



██████████
Person with Management or Control
Communities@Work
RE:

Communities@Work Bonython Out of School Hours Care
Communities@Work Emmaus Out of School Hours Care
Communities@Work Neville Bonner Out of School Hours Care

Email: ██████████ [@commsatwork.org](mailto:██████████@commsatwork.org)

Dear Ms ██████████

Decision to issue Administrative Action RE: NOT-00118906, NOT-00119135 and NOT-00123032

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-00118906) relating to Communities@Work Bonython Out of School Hours Care SE-00009645 operated by Communities@Work PR-00005824 (the Provider).
2. 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-00119135) relating to Communities@Work Emmaus Out of School Hours Care SE-40022752 operated by Communities@Work PR-00005824 (the Provider).
3. 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-00123032) relating to Communities@Work Neville Bonner Out of School Hours Care SE-00014264 operated by Communities@Work PR-00005824 (the Provider).
4. The notification of incident (NOT-00118906) advised that on 11 February 2025, a child was found outside in the Communities@Work Bonython Out of School Hours Care playground, after being left unsupervised for around 5 minutes.
5. The notification of incident (NOT-00119135) advised that on 11 February 2025, a child was left behind during After School Care transition (with their kindergarten teacher) for just under an hour.
6. The notification of incident (NOT-00123032) advised that on 19 February 2025, a child absconded from the Communities@Work Neville Bonner Out of School Hours Care grounds, out the front gate and onto the road for around 3 minutes.
7. 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

8. On 12 February 2025, a notification of incident (NOT-00118906) was submitted to the Authority by the Provider advising that on 11 February 2025, [REDACTED] (4 yrs old) was identified as missing when children were getting ready for transition to School for the day. He was found outside in the Communities@Work Bonython Out of School Hours Care playground, unsupervised, after 5 minutes.
9. On 12 February 2025, a notification of incident (NOT-00119135) was submitted to the Authority by the Provider advising that on 11 February 2025, [REDACTED] (5 yrs old) walked away from After School Care transition line and kept talking to his Kindergarten teacher. At the same time, another child responded to [REDACTED] name during roll call, resulting in him being left behind with his teacher for under an hour (unaccounted for) until his teacher escorted him to Communities@Work Emmaus Out of School Hours Care.
10. On 21 February 2025, a notification of incident (NOT-00123032) was submitted to the Authority by the Provider advising that on 19 February 2025, [REDACTED] (5 yrs old) absconded from Communities@Work Neville Bonner Out of School Hours Care, out the front gate and onto the road for under 3 minutes (unsupervised), before returning to the gate on his own volition.
11. Additional information submitted with NOT-00118906 included the following:
 - Incident Report.
12. Additional information submitted with NOT-00119135 included the following:
 - Supervision Plan.
13. Additional information submitted with NOT-00123032 included the following:
 - Incident Report.
14. On 26 February 2025, the Provider submitted additional documents in response to a request for further information from the Authority (NOT-00123032), including:
 - Risk assessment;
 - Evidence of contact with parent;
 - Inclusion support plan for [REDACTED]
15. Please note, documents referred to in paragraph 4 through 14 are not included. These documents can be provided upon request.
16. NOT-00118906 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
 - Reminder to all new Preschool/Kindy children of where the boundaries are on their first attendance.
 - The daily procedure of gathering the children for Preschool drop off at 8:45am was effective in identifying that a child was not present.

17. NOT-00119135 further advised that steps taken by the Provider to prevent or minimise a similar incident included:

- Two educators will now collect the kindergarten children to allow for one educator to be at the front of the line and one to be at the back.
- The service has also been advised to request children put their hand in the air when they say 'here' during roll call to allow educators to visually confirm the correct child has responded to the name.
- The above changes have been reflected in the services supervision plan and transitions risk assessment (attached). The relevant area has been highlighted in yellow for ease of reference.

Law

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

Section 169(1) of the Law - Offence relating to staffing arrangements

An approved provider of an education and care service must ensure that, whenever children are being educated and cared for by the service, the relevant number of educators educating and caring for the children is no less than the number prescribed for this purpose.

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

Decision

19. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to substantiate an offence under section s169(1) of the *Law* in this instance.

20. In relation to section s169(1) of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that there were sufficient staff to supervise all children adequately while in the care at:

- a. At Communities@Work Bonython Out of School Hours Care on 11 February 2025.
- b. At Communities@Work Emmaus Out of School Hours Care on 11 February 2025.
- c. At Communities@Work Neville Bonner Out of School Hours Care on 19 February 2025.

21. 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.

22. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of Communities@Work Bonython Out of School Hours Care, Communities@Work Emmaus Out of School Hours Care and Communities@Work Neville Bonner Out of School Hours Care, 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.

23. 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.
24. 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

25. 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>.
26. 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

7 March 2025