

Person with Management or Control
World of Learning Pty Limited
RE: Gold Creek World of Learning

Email:

Dear ,

Emergency Action Notice
Section 179 - Education and Care Services National Law (ACT)

Name of approved provider: World of Learning Pty Limited - PR-00000937

Name of approved service: Gold Creek World of Learning - SE-00009779

Under the *Education and Care Services National Law (ACT)* (the National Law) an Emergency Action Notice may be issued if the Regulatory Authority is satisfied that that an education and care service is operating in a manner that poses, or is likely to pose, an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by the service.

On 23, 28 and 29 March 2023, the Provider advised the Authority of three instances of educators inappropriately interacting with children (Notifications of complaint and incidents – NOT-40837967, NOT-40840122 and NOT-40839333).

On the basis of the these notifications , the conduct observed via CCTV footage provided for NOT-40837967, and the non-action of staff directly witnessing the interaction, the Regulatory Authority has determined that the Service is operating in a way that would pose, or is likely to pose, an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by the service.

I am satisfied that on 21 March 2023, the Service was not operating in accordance with the provisions of the National Law – specifically sections 166, 167 of the Law and Regulation 155. I am satisfied that the observed and identified non-compliances pose or are likely to pose, an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by the Service if they are accepted as appropriate conduct by educators and centre managers.

CCTV footage supports a suspicion of unmanaged risk to children via interactions of PSOA as well as acting centre manager, Although footage shows that observed the interaction, she made no attempt to stop it. The Regulatory Authority holds concerns in relation to the overall governance and ability of those placed in responsible person roles.

Law engaged:

Section 166 (1) of the Law – Offence to Use Inappropriate Discipline

The approved provider of an education and care service must ensure that no child being educated and cared for by the service is subjected to-

- a) any form of corporal punishment; or
- b) any discipline that is unreasonable in the circumstances.

Section 167(1) of the Law - Offence relating to protection of children from harm and hazards

The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury.

Regulation 155 - Interactions with children

An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that-

- a) encourages the children to express themselves and their opinions; and
- b) allows the children to undertake experiences that develop self-reliance and self-esteem; and
- c) maintains at all times the dignity and rights of the child; and
- d) gives each child positive guidance and encouragement toward acceptable behaviour; and
- e) Has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service.

Action Required

The approved Provider is required to submit evidence of the following actions to the Authority within 7 days of receipt of this Notice:

- 1) Undertake a risk assessment and create a plan to demonstrate how the Provider is going to immediately establish appropriate managerial and supervisory functions to ensure that responsible persons, nominated supervisors and those in management roles within the Service are certain in their understanding of appropriate and respectful interactions with children;
- 2) Ensure responsible persons, nominated supervisors and others in management roles within the Service have the confidence and ability to address inappropriate interactions and educator conduct as it occurs/is observed.;
- 3) Ensure that all staff members (permanent, casual or agency) and volunteers are aware of and understand the expectations of the National Law, and the Provider, in relation to their interactions with children, to ensure s166 and R155 are always complied with.
- 4) Ensure rooms will be resourced to support the individual needs of all children, considering the varying experience levels of staff dependent on length of time employed/engaged and qualifications.

Failure to comply

If you do not take the required actions, further action may be taken, including suspension of your service approval or prosecution.

Legislation

The Education and Care Services National 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* <http://www.legislation.act.gov.au/a/2011-42/default.asp>.

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>

Should you have any questions about this Notice please contact Authorised Officer Janine Fairburn via email at janine.fairburn@act.gov.au.

Yours Sincerely.



Jo Williams

Director

Children's Education and Care Assurance

Education and Care, Regulation and Support

31 March 2023