

# Managing Compliance

The licensee of a childcare service has a legal obligation to ensure that, at all times, the day-to-day operations of the service comply with relevant federal, state or territory and local government legislation.

by **Brenda Abbey**



However, it is the actual practices of the educators in the service which ultimately decide most compliance issues. It is critical, therefore, that all educators know their responsibilities with regard to compliance.

The childcare sector is highly regulated (legislation, standards, codes and guidelines) and closely scrutinised by all levels of government. Services are not only required to comply with federal, state or territory, and local government regulatory demands but must document this compliance, then demonstrate it to compliance officers with or without notice.

Legally the licensee is responsible for a childcare service's compliance, but the task of ensuring day-to-day compliance rests firmly with the director. To perform this task, the director is reliant upon educators to carry out their duties in a manner that does not result in instances of non-compliance.

However, the short-comings that compliance officers identify are more often than not connected to the practices of individual educators. It is these short-comings that ultimately determine whether the service meets its regulatory obligations (e.g. QIAS indicators). Some common examples are:

- Hygiene practices (hand washing, rest mats without sheets, empty and dirty soap dispensers, no paper towels, wiping children's noses).
- Substance safety (cleaning fluids within children's reach, cupboard doors unlocked).
- Electrical safety (cords of tape recorders left dangling while educators play music outside).

- Playground safety (supervision, not raking tanbark, uncovered sandpits, first aid).

Clearly, minimising the number of non-compliance issues that result from educators' practices is critical to managing compliance within childcare services. Five fundamental elements need to be in place. These are:

## 1. A culture of compliance

All educators within the service respect the power of elected governments to create legislation to protect and nurture

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children, and acknowledge society's expectation that this will occur. Such a culture extends beyond acceptance that regulatory requirements exist. Rather it requires a positive stance where negatives are acknowledged, but the focus is on dealing with compliance constructively, actively, and positively.

Such a culture usually emanates from the director who has a vision and communicates it clearly and simply with educators informally, and at staff meetings, orientations, appraisals, and similar situations. The director provides opportunities for educators to contribute their ideas so that the vision becomes a shared vision.

## 2. Regulatory knowledge

Someone in the service, usually the director, knows the regulations and mechanisms by which each is administered, including the roles of

compliance officers and their ways of working, and about the agencies' guidelines for the way they would prefer services to relate to their officers.

In addition, the director has the skills to embed these regulatory requirements into the service's policies, procedures, duty statements and practices, and into the everyday work practices of educators. The director needs the ability to communicate effectively to all members of educators these requirements and the service's responses to them, and to identify educators' needs and provide appropriate training.

## 3. Reflection

Processes need to be in place for the director and educators to develop a clear picture of the service's current practices and ways of thinking, speaking, and feeling about compliance.

Reflection should include whether educators:

- Know that the service's policies and procedures must be consistent with current regulatory requirements.
- Know that it is their legal responsibility to ensure their daily practices are consistent with these policies and procedures.
- Know that they have some responsibility for the actions of educators working beside them.
- Recognise breaches of legislation and rectify them immediately, if possible, and/or report them promptly.

- Understand the compliance processes, particularly compliance visits and how they are conducted.

## 4. Strategies to link practice to regulations

The link between regulatory requirements and practice needs to be made overt. Ways that this can be achieved include:

- Educators refer to specific/relevant regulatory requirements when questioned by parents about their practices or the service's policies and procedures (e.g. healthy food, sheets for rest time, hats, or signing in and out).
- Educators read relevant sections of the regulations, as well as hearing about them through their directors.
- Educators know the regulatory requirements relevant to their day-to-day activities (e.g. soft-fall requirements, other dangers in the playground, staff: child ratios).

- Director counsels educators by referring directly to policies and procedures.

"Amanda, I observed you did/said ..... and/or neglected to do/say ..... on (date, time, situation). Let's see what our policy and procedure/other written documentation /directives say about this." Talk about what this means in practice – if the policy is not clear change it. If the policy does not say anything about what is expected insert it and then communicate the change, together with examples of what this will mean for their practices. "How can I help you to follow the policies and procedures on this matter next time?"

## 5. Dispelling the myth

Educators accept that working within the law is not a matter of choice nor is it a matter for their professional judgment. They do not need to choose between compliance and their personal version of quality care. They challenge the oft-repeated statement that practitioners

concentrate on compliance at the expense of their primary role of caring and nurturing for children. They know compliance and quality are inextricably intertwined, and that it would be rare for a service to offer safe, suitable, high quality care without meeting its regulatory obligations (i.e. following the law). Legislation has been enacted for very valid reasons. When educators' practices are non-compliant, quality care is unlikely to result. ■

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## Book Review

To learn more about managing the very important issue of compliance in childcare services purchase Dr Brenda Abbey's book: **Managing compliance in childcare services**.



This book is a refreshing and easy to read guide on how to manage a particularly challenging area for childcare practitioners. Well written and practical **Managing compliance in childcare services** will provide you with effective strategies to prepare and manage the compliance process competently, confidently and calmly.

An essential reference for childcare owners and operators **Managing compliance in childcare**



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