



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

Email: [REDACTED]
[REDACTED]

Dear [REDACTED]

Decision to issue Administrative Action RE NOT-40562208

1. As you may be aware, the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently conducted an assessment into a Notification of Incident (NOT-40562208) relating to the operation of Gold Creek World of Learning, SE-0009779 (the Service), operated by World of Learning Pty Limited, PR-00000937 (the Provider).
2. The Notification (NOT-40562208) related to a child being able to abscond the preschool outdoor play area on 2 August 2021.
3. Web addresses to the *Education and Care Services National Law Act (ACT) (the Law)*, and the *Education and Care Services National Regulations 2011 (the Regulations)* are provided for your convenience at the end of this Decision.

Facts

4. On 3 August 2021, the Authority received a Notification of Incident from the Provider in relation to an enrolled child, known to be [REDACTED] (four years old), who utilised an upturned flowerpot to open the gate to the preschool yard. [REDACTED] then walked through the gate leaving the premises. Refer Notification and copy of incident report at Attachment A.
5. On 4 August 2021, the Authority requested additional information from the Provider. Additional information requested included:
 - a) Copy of any relevant CCTV video footage.
 - b) Evidence demonstrating any additional actions undertaken to mitigate risk of a similar matter.
 - c) Copy of risk assessment for outdoor area; and
 - d) Working Directly with Children Records and child attendance records for 2 August 2021.
6. On 11 August 2021, the Provider submitted requested information. Refer additional information submitted at Attachment B.
7. On 16 August 2021, the Provider submitted relevant CCTV footage for review. Refer email correspondence at Attachment C.

Law

8. Provisions of the *Law* relevant to the assessment engaged the following:

Section 165(1) of the *Law* - Offence to inadequately supervision 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: \$10 000, in the case of an individual
\$50 000, in any other case.

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.

Penalty: \$10 000, in the case of an individual
\$50 000, in any other case.

Decision

9. The Authority has considered all the information supplied by the Provider and is satisfied that on 3 August 2021, not all reasonable precautions were taken to ensure that all educators were adequately supervising children allowing [REDACTED] to abscond from the Service unnoticed by educators, in contravention of sections 165 and 167 of the *Law*.
10. The Authority is satisfied that the fact that the child was able to climb onto a flowerpot and open the gate, and then exit the premises before an educator was able to return the child supports substantiation of the offence. In addition, it was noted that remaining children inside the preschool were then left unsupervised when the educator ran out to return the child and secure the fence again, further supporting offence.
11. Evidence submitted by the Provider, specifically in relation to the educator accounts and discussion records supports, on the balance of probabilities, the contravention of sections 165(1) and 167(1) of the *Law* being substantiated
12. 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. In this circumstance, the Authority has determined not to initiate statutory action but instead to issue you this Administrative Decision.
13. In determining this action, the Authority considered the steps already undertaken by the Provider in internally investigating the incident, the period of time between [REDACTED] absconding and then being returned to the Service, and the compliance history of the Service.
14. Regarding the substantiated offence under sections 165 and 167 of the *Law*, the Authority is satisfied that actions already advised of by the Provider address the non-compliance, therefore, no further action by the Provider is required in this instance.

15. This decision will be recorded on the Service's file and may be considered in any future applications for approvals, amendments, or waivers. This decision may also be considered in determining any future regulatory action, should there be future breaches of the *Law or Regulations*.

Legislation

16. 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>.
17. 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>
18. Should you have any questions about this Decision please contact me at janine.fairburn@act.gov.au.

Yours Sincerely,



Janine Fairburn
Assistant Director
Children's Education and Care Assurance
Education Care Regulation and Support
ACT Education Directorate

25 August 2021