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| 1. Details of person/ entity to whom the enforcement action relates         | Provider name and service  | Affinity Education Group Limited (PR-40001112) for the service known as Milestones Early Learning The Lakes |
|   | Service Type   | Centre-based service  |
|   | Address  | 5 – 7 Martinez Avenue<br>WEST END, Queensland 4810  |
| 2. Reason for enforcement action  | <p>On 15 July 2021, a child was left alone on the service’s bus for approximately 1 hour and 5 minutes until found by a member of the public.</p> <p>The approved provider did not comply with the following provisions of the Education and Care Services National Law (National Law) Queensland and the Education and Care Services National Regulations (Regulations):</p> <ol style="list-style-type: none"> <li>a. Section 165(1) of the National Law – the provider failed to ensure that a child being educated and cared for by the service was adequately supervised at all times the child is in the care of the service</li> <li>b. Section 167(1) of the National Law – the provider failed to ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and any hazard likely to cause injury.</li> <li>c. Regulation 170(1) – the provider did not take reasonable steps to ensure nominated supervisors and staff members of, and volunteers at, the service follow the policies and procedures required under regulation 168.</li> <li>d. Regulation 177(2) – the provider did not take reasonable steps to ensure documents referred to in sub-regulation (1) are accurate; this is case, the documents were the children’s attendance records for the service and the bus.</li> </ol> |   |
| 3. Enforcement action taken and date issued                                 | Compliance Notice<br>2 February 2022   |   |
| 4. Steps that must be taken to comply with the National Law and Regulations | <b>Steps to be taken</b>   | <b>Due date to comply</b>   |
|   | <p><b>s.165 of the National Law – Offence to inadequately supervise children</b></p> <p>The Approved Provider must implement the following steps to ensure that the procedures followed by staff ensure that children are adequately supervised at all times, including (but not limited to) providing evidence of the updated (*) 2-P30</p>   | 16 February 2022  |

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|  | <p><i>Transport Children in vehicles procedure</i> (and any related procedures or processes) that stipulates:</p> <ul style="list-style-type: none"> <li>a) the driver will conduct a thorough (first) search of the vehicle for any remaining children to ensure that all children are adequately supervised at all times;</li> <li>b) when the roles are nominated, the person nominated as the bus driver cannot also be the person nominated as the (second) checker for the one journey; and</li> <li>c) checker responsibilities, including their key role in ensuring all children are adequately supervised by them conducting a thorough (second) search of the vehicle to ensure no child remains in the vehicle.</li> </ul>   |                      |
|  | <p><b>s.167 of the National Law – Offence related to protection of children from harm and hazards</b></p> <p>The Approved Provider must implement the following steps to 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, including (but not limited to) providing evidence of:</p> <p><b><u>This service – Milestones Early Learning The Lakes</u></b></p> <p><b>1. Procedures</b></p> <ul style="list-style-type: none"> <li>a) (*) updates to the '<i>Nominated Supervisor Responsibilities</i>' module to include content <u>and</u> assessment about their role in transporting children, including to nominated persons including driver, supervisor, and checker, and that the person nominated as the checker is a different person to the nominated driver.</li> <li>b) (*) updates to the <i>2-P30 Transport Children in Vehicles Procedure</i> to make it clear that the nominated driver cannot also be nominated as the checker for the one journey (and must include information stipulated in s165 above)</li> <li>c) a documented process to oversee the Daily Bus checklist to ensure its accuracy and</li> </ul> | <p>16 March 2022</p> |

check that the checker is a different person to the driver

- d) (\*) updates to the 3.6.17 – *Manage Home Pick up and Drop off* procedure to align with the transport procedure if the Centre Manager is not always the nominated checker
- e) the controls you have put in place to monitor that the transportation policies and procedures are being implemented at all times children are transported.

## **2. Bus Induction**

- a) Detailing the controls you have put in place to ensure that:
  - (i) staff nominated as the driver, supervisor, or checker role have completed the bus induction before they start the role, and regularly thereafter
  - (ii) instructions accompany the bus induction checklist that include the inductee and inductor role (who is explaining and demonstrating)
  - (iii) adjustment of the online system to remove the ability of the staff member to assign the bus induction checklist to a senior staff member without any record (other than a tick) that they have been provided with physical demonstration and verbal discussion to check staff practice, knowledge, and skills prior to the staff member starting the role
  - (iv) the content of the risk assessment is explained to all staff who will transport children.
  
- b) Bus Induction Checklist updated to include:
  - (i) Clear articulation of the individual roles of the driver, supervisor, and checker, and the difference between them
  - (ii) process used by the driver to instigate the (second) check (e.g. handing the keys to the checker)
  - (iii) requirement for a practical demonstration of driver, supervisor and checker roles
  - (iv) dates the staff have accompanied a more experienced driver prior to fulfilling the role

## **3. Accounting for children expected to arrive by bus**

- a) (\*) Update the procedures to ensure that educators in the room who are expecting children from the bus are promptly told of the child's absence
- b) (\*) Update procedures to ensure that there is a process to follow up unexplained/unexpected absences of children to be collected by the service bus immediately and as soon as practicable after they do not arrive.
- c) Provide evidence of the training provided to the relevant staff in this updated procedure.

#### **4. Risk assessment**

- a) Update the risk assessment plan (and provide a copy of this document) to make it specific to this service, and accounts for the specific risks of each transportation, including (but not limited to) ages, abilities and special needs of children attending, vehicle parking location, and specific destinations and stops.
- b) Provide evidence of the control process you now have in place to ensure that the risk assessment is specific to this service so that staff are not just changing the template font colour from red, including consultation about the risk mitigation strategies prior to its finalisation, and how it will be shared once it is finalised.

#### **5. Staffing**

- a) Provide evidence of updates to recruitment and retention processes of staff at this service to ensure that the service is adequately staffed and that there are practices in place to prevent similar staffing issues occurring in the future.

#### **All services across Queensland that transport children**

In addition to the above evidence required to demonstrate compliance, the Approved Provider must provide evidence that changes have been made to ensure these issues have been addressed on a systemic level. That is, for all Affinity Education Group Limited services across Queensland that are

transporting children, provide evidence of the following:

1. National Quality Agenda IT System (NQAITS) – a statement advising that a review has been conducted on NQAITS and it accurately reflects whether each service is providing transport.
2. Policies and procedures – update policies and procedures across all Affinity services to reflect the amendments advised in this notice. Provide a statement advising that these documents have been updated and all (existing and new) staff have been trained in the updated policies and procedures (as indicated by (\*) above in s165, s167 and below in r170 and r177), that their knowledge and skills have been assessed, and that you have provided further training where gaps in their knowledge or skill were identified.
3. Bus Induction – advice about the process you have in place to ensure that the bus induction has been completed by all staff members prior to them being nominated as a driver, supervisor, or checker, including how you ensured that the induction consisted of practical demonstrations, fulsome explanations, and knowledge checks.
4. Alert system for retraining of staff –
  - a) update the *2-P30 Transport Children in Vehicles Procedure* to include a requirement for staff to be retrained when any changes or updates occur and at least annually.
  - b) Provide evidence of the implementation of an alert system that is in place to ensure that all drivers, supervisors, and checkers complete the bus induction at least every 12 months, and each time the policies and procedures are changed or updated.
  - c) Provide steps about how the Approved Provider will ensure that someone is responsible for overseeing the implementation and ongoing usage of this alert system.

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|  | <p>5. <u>Risk assessment</u> - Review each service's risk assessments to ensure that it is centre specific and accounts for the specific risks of that transportation, including (but not limited to) ages, abilities and special needs of children attending, vehicle parking location, and specific destinations and stops. Provide evidence (not individual service's risk assessment) of this review.</p> <p>6. <u>Staffing</u> - Review current staffing arrangements at all services to ensure that services are adequately resourced to carry out the tasks allocated to them, including a review of each centre manager's role/tasks to ensure they can focus on managing the service rather than performing multiple roles. Provide evidence of this review.</p>   |  |
|  | <p><b>r.170 – Policies and procedures to be followed</b></p> <p>In addition to the steps already identified in s167 above, the Approved Provider must also implement the following steps to ensure that nominated supervisor and staff members of the service follow the policies and procedures, including (but not limited to) providing evidence of:</p> <p><b>1. Responsible person</b></p> <p>a) the steps you have now put in place to ensure that persons in day to day charge of the service follow the <i>3.5.11 Manage Responsible Roles procedure</i>, i.e. complete the <i>Nominated Supervisor Responsibilities</i> Learning Hub module as outlined within the procedure</p> <p>b) If named party is a responsible person at any service operated by the Approved Provider, completion of her <i>Nominated Supervisor Responsibilities</i> Learning Hub module, after it has been updated to include the steps identified above in s167.</p> <p><b>2. Transportation procedures</b></p> <p>a) (*) In addition to the steps identified above for s165 and s167, updating the <i>2-P30 Transport Children in Vehicles Procedure</i> to include <i>3.6.17 Manage Home Pick Up and Drop Off</i> as a related process</p> | <p>16 February 2022</p> <p>16 March 2022</p> |

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|  | <p>b) training and/or retraining all staff that are responsible for (or oversee) the transportation of children in all of the updated procedures, including completing the (updated) bus induction checklist:</p> <ul style="list-style-type: none"> <li>(i) the name of each person, the bus role they have been nominated for, evidence of their completed bus induction and the date of its completion</li> <li>(ii) details of the content of the training and how it was delivered (e.g. face to face, online, practical demonstration, discussions, reflections, questions/responses sheet, etc.)</li> <li>(iii) details of how you have checked that each staff member understands the content of the updated procedures</li> </ul> <p>c) how the Approved Provider will support and monitor the service to ensure that the updated procedures continue to be followed and retraining provided.</p>  |                         |
|  | <p><b>r.177 – Prescribed enrolment and other documents to be kept by approved provider</b></p> <p>The Approved Provider must implement the following steps to ensure that the attendance records are accurate, including (but not limited to) providing evidence of:</p> <ol style="list-style-type: none"> <li>1. (*) updates to the procedure/s that include: <ul style="list-style-type: none"> <li>a) the bus attendance record</li> <li>b) process for cross checking the bus attendance record with the centre (Qikkids) attendance record so that any discrepancies are identified and rectified</li> <li>c) the steps that staff must take to ensure they sign children in and out of the service at the actual time they arrive or depart, including how to override the Qikkids default times</li> </ul> </li> <li>2. how the Approved Provider will support and monitor the service to ensure that the procedures are being followed</li> <li>3. training for all staff responsible for signing children in/out of the service and in/out of the bus so that bus and centre attendance records accurately reflect the times of all children’s attendance, including: <ul style="list-style-type: none"> <li>a) signed staff confirmation of their attendance at the training</li> <li>b) details of the content of the training delivered to staff, including a practical</li> </ul> </li> </ol> | <p>16 February 2022</p> |

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|  | <p>training component where each person has demonstrated that they can accurately sign children in and out of Qikkids.</p>  |   |
| <p>5. Steps taken by the approved provider to remedy</p> | <p><b>Evidence submitted to the regulatory authority from the approved provider</b></p> <p><b>Section 165(1) - Offence to inadequately supervise children</b></p> <ul style="list-style-type: none"> <li>• Updated <i>Transport Children in Vehicles procedure</i> to include the driver conducting the first search and the checker conducting the second search of the vehicle, and detailing that the person nominated as the bus driver cannot also be nominated as the checker in the one journey</li> </ul> <p><b>National Regulation 170(1) - Policies and procedures to be followed; and Section Law 167(1) - Offence relating to protection of children from harm and hazards</b></p> <ul style="list-style-type: none"> <li>• Statement that a review was conducted on <i>Consent for Responsible Roles</i> forms and Learning Hub Modules to ensure relevant staff have completed them</li> <li>• Resignation letter from named party, therefore the completion of the Learning Hub module was no longer applicable</li> <li>• Statement advising that this service no longer transports children, therefore no training was provided to the staff in the transportation policies or procedures</li> <li>• Updated <i>Nominated Supervisor Responsibilities</i> module and assessment (on the Learning Hub) to include nominating all three bus roles and ensuring that the nominated checker is a different person to the nominated bus driver</li> <li>• Staff completion certificates for the <i>Nominated Supervisor and Responsible Person Roles</i> Learning Hub module</li> <li>• Staff <i>Consent for Responsible Roles</i> forms</li> </ul> | <p><b>Date evidence submitted</b></p> <p>16 February 2022</p> |



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|  | <p><b>Section Law 167(1) - Offence relating to protection of children from harm and hazards</b></p> <ul style="list-style-type: none"> <li>• Updated <i>Transport Children in Vehicles procedure</i> to include that the search of the vehicle is a search for children and the implementation of the bus alarm system</li> <li>• Statement advising that the <i>Transport Children in Vehicles procedure</i> was not updated to include the <i>Manage Home Pick up and Drop off</i> procedure because the approved provider no longer provides a home collection or delivery service at any of their centres</li> <li>• Updated various procedures and the associated checklist to ensure that educators do not perform a bus role without first completing an induction, and a statement that these implementations of these procedures are checked by the Area Manager</li> <li>• Statement advising that all staff involved with the bus service have completed training in the relevant policies and procedures to ensure they have an accurate list of children before they depart</li> <li>• Statements related to the processes used to recruit and retain staff</li> <li>• Statement that National Quality Agenda IT System (NQAITS) accurately reflects the approved provider's services that transport children</li> <li>• Statement advising that all staff, in services that transport children, have completed all of the associated training in the policies and procedures and the bus induction, and this is evidenced to the approved provider through completion of Learning Hub modules, staff training reflection forms and staff meeting discussions</li> <li>• Statement that all services that operate a bus have updated their risk assessment</li> </ul> | 16 March 2022 |

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|  | <ul style="list-style-type: none"> <li>• Statement that current staffing arrangements were reviewed to ensure that there were sufficient staff across the service and the bus to ensure the educator to child ratio was not compromised.</li> </ul> <p><b>National Regulation 170(1) - Policies and procedures to be followed</b></p> <ul style="list-style-type: none"> <li>• Completed <i>Consent for Responsible Roles</i> forms</li> <li>• Statement that a new Area Manager had been appointed to oversee this service (and three others), including their role to support and mentor staff, and conduct regular audits to ensure staff are complying with the policies and procedures</li> </ul> <p><b>National Regulation 177(2) - Prescribed enrolment and other documents to be kept by approved provider</b></p> <ul style="list-style-type: none"> <li>• Updated various procedures which included when to use of the 'excursion list' (i.e. bus attendance record) to ensure that it is an accurate record</li> <li>• Statement that included the Area Manager's role to support the Centre Managers with record keeping and to audit the service to ensure the records are accurate</li> <li>• Various updated procedures and a statement that practical training has been provided to staff so they know how to update Qikkids (electronic sign in and out) so they can insert the actual time the child arrives or departs</li> </ul> |               |
|  | <p><b>Section Law 167(1) - Offence relating to protection of children from harm and hazards</b></p> <ul style="list-style-type: none"> <li>• Updated <i>Transport Children in Vehicles procedure</i> to include the bus supervisor's role to deliver the children from the bus to their room and inform the educator of any absence</li> <li>• Statement outlining the process used to inform staff of updated processes or policies,</li> </ul>   | 23 March 2022 |

and that consultation and feedback from audits and surveys will be used to inform updates of the Learning Hub modules

- Links showing nine processes that relate to bus transport
- Statement that the Learning Hub system is used as an automatic alert so staff know that their training is due, including a screenshot showing that critical policies are automatically reassigned to the staff member after 365 days
- Statement that the bus induction will be completed by all staff prior to them performing a bus role and audits conducted (template of *Transporting Children Audit* was provided)
- Screenshots showing feedback provided to services that transport children to ensure that the risk assessment is specific to their service
- Statement that a review was conducted, starting January 2022, that involved reviewing all position descriptions and the tasks and practices associated with each
- Statements that staff have been reassigned or redeployed across other services based on their skill set
- Statement that the annual bus induction process is supported by the Daily Bus checklist, which itself is designed to reinforce the expectations and tasks to be completed by the staff engaged in the journey