

Ms [REDACTED]
Person with Management or Control
The Young Women's Christian Association of Canberra
RE: YWCA Charles Conder School Age Care

Email: [REDACTED]@ywca-canberra.org.au

Dear Ms [REDACTED]

EMERGENCY ACTION NOTICE
Section 179, Education and Care Services National Law (ACT)

Name of approved provider The Young Women's Christian Association of Canberra - PR-00005876
(the Provider)

Name of approved service YWCA Charles Conder School Age Care - SE-00009663 (the Service)

Under the *Education and Care Services National Law (ACT)* (the *Law*) an Emergency Action Notice may be issued if the Regulatory Authority is satisfied that an education and care service is operating in a manner that poses, or is likely to pose, an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by the service.

I am satisfied that on 6 September 2023, the Service was not operating in accordance with the provisions of the *Law or Education and Care Services National Regulations 2011 (the Regulation)* as set out below.

An Authorised Officer attended the Service at 2:40 pm on 6 September 2023 and observed the following:

- 1) Inadequate supervision – staffing arrangements were not supporting adequate supervision of all children in attendance at all times – children were observed climbing under fence lines into construction area, and children were observed throwing wooden stakes at each other.
- 2) Reasonable precautions not undertaken to protect children from hazard and harms likely to cause injury or illness –
 - a) staffing arrangements were not meeting the needs of individual children, lack of processes in place to ensure children with medical conditions and specific health care needs had accessible management plans or were known to educators;
 - b) staffing arrangements were not meeting the needs of individual children, lack of adequate strategies and processes in place to ensure children were not engaging in risky and harmful behaviours, or that witnessed risky and harmful behaviours were being mitigated and managed.

I am satisfied that the observed non-compliances placed children, or was likely to place children, to an immediate risk to the safety, health or wellbeing of children being educated and cared for by the Service. and the related provisions of the *Law* and/or *Regulations* are set out below.

National Law Provision	Non-compliance
<p>Section 167(1) – Offence relating to protection of children from harm and hazards</p> <p>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.</p>	<p>The Nominated Supervisor [REDACTED], had not undergone a thorough induction and orientation. Management from YWCA arrived at 3:45pm on 6 September 2023 to facilitate [REDACTED] induction of the service.</p> <ul style="list-style-type: none"> (a) Sound processes are not in place to ensure Nominated Supervisor have undergone a thorough induction process and orientation of the service to ensure children are protected from harm or hazard. <p>The Responsible Person was not aware of the following:</p> <ul style="list-style-type: none"> (b) The Responsible Person was not aware of children enrolled at the service with challenging behaviours. (c) The Responsible Person was not aware of children who were enrolled with specific health care needs. (d) Sound processes are not in place to ensure Responsible Persons have undergone a thorough induction process and orientation of the service to ensure children are protected from harm or hazard. <p>The Nominated Supervisor provided the Authorised Officer with Medical Management Plans and a box labelled medication.</p> <ul style="list-style-type: none"> (a) On opening the box labelled medication it contained service medication only. (b) The medication box did not contain children’s medication who have identified with a specific health care need. <p>Children as young as 6 years of age engaged in physical violence and a child sustained an injury as a result of the altercation.</p> <ul style="list-style-type: none"> (a) Injury had occurred prior to an educator becoming aware of the situation, intervening to prevent further injury. <p>A separate altercation had occurred within the demountable on commencement of the afternoon program.</p> <ul style="list-style-type: none"> (a) A child was targeted by an older child and objects were projected at the younger child. (b) The child was frightened and became emotional. (c) No intervention was instigated by educators in attendance until the younger child became overwhelmed and started crying.

	<p>A child was observed pushing over the fridge located in the demountable.</p> <ul style="list-style-type: none"> (a) Responsible Person intervened pushing up against the fridge to prevent it from being pushed over. (b) The child pushing the fridge over would not take on instruction from the Responsible Person and persisted with the challenge to topple the fridge over. <p>A child was observed going under the construction fencing.</p> <ul style="list-style-type: none"> (a) The educator was aware of the child going under the construction fence and did not intervene and appeared hesitant to provide behaviour guidance to the child. <p>Two children opposite the location of the preschool had in hand a wooden tomato stake 2 meters in length.</p> <ul style="list-style-type: none"> (a) The two children were using the stake as a javelin stick propelling the stake through the air 5 meters apart from each other. (b) A small group of children and an educator were observing the activity from the side. (c) The educator did not intervene and provide behaviour guidance and waited till the children had lost interest and left before picking up the stake and disregarding it.
<p>Section 165(1) - Offence relating to inadequate supervision.</p> <p>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.</p>	<p>Supervision was inadequate and children’s behaviours quickly escalated.</p> <ul style="list-style-type: none"> (a) A group of children walked into the demountable and upended all the equipment scattering resources and being destructive. (b) Numerous scenarios observed required educators to be well versed in behaviour guidance and were not equipped to manage children’s challenging behaviours. (c) Sound processes are not in place to ensure employees are equipped to guide challenging behaviours.

<p>Section 169 (2) 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.</p>	<p>The Educational Leader does not hold an approved qualification.</p> <p>(a) Sound processes are not in place to ensure suitably qualified educator is placed in the role of Educational Leader.</p> <p>Qualification were not able to be met across the week.</p> <p>(b) The service during operational hours were not able to meet qualifications on numerous days across the week.</p>
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The approved provider is required to take the following action to assist the regulatory authority determining that all children are protected from harm and any hazard that is likely to cause injury.

Action Required

1. For the following 14 days, the Provider must not accept numbers of attending children to exceed 35 for both morning and afternoon school age care programs.
2. The following evidence is required before 3pm for Service operation on 7 September 2023:
 - a. Evidence supporting contact has been made with families.
 - b. The Service must adhere to a 1:5 ratio.
 - c. The service must only operate from the senior location, unless otherwise agreed by the Regulatory Authority;
 - d. Qualifications to be provided for all first qualified and second qualified employees engaged at the Service.
 - e. A member of the YWCA Management Team is to be located at the Service while the Service is in operation. The quality support person is not to be included in meeting ratio levels.
 - f. Copies of Medical Management Plans to be provided for any children identified as requiring due to a medical or specific health care need, and that any required medications are known to and accessible to educators.
3. The Provider must submit evidence to demonstrate the following actions have been completed:
 - a. A member of the YWCA Management Team is to be located at the Service for the next 14 days to support educators and children. The quality support person is not to be included within the 1:5 ratio.
 - a. Implementation of a supervision plan, outlining strategies to ensure that children are always adequately and actively supervised is undertaken. Furthermore, evidence that all employees are aware and understand the new plan and strategies to be implemented.

- b. All children who display challenging behaviours that may pose a risk to health, safety and wellbeing of themselves/other children and/or educators have appropriate behavioural support plans implemented in communication with families and the school prior to the children returning for education and care at the Service.
- c. All staff working directly with children are to be re-inducted, and evidence is to be provided that they are aware of and understand each child's specific needs and that appropriate strategies are implemented to support and guide children who display challenging behaviours.
- d. A risk assessment is to be undertaken of the indoor and outdoor environments, inclusive of boundary areas to inform the Provider with determining appropriate staffing levels to be maintained to mitigate potential risks to children of harms and hazards likely to cause injury or illness.
- e. That all children with medical conditions or health issues that require medication have up to date medication at the Service and a process has been developed to ensure medication has not expired. Furthermore, all staff are to be aware of children requiring medication related to medical conditions or health needs and where medications are located.

The approved provider must submit evidence that the above actions have been undertaken, in writing, to Nicola Atherton, A/g Assistant Director Audit and Risk Management at nicola.atherton@act.gov.au

All actions must be completed, and evidence submitted to the Regulatory Authority prior to recommencement of the Service on 21 September 2023.

Failure to comply

If you do not take the required actions, or do not take those steps within the required timeframe, further compliance actions may be imposed, including suspension of your service approval.



Clare Brookes
Senior Director
Education and Care Regulation and Support
Children's Education and Care Assurance

07 September 2023