

[REDACTED]
Person with Management or Control
Chabad ACT Ltd
RE: My Little Star Early Learning Centre

Email: [REDACTED]

Dear Mr [REDACTED]

Decision to issue Administrative Action RE: NOT-00079743

1. As you may be aware, Authorised Officers of the ACT Regulatory Authority (the Authority), also known as Children’s Education and Care Assurance, recently assessed a Notification of Incident (NOT-00079743) relating to My Little Star Early Learning Centre SE-00014279 (the Service) operated by Chabad ACT Ltd PR-40001919 (the Provider).
2. The notification of incident advised that on 4 October 2024, a child was able to move to the front yard of the Service via an unlocked gate and remain there for 4 minutes unsupervised.
3. The Authority is satisfied that the Provider did not comply with the provisions of the *Education and Care Services National Law Act (ACT)* (the *Law*) in this instance. Web addresses to the *Law* and the associated *Regulations* are provided for your convenience at the end of this Decision.

Facts

4. On 4 October 2024, a notification of incident (NOT-00079743) was submitted to the Authority by the Provider advising that on 4 October 2024, [REDACTED] (under 2 yrs old) was able to exit into the front yard of the Service (for 4 minutes) due to a gate being left unlocked. This incident was unwitnessed by Educators.
5. Additional information submitted with NOT-00079743 included the following:
 - Incident report;
 - Opening classroom checklist.
6. On 9 October 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
 - Active supervision policy;
 - Team communications;
 - Witness statement (1 & 2);
 - Educator room log;
 - After school care log;
 - CCTV footage;
 - Opening and outdoor checklist.

7. Please note, documents referred to in paragraph 4 through 6 are not included due to size. These documents can be provided upon request.
8. NOT-00079743 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
 - Had a meeting with the Toddler team and explained about the root cause of the incident and discussed the strategies to minimize this type of incidents in future.
 - Updated the centre's opening classroom and outdoor checklist with immediate effect.
 - More focus on active supervision.

Law

9. The Notification engaged the following provisions of the *Law*:

Section 165(1) of the Law - Offence to inadequately supervise children

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.

Penalty: \$11 400, in the case of an individual
\$57 400, in any other case.

Decision

10. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to support an offence under section 165 of the *Law* in this instance.
11. The *Law* outlines a range of statutory actions which may be taken by the Authority in response to non-compliance. The Authority has the flexibility to choose the most appropriate action to support you to achieve compliance and improve outcomes for children.
12. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of the Service, and the advised of steps taken by the Provider to mitigate risk of a similar occurrence, the Authority has decided to issue this administrative action rather than statutory compliance actions to address the non-compliance.
13. This decision services to remind the Provider of their obligations and responsibilities under the *Law*, and to ensure that staffing and supervisory processes and educator practice is monitored regularly to ensure ongoing compliance with the *Law* and encourage continual improvements for outcomes for children.
14. This Decision will be recorded on the Service's 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 associated Regulations be found.

Legislation

15. The *Law* applies to you as a provider and any service you operate. The *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 *Law* and *Regulations* can be viewed at: <http://www.acecqa.gov.au/national-law> , and <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>.
16. Should you have any questions about this Decision please contact me at vittorio.colosimo@act.gov.au.

Yours Sincerely,



Vittorio Colosimo
A/g Assistant Director Investigations
Education and Care Regulation and Support
Education Directorate

23 October 2024