

By email to: [REDACTED]

Dear [REDACTED]

ACT Regulatory Authority – Investigation Outcome

1. As you may be aware, the ACT Regulatory Authority (the Authority), also known as the Children’s Education and Care Assurance (CECA), recently investigated suspected offences at Yerrabi Ponds by Busy Bees - SE-00014342 (the Service) operated by FEL Child Care Centres 4 Pty Ltd - PR-40004076 (the Provider).
2. On 30 January 2024, the ACT Regulatory Authority (the Authority) was provided with information alleging that you had slapped a child on the face. The allegations were:
 - a) It is alleged that around 5pm on Tuesday 03 January 2024, you slapped a child known as [REDACTED] on the face in response to him fighting with a peer.
3. Due to the seriousness of the allegations and risk of harm to children when subjected to inappropriate interactions amounting to unreasonable discipline, the Authority determined to investigate.
4. During the investigation, sufficient evidence was gathered by way of documents and statements. This included documents submitted by the Provider by operation of a Section 215 Notice under the *Education and Care Services National Law (ACT)* (the Law).
5. Provisions of the Law with potential application in this instance, relevant to you as an Educator, were:
 - a) Section 166(3) of the Law, which imposes an obligation on an Educator to ensure that they do not subject children to corporal punishment or discipline that is unreasonable under the circumstances.
6. Upon careful consideration of all available evidence, the Authority is not satisfied that, on the balance of probabilities, there is a sufficient weight of evidence to substantiate contraventions of the Law in this instance.
7. Please note that this does not mean that an interaction has not occurred, it is merely that, upon consideration of all available evidence, CECA is unable to establish all necessary elements of any offence under the National Law, on the balance of probabilities.
8. Although no substantiation of offence has been determined in this instance, the Authority takes this opportunity to assist in your development as an Educator and encourage you to seek further training in how to manage children’s behavioural issues in an appropriate manner.

9. To assist you in this, and to ensure that you are aware of and understand how to guide behaviours within an education and care setting, please find attached to this letter an ACECQA Fact Sheet at [Attachment A](#).
10. More helpful information can also be located at:
<https://www.acecqa.gov.au/resources/supporting-materials/infosheet>.
11. The Authority has determined that, unless new relevant information is received, no further enquiry or action is required in this instance, and therefore consider this matter now finalised.
12. If you have any questions relating to the investigation findings, please contact me via email at declan.barbagallo@act.gov.au

Yours sincerely



Declan Barbagallo
Senior Investigator
Children's Education and Care Assurance
Education and Care, Regulation and Support

14 May 2024