



Mr [REDACTED]
Person with Management or Control
G8 Education Limited
RE: Blinky Bill Early Childhood Centre

Email: [REDACTED]@g8education.edu.au
[REDACTED]@g8education.edu.au

Dear Mr [REDACTED]

Decision to issue Administrative Action RE NOT-40523229

1. As you are aware, Authorised Officers of the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently conducted an assessment into a Notification of Complaint (NOT-40523229) relating to the operation of Blinky Bill Early Childhood Centre, SE-0009751 (the Service), operated by G8 Education Limited, PR-00000898 (the Provider).
2. The Notification (NOT-40523229) related to a parent complaint regarding inadequate supervision which resulted in multiple children being able to cut each other's hair unnoticed on 23 March 2021.
3. Web addresses to the *Education and Care Services National Law (ACT)* (the Law) and the *Education and Care Services National Regulations 2011* (the Regulations) are provided for your convenience at the end of this Decision.

Facts

4. On 24 March 2021, the Authority received NOT-40523229 from the Provider in relation to an enrolled child, [REDACTED] whose parent complained that a lack of supervision resulted in their child's hair being cut, seemingly unnoticed by educators. Refer Notification at Attachment A and emailed complaint at Attachment B.
5. On 26 March 2021, additional information was requested from the Provider by the Authority. Additional information was supplied by 1 April 2021 (Refer Email correspondence at Attachment C). Additional information included the following:
 - a) Child attendance and Working Directly with Children records for 23 March 2021;
 - b) Accounts of educators in the room on 23 March 2021 and Preschool Room risk assessment;
 - c) Summary of meeting with parents and actions/enquiries undertaken.

Law

6. Provisions of the Law relevant to the assessment engaged the following:

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

Section 167(1) of the *Law* - Offence relating to protection of children from harm and hazards

The Approved Provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury.

Decision

7. The Authority has considered all the information supplied by the Provider and is satisfied that inadequate supervision contributed to [REDACTED] and friends being able to cut each other's hair unnoticed by educators on 23 March 2021, in contravention of section 165(1) of the *Law*, and engaging section 167(1) of the *Law*.
8. 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. In this circumstance, the Authority has determined not to initiate statutory action but instead to issue you this Administrative Decision.
9. This Decision is issued to remind the Provider that at all times, staffing and supervision levels need to meet the emotional, developmental and physiological needs of children and educators alike. These staffing and supervision levels may need to be adapted to be above minimum regulated ratio levels to protect children from harm and hazard likely to cause injury – both physically and psychologically.
10. Furthermore, this Decision is to advise the Provider that the Regulatory Authority will be monitoring more strictly how the Service is being operated, and that any further non-compliances may result in stronger enforcement measures being actioned by the Regulatory Authority.

Legislation

11. The Education and Care Services National Law applies to you as a provider and any service you operate. The National 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 National Law is made up of an Act and Regulations which can be viewed at:
<http://www.acecqa.gov.au/national-law>, and
<http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>

13. Should you have any questions about this Decision please contact me at janine.fairburn@act.gov.au.

Yours Sincerely,



Janine Fairburn
Assistant Director
Children's Education and Care Assurance
Education and Care Regulation and Support
ACT Education Directorate

21 April 2021