



Person with Management and Control
Young Men's Christian Association of Canberra
YMCA Taylor School Aged Care

Email: [REDACTED]@ymca.org.au
CC: [REDACTED]@ymca.org.au

Dear Mr [REDACTED]

Decision to issue Administrative Letter

1. Thank you for your notification of 2 May 2022. Having reviewed the information, I am satisfied that YMCA Taylor School Aged Care SE-00009731 (the Service) was not complying with the provisions of the *Education and Care Services National Law (ACT) Act 2011 (the Law)* and the *Education and Care Services National Regulations 2011 (the Regulation)* in respect to maintaining legislated ratio requirements.

Facts

1. On 2 May 2022 the ACT Regulatory Authority (the Authority) received a Notification of Serious Incident, NOT-40692437 (the Notification) from the Service. The Notification advised that at 3pm your ratios were 58 children to 5 staff and returned to ratio at 3.27pm with 55 children and 5 staff.
2. The Authority assessed the information provided in the Notification. The Service did not provide any information as to how risks to children were mitigated during this time or strategies for the prevention of future non-compliances.
3. The Authority sought additional information relation to risk management and reasons for ratio non-compliance. YMCA advised children were directed to play inside and that the ratio deficit was due to an educator being moved to another service with higher ratio needs to cover a COVID illness.

Law

4. The Notification engages the following provisions of the *Law* and *Regulation*.

Section 165 of the *Law* - Offence to inadequately supervise children

- (1) 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.
- (2) The nominated supervisor 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.

Section 167 of the *Law* - Offence relating to protection of children from harm and hazard

- (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.
- (2) The nominated supervisor 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

5. Having considered the information within the Notification I am satisfied that the Provider has taken reasonable steps to mitigate the risks of the contravention.
6. On this occasion I have determined to issue the Service with an Administration Letter which is intended to acknowledge the contraventions and steps taken to prevent future incidences.
7. This decision will be recorded on your service file and may be considered in any future applications for approvals, amendments or waivers. This decision will also be considered in determining any future regulatory action, should there be future contraventions of the *Law* or *Regulations*.
8. If you have any queries regarding this letter, please contact Janine Fairburn on (02) 6205 4309 or email Janine.fairburn@act.gov.au

Yours sincerely



Clare Brookes
Senior Manager
Children's Education and Care Assurance
Education Directorate

11 May 2022