|  |  |
| --- | --- |
| **Details** | |
| 1. Details of entity to whom the enforcement action relates | Affinity Education Group Ltd |
| 1. Type of service | Centre-based Day Care |
| 1. Nature of Enforcement Action | Voluntary enforceable undertaking |
| 1. Reason for Enforcement Action | The Regulatory Authority has alleged that Affinity has failed to comply with section 19(2) of the National Law, which makes it a condition of a provider approval that the approved provider must comply with the Law.  The Regulatory Authority alleges that this non-compliance relates to breaches of the legislation across Milestones Early Learning services in Queensland over the period 16 November 2021 to 16 November 2023.  It is an offence, pursuant to section 19(4) of the National Law, for an approved provider to fail to comply with the conditions of the provider approval.  Further information about these provisions of the National Law can be found [here](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2013-ecsnlq). |
| 1. Date of agreed undertaking | 15 January 2024  For a term of 6 months |
| 1. Details of Enforceable Undertaking | The Approved Provider undertakes to:   1. Finalise an Action Plan which must include specific timeframes and identify who is responsible for any action items that are not yet implemented, including but not limited to:     1. governance arrangements, including how systemic governance controls will operate in practice. Details of governance arrangements to include a finalised Organisational Chart;    2. any updates to policies and procedures; and    3. initiatives, programs and resources. 2. Finalise a Compliance Management System that clearly records, identifies and manages any non-compliance of the National Law and National Regulation by Affinity. 3. Create a comprehensive Compliance Awareness Plan, including, but not limited to, staff training requirements, and induction and training records. 4. Create and supply to the Regulatory Authority, a comprehensive audit program and process (Audit System). The Audit System is to audit Affinity’s compliance with the Action Plan, Compliance Management System, and Compliance Awareness Plan. |
| 1. Steps taken | Affinity has cooperated with the Regulatory Authority in relation to its investigations of the alleged non-compliance with section 19(2) of the National Law.  To support the approved provider’s ongoing compliance with the National Law and Regulations, the regulatory authority has accepted a written undertaking voluntarily provided by the approved provider in line with the terms above and will monitor compliance with this undertaking over its 6 months duration.  Failure to comply with the undertaking may result in the regulatory authority pursuing further enforcement action, including prosecution. |