

EMERGENCY ACTION NOTICE
Section 179, Education and Care Services National Law (ACT) Act 2011

Name of approved provider ██████████ Consulting Pty Ltd

Provider approval number PR-00005827

Name of approved service Snow Gum Early Childhood Learning Centre

Service approval number SE-40013163

Under the *Education and Care Services National Law (ACT) Act 2011* (the *Law*) an Emergency Action Notice may be issued if the Regulatory Authority is satisfied 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.

I am satisfied that on 1 February 2023, Snow Gum Early Childhood Learning Centre, located at 60 Jenke Circuit, Kambah ACT 2902, was not operating in accordance with the provisions of the *Law* or *Education and Care Services National Regulations 2011* (the *Regulation*) as set out below. The non-compliance identified was regarding the lack of processes in place to ensure children with medical conditions and specific health care needs are identified and plans are in place. Medical management plans, risk minimisation plans and communications plans were not in place for all the children recorded through their enrolment record as having a medical condition or specific health care need.

The non-compliances identified that pose, or is likely to pose, an immediate risk to the health or wellbeing of children being educated and cared for by the service and the related provisions of the *Law* and/or *Regulations* are set out below.

Provision	Non-compliance
<p>Section 167 – Offence relating to protection of children from harm and hazards</p> <p>(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 any hazard likely to cause injury. Penalty: \$10 000, in the case of an individual. \$50 000, in any other case</p>	<ul style="list-style-type: none"> • Sound processes were not in place to ensure that children who had medical conditions or specific health care needs in their enrolment record had the required medical management plan, risk minimisation plan and communication plan in place at the service.
<p>Regulation 90 – medical conditions policy</p>	<ul style="list-style-type: none"> • There was no medical management plan, risk minimisation plan and communication plan in place for ██████████ who, according to the child’s enrolment record, has an allergy to bee stings. • There were no communication plans in place for any of the children with a medical management plan.
<p>Regulation 162 (d) -</p>	<ul style="list-style-type: none"> • Authorised Officers observed that previously enrolled

<p>Health information to be kept in enrolment record</p>	<p>children do not have a new enrolment form completed annually as stated in the medical conditions policy. (Reg 170)</p> <ul style="list-style-type: none"> • A number of the enrolment forms sighted during the audit were completed in the year 2019, 2020 and 2021, with no updates. • There was no provision on the re-enrolment form to provide up to date information about any medical conditions, special needs, authorisations to collect the child and changes to parents' contact details. • Therefore, the information provided in the enrolment forms may not be currently accurate.
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The approved provider is required to take the following action to assist the regulatory authority determining that all children are protected from harm and any hazard that is likely to cause injury.

Action Required

The approved provider must ensure that:

1. An audit of all enrolment forms be conducted to identify which children with a medical condition or a specific health care require a medical management plan, a risk minimisation plan and a communication plan;
2. All enrolment records are accurate with current information regarding children's medical conditions and specific health care needs;
3. A process is in place to ensure that all children with medical conditions and specific health care needs have a current medical management plan, risk minimisation plan (developed in consultation with families) and communication plan in place at the service.
4. A process is in place to inform all educators, including casual educators, of children's medical conditions and specific health care needs and of the plans in place for these children.

The approved provider must submit evidence that the above actions have been undertaken, in writing, to Delphine Coutin, Assistant Director Audit and Risk Management at delphine.coutin@act.gov.au

The first two actions must be undertaken, and evidence provided, by the close of business Tuesday 28 February 2023.

The last two actions must be undertaken, and evidence provided, by the close of business Friday 10 March 2023.

Failure to comply

If you do not take the required actions, or do not take those steps within the required timeframe, further compliance actions may be imposed, including suspension of your service approval.



Delphine Coutin
Assistant Director, Audit and Risk Management
Children's Education and Care Assurance, ACT Education Directorate

24 February 2023