

Person with Management or Control
Taylor ELC Pty Ltd
RE: Taylor Early Learning Centre

Email:

Dear

Decision to Issue Administrative Action RE: NOT-40790644

1. As you are aware, Authorised Officers from the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently assessed a Notification of Complaint (NOT-40790644) relating to Taylor Early Learning Centre SE-40024139 (the Service) operated by Taylor ELC Pty Ltd PR-40028255 (the Provider).
2. The notified complaint advised that a 17-month-old child received a graze injury on their forehead which was not witnessed by educators or other staff members.
3. The Authority is satisfied that the Provider has not complied with provisions of the *Education and Care Services National Law Act (ACT)* (the *Law*) in this instance. Web addresses for the *Law* and the *Regulations* are provided for your convenience at the end of this decision.

Facts

4. On 5 November 2022, the Authority received a Notification of Complaint (NOT-40790644) from the Provider advising that, on 4 November 2022, a child received a graze on their forehead which was not witnessed by educators, and it was unknown how the child received the graze. Refer NOT-40790644 at Attachment A.
5. On 7 November 2022, the Authority sought additional information from the Provider, which was received on 9 November 2022. This information was provided via the NQAITs portal. This information can be provided on request.

Law

6. Provisions of the *Law* relevant to the notification assessment are:

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

Reasons

7. Upon considering all evidence for assessment, inclusive of Provider supplied information, the Authority is satisfied, on the balance of probabilities, that there is sufficient evidence to substantiate an offence under section 165(1) of the *Law* in this instance.
8. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of the Service, and the steps taken by the Provider to mitigate risk of a similar incident, the Authority has decided to issue this administrative action rather than statutory compliance actions.
9. This Decision is intended to bring to your attention the need to ensure that the Provider meets its obligations under the *Law*, in particular the obligation that children are being adequately supervised at all times, and to ensure that staffing and supervision levels may need to be adapted to be above minimum regulated ratio levels to ensure every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury.
10. 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

11. 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>.
12. 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>
13. If you have any questions in relation to this Decision, please contact me by email at Vittorio.Colosimo@act.gov.au.

Yours sincerely



Vittorio Colosimo
A/g Assistant Director
Children's Education and Care Assurance
Education and Care, Regulation and Support
ACT Education Directorate

14 December 2022