	N/A	Young Men's Christian Association of Ballarat Inc (PR-00002502)	Imposition of conditions on Service Approval	Due to the serious nature of non-compliance, including with: <ul style="list-style-type: none"> <li>Section 168 – relating to required programs</li> <li>Regulation 170 – relating to policies and procedures to be followed.</li> </ul>	22/12/2015	Imposition of conditions on service approval under section 55
YMCA Kororoit Creek Early Learning Centre, 130 Tenterfield Drive, Burnside Heights	N/A	Victorian YMCA Community Programming Pty Ltd (PR-00001946)	Imposition of conditions on Service Approval	Due to the serious nature of non-compliance with: <ul style="list-style-type: none"> <li>Section 165 – relating to adequate supervision of children</li> <li>Section 167 – relating to the protection of children from harm and hazard likely to cause injury</li> <li>Particulars: child located by member of the public outside the service.</li> </ul>	4/12/2015	Imposition of conditions on service approval under section 55
Gippsland Lakes Community Health Children's Centre, 45 Coates Road, Lakes Entrance	N/A	Gippsland Lakes Community Health (PR-40001679)	Imposition of conditions on Service Approval	Due to the serious nature of non-compliance with: <ul style="list-style-type: none"> <li>Section 165 – relating to adequate supervision of children</li> <li>Section 167 – relating to the protection of children from harm and hazard likely to cause injury</li> <li>Particulars: child left unattended on bus.</li> </ul>	26/11/2015	Imposition of conditions on service approval under section 55
Fairy Hills Kindergarten, 7 Thyer Road, Ivanhoe	N/A	Try Australia Children's Services (PR-00001879)	Imposition of conditions on Service Approval	Due to the serious nature of non-compliance with: <ul style="list-style-type: none"> <li>Section 165 – relating to adequate supervision of children</li> <li>Section 167 – relating to the protection of children from harm and hazard likely to cause injury</li> </ul>	24/11/2015	Imposition of conditions on service approval under section 55

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				<ul style="list-style-type: none"> <li>Regulation 176 – relating to the requirements to notify the Regulatory Authority</li> <li>Particulars: children not adequately supervised.</li> </ul>		
Little Jazzys Child Care and Kindergarten, 632 Mountain Highway Bayswater	N/A	SR & NR Pty Ltd (PR-00002654)	Imposition of conditions on Service Approval	<p>Due to the serious nature of non-compliance with:</p> <ul style="list-style-type: none"> <li>Regulations 155 – relating to education and care being provided in a way that maintains at all times the dignity and rights of each child and gives each child positive guidance and encouragement towards acceptable behaviour</li> <li>Regulation 74 – relating to documenting of child assessments or evaluations for delivery of educational program.</li> </ul>	30/10/15	Imposition of conditions on service approval under section 55
Kensington Community Children's Centre, 81B Altona St, Kensington	N/A	Kensington Community Children's Co-op Ltd (PR-00001569)	Imposition of conditions on service approval	<p>Due to the serious nature of non-compliance with:</p> <ul style="list-style-type: none"> <li>Section 165: Offence relating to adequate supervision of children</li> <li>Particulars: child left an excursion without the educators' knowledge.</li> </ul>	30/10/15	Imposition of conditions on service approval under section 55
Eagles Family Day Care, 9 Ian St, Noble Park	N/A	6J's Pty Ltd (PR-40000143)	Cancellation of provider approval	<p>Unacceptable risk to the safety, health and wellbeing of children due to the serious nature of non-compliance including with:</p> <ul style="list-style-type: none"> <li>Section 19 - Conditions on provider approval</li> <li>Section 51 - Conditions on service approval</li> <li>Section 163 - Offence relating to appointment or engagement of family day care co-ordinators</li> <li>Section 168 - Offence relating to required programs</li> <li>Section 269 - Register of family day care educators.</li> </ul>	12/10/2015	Cancellation of provider of approval under section 31

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Hello Children Family Day Care, 37A Devonshire Rd, Sunshine	N/A	Hello Children Family Day Care Pty Ltd (PR-40000626)	Suspension of service approval	Unacceptable risk to the safety, health and wellbeing of children due to the serious nature of non-compliance including with: <ul style="list-style-type: none"> <li>• Section 175 - Requirement to keep enrolment and other documents</li> <li>• Section 269 - Incomplete register of family day care educators</li> <li>• Section 51 - Insufficient family day care co-ordinators</li> <li>• Regulation 10- - Inadequate risk assessments for excursions</li> <li>• Regulation 154 - Record of staff including Working with Children Checks</li> <li>• Regulation 116 - Assessments of family day care residences</li> <li>• Regulation 55 - Quality improvement plan.</li> </ul>	22/09/15	Suspension of provider approval for a 6 month period from 23 September 2015 until 23 March 2016 under section 28
Mitcham OSHClub, 294 Mitcham Rd, Mitcham	N/A	OSHClub Pty Ltd (PR-00002658)	Imposition of conditions on service approval	Due to serious nature of non-compliance including with: <ul style="list-style-type: none"> <li>• Section 167 – Offence relating to the protection of children from harm and hazard</li> <li>• Particulars: Educators were not aware that a child had left the service until notified by Police.</li> </ul>	7/08/2015	Imposition of conditions on service approval under section 55

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All for Kids Family Day Care Pty Ltd, 76 Doveton Ave, Eumemmerring	N/A	All for Kids Family Day Care Pty Ltd (PR-40000568)	Imposition of conditions on service approval	Due to serious nature of non-compliance including with: <ul style="list-style-type: none"> <li>• Section 167 – Offence relating to the protection of children from harm and hazard</li> <li>• Section 168 – Offence relating to required program</li> <li>• Regulation 74 - Documenting of child assessments or evaluations for delivery of educational program.</li> </ul>	18/06/15	Imposition of conditions on service approval under section 55
Gateway Family Day Care, 174 Old Geelong Rd, Hoppers Crossing	N/A	S.A Dayib & M.M Mohamed (PR-40000474)	Compliance notice	Due to serious nature of non-compliance including with: <ul style="list-style-type: none"> <li>• Section 51 – Conditions on service approval</li> <li>• Section 175 – Offence relating to requirement to keep enrolment and other documents</li> <li>• Section 177 – Prescribed enrolment and other documents to be kept by the approved provider</li> <li>• Section 269 - Register of family day care educators and Regulation 153.</li> <li>• Regulation 116 – Assessments of family day care residences and approved family day care venues.</li> </ul>	9/06/15	Compliance notice under section 177
N/A	N/A	Yarriambiack Shire Council (PR-00001940)	Imposition of conditions on Provider Approval	Due to serious nature of non-compliance with: <ul style="list-style-type: none"> <li>• Section.167: Offence relating to protection of children from harm and hazards</li> <li>• Particulars: child was left unattended and locked on a bus.</li> </ul>	18/5/15	Imposition of conditions on provider approval under s.23

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Goodstart Early Learning Newtown, 15 Aberdeen Street, Newtown	N/A	Goodstart Early Learning Ltd (PR-00001129)	Imposition of conditions on Service Approval	Due to serious nature of non-compliance with: <ul style="list-style-type: none"> <li>Section 166: Offence to use inappropriate discipline, and r.170: Policies and procedures to be followed.</li> <li>Particulars: inappropriate restraint of a child in a toddler chair</li> </ul>	18/5/15	Imposition of conditions on service approval under s.55
Learn and Play House, Suite 1, 96 Garden Road, Clayton	N/A	Learn and Play House Pty Ltd (PR-	Compliance Notice	Approved Provider: <ul style="list-style-type: none"> <li>failed to ensure that, a program was delivered to all children being educated and cared for by the service that was based on the developmental needs, interests and experiences of each child (section 168)</li> <li>failed to ensure that every reasonable precaution was taken to protect children being educated and cared for by the service from harm and any hazard likely to cause injury (section 167)</li> <li>failed to ensure that a Register of Family Day Care Educators that included the information prescribed by regulation 153 in relation to each family day care educator engaged by or registered with the service, was maintained (section 269)</li> <li>failed to ensure that the prescribed information required by regulation 173 was positioned so that it was clearly visible to anyone from the main entrance to the service premises (section 172)</li> <li>failed to ensure that information about the contents and operation of the educational program for the service was</li> </ul>	23/4/15	Compliance Notice under s.177

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				<p>displayed at the education and care service premises at a place accessible to parents of children being educated and cared for by the service (regulation 75)</p> <ul style="list-style-type: none"> <li>• failed to ensure that for the purposes of the educational program, for a child preschool age or under, assessments of each child's developmental needs, interests, experiences and participation in the program were documented (regulation 74)</li> <li>• failed to ensure that a risk assessment was conducted in accordance with regulation 101 before an authorisation was sought under regulation 102 for an excursion (regulation 100)</li> <li>• failed to ensure that a written authorisation given by a parent or other person named in the child's enrolment record as having authority to authorise the taking of the child outside the education and care service premises included all of the information required by regulation 102(4) (regulation 102)</li> <li>• failed to ensure that an enrolment record was kept that included the information set out in regulation 160(3) for each child enrolled at the education and care service (regulation 160)</li> <li>• failed to take reasonable steps to ensure that the nominated supervisor and staff members of and family day care educators engaged by or registered with the service follow the policies and procedures under</li> </ul>		

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				regulation 168 and 90 (regulation 170)		
Down Under Family Day Care, Shop 2, 144-148 Nicholson Street, Footscray	N/A	Acvei Riak (PR-00008057)	Imposition of conditions on Service Approval	Serious nature of non-compliances identified at an assessment and rating visit, relating to: <ul style="list-style-type: none"> <li>• section 168: offence relating to required programs,</li> <li>• regulation 76: information about educational program to be given to parents;</li> <li>• regulation 74: documentation each child's assessments or evaluations for delivery of educational program;</li> <li>• regulation 88: infectious diseases;</li> <li>• regulation 77: health, hygiene and safe food practices;</li> <li>• regulation 100: risk assessment must be conducted before excursions;</li> <li>• regulation 84: awareness of child protection law;</li> <li>• regulation 155: interactions with children</li> <li>• section 269: register of family day care educators; and</li> <li>• regulation 170: policies and procedures to be followed.</li> </ul>	27/2/15	Imposition of conditions on service approval under s.55
Kidding Around Childcare and Kindergarten, 36-38 Grimwade Crescent, Frankston	N/A	Kenji Pty Ltd (PR-00002429)	Imposition of conditions on Service Approval	Serious nature of non-compliances identified at a compliance visit relating to: <ul style="list-style-type: none"> <li>• section 167: Offence to use inappropriate discipline,</li> <li>• section 168: Offence relating to required programs,</li> <li>• section 169: Offence relating to staffing arrangements</li> <li>• regulation 103: Premises, furniture and equipment to be safe, clean and in good repair,</li> <li>• regulation 173: Prescribed information to be displayed and</li> </ul>	4/2/15	Imposition of conditions on service approval under s.55

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				<ul style="list-style-type: none"> <li>the compliance record of the service, in particular the approved provider's failure to comply with a condition imposed under s.51 on 3 April 2014</li> </ul>		
<p>In Loving Hands Family Day Care, 185 High Street, Thomastown</p>	<p>N/A</p>	<p>In Loving Hands Family Day Care Service Pty Ltd (PR-00006804)</p>	<p>Imposition of conditions on Service Approval</p>	<p>Serious nature of non-compliances identified at an assessment and rating visit, relating to:</p> <ul style="list-style-type: none"> <li>section 166: Offence to use inappropriate discipline</li> <li>section 167: Offence relating to the protection of children from harm and hazards;</li> <li>section 168: Offence relating to required programs;</li> <li>regulation 74: Documenting of child assessments or evaluations for delivery of educational programs;</li> <li>regulation 75: Information about educational program to be kept available;</li> <li>regulation 78: Food and beverages;</li> <li>regulation 79: Service providing food and beverages;</li> <li>regulation 80: Weekly menu;</li> <li>regulation 81: Sleep and rest</li> <li>regulation 97: Emergency and evacuation procedures;</li> <li>regulation 105: Furniture, materials and equipment;</li> <li>regulation 154: Record of staff, family day care coordinator and educational assistants;</li> <li>regulation 156: Relationship in groups;</li> <li>regulation 158: Children's attendance record to be kept by approved provider;</li> <li>regulation 160: Child enrolment records to be kept;</li> </ul>	<p>20/1/15</p>	<p>Imposition of conditions on service approval under s.55</p>



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				<ul style="list-style-type: none"> <li>• regulation 161: Authorisations to be kept in enrolment records;</li> <li>• regulation 170: Policies and procedures to be followed; and</li> <li>• regulation 173: Prescribed information to be displayed.</li> </ul>		
<p style="text-align: center;">Rise High Early Learning Family Day Care, 169 Ryrie Street, Geelong</p>	N/A	Hafsatu Abubakar (PR-00008086)	Compliance Notice	<p>Approved provider:</p> <ul style="list-style-type: none"> <li>• failed to ensure that the condition on provider approval to respond to any communication received from the Regulatory Authority within the reasonable period specified in that communication was complied with (section19(4))</li> <li>• failed to notify the Regulatory Authority of a change in the location of the principal office of the service (section 173(2)(e))</li> </ul>	16/1/15	Compliance Notice under s.177