



██████████
Person with Management or Control

Communities@Work

RE: Communities@Work Bonython Out of School Hours Care
Communities@Work Gordon Out of School Hours Care
Communities@Work Fadden Out of School Hours Care
Communities@Work Maribyrnong Out of School Hours Care
Communities@Work Ngunnawal Out of School Hours Care

Email: ██████████@commsatwork.org

Dear ██████████

Decision to issue Administrative Action

**RE: NOT-00117727, NOT-00120685, NOT-00121480, NOT-00121512, NOT-00123080,
NOT-00121499, NOT-00121490, NOT-00125344**

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 multiple Notifications of Incident (NOT-00117727, NOT-00120685 and NOT-00121480) relating to Communities@Work Bonython Out of School Hours Care SE-00009645 operated by Communities@Work PR-00005824 (the Provider).
2. The Authority recently assessed multiple Notifications of Incident (NOT-00121512 and NOT-00123080) relating to Communities@Work Gordon Out of School Hours Care SE-00009679 operated by Communities@Work PR-00005824 (the Provider).
3. The Authority recently assessed a Notification of Incident (NOT-00121499) relating to Communities@Work Fadden Out of School Hours Care SE-00009672 operated by Communities@Work PR-00005824 (the Provider).
4. The Authority recently assessed a Notification of Incident (NOT-00121490) relating to Communities@Work Maribyrnong Out of School Hours Care SE-00011294 operated by Communities@Work PR-00005824 (the Provider).
5. The Authority recently assessed a Notification of Incident (NOT-00125344) relating to Communities@Work Ngunnawal Out of School Hours Care SE-00009684 operated by Communities@Work PR-00005824 (the Provider).
6. On 7 February 2025, a notification of incident advised that on 7 February 2025 (NOT-00117727), Communities@Work Bonython Out of School Hours Care was out of qualified ratio (first qualified educator) due to unexpected sick leave.

7. On 17 February 2025, a notification of incident advised that on 17 February 2025 (NOT-00120685), Communities@Work Bonython Out of School Hours Care was out of qualified ratio (first qualified educator) due to unexpected sick leave.
8. On 18 February 2025, a notification of incident advised that on 18 February 2025 (NOT-00121480), Communities@Work Bonython Out of School Hours Care was out of qualified ratio (first qualified educator) due to unexpected sick leave.
9. On 18 February 2025, a notification of incident advised that on 18 February 2025 (NOT-00121512), Communities@Work Gordon Out of School Hours Care was out of qualified ratio (second qualified educator) due to personal leave.
10. On 21 February 2025, a notification of incident advised that on 21 February 2025 (NOT-00123080), Communities@Work Gordon Out of School Hours Care was out of qualified ratio (second qualified educator) due to unexpected absence.
11. On 18 February 2025, a notification of incident advised that on 18 February 2025 (NOT-00121499), Communities@Work Fadden Out of School Hours Care was out of qualified ratio (first qualified educator) due to unexpected personal leave.
12. On 18 February 2025, a notification of incident advised that on 17 February 2025 (NOT-00121490), Communities@Work Maribyrnong Out of School Hours Care was out of ratio due to unexpected sick leave.
13. On 28 February 2025, a notification of incident advised that on 21 February 2025 (NOT-00125344), Communities@Work Ngunnawal Out of School Hours Care was out of qualified ratio (second qualified educator) due to unexpected absence.
14. 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.
15. Please note, documents referred to in paragraph 9 through 17 are not included. These documents can be provided upon request.

Law

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

Section 169(2) of the Law - Offence relating to staffing arrangements

An approved provider of an education and care service must ensure that each educator educating and caring for children for the service meets the qualification requirements relevant to the educator's role as prescribed by the national regulations.

Penalty: \$11 400, in the case of an individual

\$57 400, in any other case.

Decision

17. 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 169(2) of the *Law* in this instance.
18. In relation to section 169(2) of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all Educators had adequate qualifications:
 - (a) At Communities@Work Bonython Out of School Hours Care on 7 February 2025.
 - (b) At Communities@Work Bonython Out of School Hours Care on 17 February 2025.
 - (c) At Communities@Work Bonython Out of School Hours Care on 18 February 2025.
 - (d) At Communities@Work Gordon Out of School Hours Care on 18 February 2025.
 - (e) At Communities@Work Gordon Out of School Hours Care on 21 February 2025.
 - (f) At Communities@Work Fadden Out of School Hours Care on 18 February 2025.
 - (g) At Communities@Work Maribyrnong Out of School Hours Care on 17 February 2025.
 - (h) At Communities@Work Ngunnawal Out of School Hours Care on 21 February 2025.
19. 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.
20. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of the Service, 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.
21. 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.
22. 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

23. 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>.

24. 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