

EMERGENCY ACTION NOTICE
Section 179, Education and Care Services National Law (ACT) Act 2011

Name of approved provider WODEN COMMUNITY SERVICE LIMITED

Provider approval number PR-00005883

Name of approved service Wanniasa OSHC

Service approval number SE-440017824

Under the *Education and Care Services National Law (ACT) Act 2011* (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 5 July 2023, Wanniasa OSHC, located at Sternberg Cres, Wanniasa ACT 2903, 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. The non-compliance identified was regarding the lack of processes in place to ensure children with medical conditions and specific health care needs are identified and plans are in place to accommodate these needs.

The child attendance records concurred that on 5 July 2033 two siblings were in attendance on 5 July 2023. Theses children’s Medical Management Plan identified that the children have a medical condition [REDACTED] both siblings Medical Management Plans continued to document that the children become sick when also consuming sugar and dairy. The children’s enrolment form recorded that the children have serious health issues when consuming gluten, sugar, sweets.

The menu on the day of the audit included cheese and vegemite sandwiches (gluten free bread available). The menu posed a risk to the two children in attendance and the Nominated Supervisor had limited information on the children’s specific health care need.

Further enquires identified the Responsible Person on 7 July 2023, between 12pm and 6pm did not meet qualification requirement of Regulation 262.

The non-compliances identified that pose, or is likely to pose, an immediate risk to the 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.

| Provision | Non-compliance |
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| <p>Section 167 – Offence relating to protection of children from harm and hazards</p> <p>(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</p> | <ul style="list-style-type: none"> • Sound processes were not in place to ensure that children who had medical conditions or specific health care needs were protected from ham or hazards. |

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| 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 | |
| Regulation 262 Required qualifications to be a qualified educator for children over preschool age. | <ul style="list-style-type: none"> • The service did not have a 1st qualified present at the service between 12pm and 6pm on 5 July 2023. |

The approved provider is required to take the following action to assist the Authority determining that all children are protected from harm and any hazard that is likely to cause injury, and that is appropriate staffing in place at all times to meet Regulation 262.

Action Required

The approved provider must ensure that:

1. Contact the parent of the two siblings and establish what the health issues are by close of business 7 July 2023.
2. Establish the specific requirement of the children, including food requirements.
3. Ingredients used in meals offered at the service are not compromising the children's health (e.g. original vegemite contains gluten).
4. A process is in place to inform all educators, including casual educators, of children's medical conditions and specific health care needs and of the plans in place for these children.
5. A process is in place to ensure a 1st Qualified educator is present at all times.

The approved provider must submit evidence that the above actions have been undertaken, in writing, to Delphine Coutin, Assistant Director Audit and Risk Management at delphine.coutin@act.gov.au

The first two actions must be undertaken, and evidence provided, by the close of business Friday 7 July 2023.

The last three actions must be undertaken, and evidence to be provided, by the close of business for all actions by Sunday 9 July 2023 or prior to commencement of operational hours Monday 10 July 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.

Kind regards,



Delphine Coutin
Assistant Director, Audit and Risk Management
Children's Education and Care Assurance, ACT Education Directorate

7 July 2023