



██████████
Person with Management and Control
Wonderschool (Dickson) Pty Limited
RE: Wonderschool Dickson

Email: ██████████@wonderschool.com.au
Cc: ██████████@wonderschool.com.au

Dear Ms ██████████

Decision to issue Administrative Action RE NOT-40604607

1. As you may be aware, the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently assessed Notification (NOT-40604607) relating to the operation of Wonderschool (Dickson) SE-40019814 (the Service), operated by Wonderschool (Dickson) Pty Limited, PR-40023355 (the Provider).
2. The Notification related to a missing/unaccounted for child on 15 December 2021.
3. Web addresses to the *Education and Care Services National Law Act (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

4. On 16 December 2021, the Authority received a Notification and attachments from the Provider advising a child, believed to be ██████████ (3 years), was unsupervised for more than 10 minutes but less than 30 minutes in the outdoor space before being located by a staff member. Refer Notification and documents at Attachment A.

Law

5. The following provisions of the Law were relevant to the assessment:

Section 165(1) of the Law – Offence to inadequately supervise children

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

Penalty: \$10 000, in the case of an individual
\$50 000, in any other case.

Section 167(1) of the Law - Offence relating to protection of children from harm and hazards

The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury.

Penalty: \$10 000, in the case of an individual
\$50 000, in any other case.

Reasons and Decision

6. The Authority has considered all the information supplied by the Provider and is satisfied, on the balance of probabilities, that the Provider has failed to ensure adequate supervision of ██████████ in the indoor space on 15 December 2021, and therefore, failed to take reasonable precautions to protect said children, from any harm and from hazard likely to cause injury.
7. The very nature of the Notification and accompanying documentation submitted by the Provider, support offences under sections 165 (1) and 167(1) of the *Law* being substantiated.
8. Additionally, the fact that ██████████ was able to enter an unsupervised area of the premises, unnoticed by the educators who were meant to be educating and caring for her, and was identified by another educator passing by the area further supports the offences being substantiated.
9. Furthermore, the information submitted by the Provider indicates that it is unknown exactly how long ██████████ was unaccounted for, with the only statement provided, completed by ██████████ ██████████, indicating that ██████████ may have been last accounted for at 12:40pm when ██████████ went on a break.
10. 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 the Provider in achieving compliance and improved outcomes for children.
11. In this circumstance, the Authority has determined not to initiate statutory action but instead to issue this Administrative Decision.
12. However, regarding the substantiated offences under section 165 and 167 of the *Law*, the Authority requires the following evidence to be furnished to the Regulatory Authority (as referred to in the incident report):
 - a. Copy of the reviewed Supervision maps;
 - b. A copy of the ratio daily counts form developed;
 - c. Evidence to demonstrate that all educators have reviewed and are aware of, and understand the relevant supervision policies, procedures (inclusive of copies of these documents);
 - d. A copy of the team meeting minutes discussing the revised supervision locations.
13. Evidence should be produced, within 21 days of receipt of this letter, via email to me at Janine.fairburn@act.gov.au.
14. This decision will be recorded on the Service's file and may be considered in any future applications for approvals, amendments, or waivers. This decision may also be considered in determining any future regulatory action, should there be future breaches of the *Law* or *Regulations*.

Legislation

15. The *Law and Regulations* 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>
16. 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>
17. Should you have any questions about this Decision please contact me on me
Janine.fairburn@act.gov.au.

Yours Sincerely,



Janine Fairburn
Assistant Director
Children's Education and Care Assurance
Education and Care Regulation and Support
ACT Education Directorate

15 December 2021