

Ms [REDACTED]
Person with Management or Control
Camp Australia Pty Limited
RE: Camp Australia - St Joseph's P-6 School OSHC

Email: [REDACTED]

Dear Ms [REDACTED]

Decision to issue Administrative Action RE: 40514790

1. As you are aware, the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently conducted an assessment into Notification (NOT-40514790) advising that a serious incident had occurred at Camp Australia - St Joseph's P-6 School OSHC SE-40020204 (the Service), operated by Camp Australia Pty Limited PR-00002539 (the Provider).
2. 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

3. On 26 February 2021, the Authority received a Notification (NOT-40514790) identifying that on 23 February 2021, a child, known to be [REDACTED] (aged eight years), sustained a facial injury as a result of an incident involving the flying fox. Furthermore, the notification advised that the Service Director was aware on 24 February 2021 that [REDACTED] had attended hospital due to injuries sustained on 23 February 2021. Refer Attachment A

Law

4. Relevant provisions of the Law engaged by the notification are as follows:

Section 174 of the Law - Offence to fail to notify certain information to Regulatory Authority

- (2) An approved provider must notify the Regulatory Authority of the following information in relation to the approved education and care service operated by the approved provider –
 - a) of any serious incident at the approved education and care service.
- (4) A notice under subsection (2) must be in writing and be provided within the relevant prescribed time to –
 - a) The Regulatory Authority that granted the service approval for the education and care service to which the notice relates.

Regulation 176(2)(a) (ii) provides that in the case of a serious incident, other than death of a child, notification of a serious incident must be within 24 hrs of the incident or the time that the person becomes aware of the incident.

Regulation 12(b) provides that the definition of a serious incident includes any incident involving serious injury or trauma to a child while that child is being educated and cared for by an education and care service –

- I. Which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
- II. For which a child attended, or ought reasonably to have attended, a hospital.

Reasons

5. Upon considering all information submitted by the Provider for assessment, the Authority is satisfied, on the balance of probabilities, that there is sufficient evidence to substantiate an offence under section 174(4) of the *Law*.
6. The Authority is satisfied that the Provider has not notified of a serious incident within the prescribed timeframe of 24 hours as required by Regulation 176(2)(a)(ii), which engages a contravention of section 174(2)(a) of the *Law*.
7. Evidence supports that the incident occurred on 23 February 2021, the Service Director was aware on 24 February 2021 that the child had attended hospital, notification to the Authority of the serious incident should have occurred within 24 hours (on Thursday 25 February 2021). However, notification did not occur until Friday 26 February 2021, outside of regulated timeframes outlined in Regulation 176(2)(a)(ii).
8. In deciding if compliance action should be taken, I have taken into account that:
 - b) The Service did appropriately administer first aid and manage the injury until the child's parent arrived; and
 - c) There have been no similar identified non-compliances in relation to the Service previously.
9. The Authority determined that due to this, the Authority will not be initiating statutory compliance action in this instance. This decision, however, is intended to bring to your attention the need to ensure that all notifiable incidents, complaints, and circumstances, as outlined under the *Law* and *Regulations* are notified by the Provider within the regulated timeframes.

Legislation

10. The *Law* applies to you as an approved provider and any approved service that the Provider operates.
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. This Decision will be recorded on your Service 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 Regulations be found.
14. If you have any queries regarding this Decision, please contact me at janine.fairburn@act.gov.au.

Yours sincerely



Janine Fairburn
Assistant Director
Early Childhood Policy and Regulation
ACT Education Directorate

15 March 2021



Notification Number: **NOT-40514790**
Date generated: 26/02/2021

I01 Notification of Incident

Thank you for submitting your notification. Below is a copy of the information provided in your notification. If there are any issues, please contact your Regulatory Authority for assistance.

Notification of Incident

Provider

Provider Name	Camp Australia Pty Limited
Provider Number	PR-00002539
Provider Approval Status	Approved

Service

Service Legal Entity Name	
Service Trading Name	Camp Australia - St Joseph's P-6 School OSHC
Service Approval Number	SE-40020204
Service Approval Status	Approved

Incident Details

Incident Type	Reg 12-Any incident involving serious injury or trauma to a child occurring while that child is being educated and cared for by an education and care service which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or for which the child attended, or ought reasonably to have attended, a hospital
Incident Date	23/02/2021
Incident Time	03:53 PM
Location	Outdoors
Sub Location	Outdoor other
Location (Other)	play equipment- flying fox
General Activity at the time	Play-based program
Cause of Injury/Trauma	Fall/trip
Did Emergency Services attend	No

Submitted By: [REDACTED]



Further Details of the Incident

3:53pm [redacted] was playing on the flying fox, with a small group of children, when she fell landing on the left side of her body and face. The educator supervising this area [redacted] witnessed [redacted] fall and communicated the incident via walkie talkie with Coordinator [redacted] (responsible person) and asked for an icepack. An icepack was sent outside and [redacted] communicated that [redacted] and her two friends were coming inside for further assistance.

3:55pm [redacted] came inside and advised the coordinator that she fell from the flying fox, [redacted] (OSHC Director) was onsite and provided first aid, ice pack and observation.

4:02pm [redacted] contacted [redacted] mother [redacted] to inform her of the incident. [redacted] did not answer and a voice mail was left.

4:05pm [redacted] arrived at the service as [redacted] was attempting to recall. [redacted] discussed with [redacted] the incident and what had occurred, [redacted] asked [redacted] if she was feeling sick to which [redacted] said she was not feeling sick but her face sore from where she landed, also the appearance of a rash/ scratches from the impact of the tan bark was visible.

4:30pm 24/02/21 [redacted] had conversation with [redacted] about the wellbeing of [redacted] confirmed [redacted] had been taken to the doctors at 4:45pm on the 23/02/21 and that [redacted] had a concussion and possible fracture in her left cheek bone.

Child's Name

[redacted]

Child's Date of Birth

[redacted]

Child's Gender

Female

Was urgent medical attention sought by a registered practitioner and/or hospital

No

Type of Injury/Trauma

Broken bone/fracture/dislocation (known or suspected)

Part of the Body

Face/head

Details of Action Taken (e.g. First Aid)

3:53pm: [redacted] was provided an ice pack, for the left side of her face.

3:55pm: [redacted] was asked of any other injuries that she could verbalise and observed by OSHC Director, it was noted she had scratches on the left side of her body on her arm, leg and face but that there was no bleeding.

Please detail what steps were taken to ensure parents were notified as soon as practicable, including time, date and nature of notification

23/02/2021 4:02pm [redacted] (Mother) [redacted] was contacted of the incident via phone call and voice mail left
23/02/2021 4:05pm Verbal discussion with [redacted] by OSHC Director upon arrival to service

Name of parent or guardian notified

[redacted]

Email of parent or guardian notified

[redacted]

Phone number of parent or guardian notified

[redacted]

Name of Witness to the incident

[redacted]

Submitted By: [redacted]



Please detail what steps were taken or will be taken to prevent or minimise this type of incident in the future

-A team meeting will be held to remind educators of the correct supervision practices required when outside and reminded of Camp Australia's VSHAPE policy. It will also be discussed about age appropriate equipment usage.
-A group time will be held with the children to discuss safe ways to use the play equipment

Photos and Evidentiary Documents

23.02.2021- acciden illness form- act st jospehs- [redacted].pdf

form

23.02.2021-serious notification- ACT St Josphs- [redacted].docx

form

Contact Details

Name

Phone Number

Email Address