

Mr [REDACTED]
Person with Management and Control
Northside Community Service Limited
RE: Civic Early Childhood Centre

Email: [REDACTED]@northside.asn.au
Cc: [REDACTED]@northside.asn.au

Dear Mr [REDACTED]

Decision to issue Administrative Action RE: NOT-40495350

1. As you may be aware, Authorised Officers from Children's Education and Care Assurance, also known as the ACT Regulatory Authority (the Authority), recently assessed a Notification of Incident (NOT-40495350) reporting that the safety, health and wellbeing of a child was compromised at Civic Early Childhood Centre SE-00009766, (the Service) operated by Northside Community Service Limited PR-00005856, (the Provider).
2. The Notification advised that on 11 December 2020, a child was found in the Toddler room of the Service, alone and unsupervised, standing on a child's chair reaching for a speaker.
3. I am satisfied that the Provider was not complying with the provisions of the *Education and Care Services National Law (ACT) (the Law)* in respect to operating and education and care service.
4. Web addresses to *Law* and the *National Regulations* are provided for your convenience at the end of this letter.

Facts

5. On 11 December 2020, the Authority received a Notification of Incident (NOT-40495350) from the Provider advising a child ([REDACTED] aged 4 years and 6 months at the time) was located, unsupervised, in the Toddler Room of the Service. Refer Attachment A.
6. Further, on 11 December 2020, the Authority requested further information from the Provider in relation to the incident. The Provider responded to the request on 15 December 2020 via email with the following attachments:
 - a) Copy of supervision policy and Toddler supervision plan;
 - b) Information relevant to the date of incident;
 - c) Staff meeting minutes and a mud map of the location of incident.

Law

Section 165 of the Law - 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.

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 cared for by the service from harm and from hazard likely to cause injury.

Reasons

7. After considering all information supplied by the Provider, the Authority is satisfied that there is sufficient evidence to support that on 11 December 2020, a young person was found unsupervised in the Toddler room at the Service in which the circumstances reasonably suggest inadequate supervision contributed to that occurring; which is an offence under section 165 of the *Law*.
8. In addition, the Authority is satisfied that inadequate supervision resulted in the child being able to stand up on a child's chair to reach for speakers, with risk of falling and sustaining injury unnoticed, engaging a contravention under section 167 of the *Law*.

Decision

9. In deciding if compliance action should be taken, the Authority has considered what appears to be the small timeframe that the child appears to have been unsupervised, and, the information furnished to the Authority in relation to the incident.
10. Taking into consideration all information submitted by the Provider in relation to NOT-40495350, the Authority has decided not to initiate statutory compliance action in regard to substantiated offences under sections 165 of the *Law*.
11. However, the Authority has determined that, within 14 days of the receipt of this letter, the Provider must provide to the Authority:
 - i. Evidence of strategies implemented to reduce and mitigate future risks of similar occurrences at the Service; and
 - ii. Evidence to support that all educators are always aware of and understand the expectations the Provider's policy and procedure relating to maintaining adequate supervision.
12. This decision is intended to bring to your attention the need to maintain the Providers supervision arrangements across the Service; to ensure that children are adequately supervised and protected from harm and hazard likely to cause injury at all times they are being educated and cared for by the Service.
13. The *Law* applies to you as a provider and any service you operate. The National Law is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011*. Refer <http://www.legislation.act.gov.au/a/2011-42/default.asp>.
14. The National Law is made up of an Act and Regulations which can be viewed at:
 - <http://www.acecqa.gov.au/national-law>, and
 - <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>
15. This Decision will be recorded on your Service file and may be considered in any future applications for approvals, amendments or waivers. It may also be considered in determining the action to be taken, should further breaches of the *Law* or *Regulations* be found.

16. If you have any queries regarding this Decision please contact Jeffrey Beaver on (02) 6207 3917 or alternatively at jeffrey.beaver@act.gov.au.

Yours sincerely



Janine Fairburn
Assistant Director
Early Childhood Policy and Regulation
ACT Education Directorate

11 January 2021