

██████████
Person with Management Control
Northside Community Service Limited
RE: Treehouse in the Park Early Learning Centre (NCS)

Email: ██████████
██████████

Dear ██████████

Decision to issue Administrative Action RE: NOT-40493763

1. As you may be aware, Authorised Officer(s) from Children’s Education and Care Assurance, also known as the ACT Regulatory Authority (the Authority), recently made enquiries relating to a Notification of Incident (NOT-40493763) received by the Authority on 8 December 2020.
2. The Notification was submitted to the Authority by Northside Community Service Limited, PR-00005856 (the Provider) and related to Treehouse in the Park Early Learning Centre (NCS), SE-00009852 (the Service). The notification advised that, on 7 December 2020, a child was identified to be unsupervised in the toddler’s room of the Service.
3. The Authority is satisfied that the Provider was not complying with the provisions of the *Education and Care Services National Law (ACT) (the Law)* in respect to ensuring adequate supervision and ensuring every precaution was taken to prevent risk of harms or hazard likely to cause injury to a child.

Facts

4. On 8 December 2020, the Authority received a Notification of Incident (NOT-40493763) from the Provider. Refer Notification at [Attachment A](#).
5. On 8 December 2020, additional information was requested via email to the contact person on identified on the notification, ██████████. This request was responded to on 10 December 2020. Refer [Attachment B](#).

Law

6. The evidence obtained via the Notification and additional information engages the following provisions of the *Law*.

Section 165(1) of the *Law* provides that the approved provider of an education and care service must ensure that all children being educated and cared for by a service are adequately supervised at all times that the children are in the care of the service.

Section 167(1) of the *Law* provides that 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 any hazard likely to cause injury.

Reasons

7. The Authority is satisfied that, on 7 December 2020, the Provider has not ensured that all children being educated and cared for by the Service were always adequately supervised whilst the children were in the care of the service, which subsequently allowed a child, identified as vulnerable due to being non-verbal with special needs and having difficulties with understanding boundaries, to be able to enter another area of the Service unnoticed and unsupervised, in contravention of section 165(1) of the *Law*.
8. The Authority is satisfied that, on 7 December 2020, by not ensuring adequate supervision, the Provider has not ensured that every reasonable precaution was taken to protect children being educated and cared for by the service from harm and any hazard likely to cause injury, which engages a contravention of section 167(1) of the *Law*.
9. To ensure that staffing is adequate to meet the supervision needs of all children being educated and cared for, a Provider and Nominated Supervisor must assess the environment, the needs of children, and the control measures available to mitigate risk.
10. In deciding if compliance action should be taken, I have considered the following:
 - a. The Provider was maintaining adequate staffing arrangements within the Service at the time of the incident.
 - b. The child appears to have been unsupervised for a short period of time.
 - c. The Provider has submitted evidence to demonstrate that strategies have been implemented to mitigate the risk of a similar incident occurring.
 - d. There have been no similar identified non-compliances in relation to the Service within the previous 12 months.
11. The Authority determined that if advised of strategies are communicated and implemented appropriately, these strategies would meet the expectations of the Authority. Due to this, the Authority will not be initiating statutory compliance action in this instance.
12. This Decision, however, is intended to bring to your attention the need to ensure that, at all times, the following requirements are adhered to at the Service:
 - a) All children being educated and cared for by the Service are adequately and effectively supervised at all times that the children are in the care of the Service consistent to s165 of the *Law*; and
 - b) That every reasonable precaution is taken to protect children being educated and cared for by the service from harm and any hazard likely to cause injury consistent to s167 of the *Law*.
13. 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.

14. If you have any queries regarding this Decision please contact me on (02) 6205 4390 or alternatively at janine.fairburn@act.gov.au.

Yours sincerely



Janine Fairburn
Assistant Director
Children's Education and Care Assurance
Early Childhood Policy and Regulation
ACT Education Directorate

17 December 2020