ACT Government
Education

[redacted]
Person with Management and Control
YMCA Early Learning Centre Holt
Young Men's Christian Association of Canberra Inc
Unit 6/25 Geils Circuit
DEAKIN ACT 2600

Email:
Cc

Dear Mr[redacted]

**Decision to issue Administrative Letter**

1. Thank you for your notification of a serious incident on 19 April 2022. Having reviewed the information, I am satisfied that YMCA Early Learning Centre Holt, SE-40004371 (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 meeting legislated ratio levels within the Service on 19 April 2022.

**Facts**

2. On 19 April 2022 the ACT Regulatory Authority (the Authority) received a Notification of Serious Incident, NOT-40693605 (the Notification) from the Service. The Notification advised that due to staff absence the centre were out of ratio for two children for approximately a twenty-minute period during family grouping at 8.10am. The ratio deficit increased to an additional 6 children by 8.30am. Two additional educators arrived at this time with another educator arriving at 8.40am.

3. The Authority assessed the information provided in the Notification and the additional information sought by the Authorised Officer. The information included admissions to being out of ratio during this time. The information satisfied Authorised Officers' that a contravention of s165-167-169 has occurred.

4. The Authority also notes the Service applied risk mitigation and management strategies to manage the contravention.

**Law**

5. 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**

6. Having considered the information within the Notification I am satisfied that the Service and the Nominated Supervisor have taken reasonable steps to ensure the protection of children and plans to reduce the risk of further contraventions.

7. 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.

8. 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*.

9. 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