



[REDACTED]
Email: [REDACTED]@gmail.com

Dear [REDACTED]

Show Cause Notice – Proposed Compliance Action

1. Authorised Officers from the ACT Regulatory Authority (the Authority), also known as Children’s Education and Care Assurance, recently received a notification alleging that the safety, health and wellbeing of children was compromised by you, in the position of an Educator, at Totom House Multicultural Early Childhood Centre SE-00009851 (the Service), operated by Totom House Incorporated PR-00005877 (the Provider).
2. Web addresses for the *Education and Care Services National Law 2010*¹ (the Law) and the *Education and Care Services National Regulations* (the Regulations) are provided for your convenience at the end of this notice.
3. The Authority have assessed information provided to the Authority to determine whether you pose an unacceptable risk of harm to a child, or children, if you were to provide education and care to children or remain on education and care service premises.
4. As a delegate of the Authority, I am considering compliance action under Part 7 of the Law, specifically issuing of a Prohibition Notice, prohibiting you from working as an educator, or, volunteering at, an education and care service.
5. In addition to considering compliance action, I am also considering if assessment is required to determine if the Authority is satisfied that you are a fit and proper person to be involved in the provision of an education and care service.

Grounds for issuing Show Cause for Compliance Action

6. On 21 August 2024, the Authority received a notification from the Provider advising that at around 5pm on Monday 19 August 2024, you spoke with a child, known as [REDACTED], in an inappropriate and coercive manner, raising concerns of potential grooming and unacceptable risk of harm.

Refer Attachment A.

7. Additional documentation was obtained from the Provider including;
 - a) Incident notes taken

¹ Adopted in the ACT by the *Education and Care Services National Law (ACT) Act 2011*.

- b) Contact details
- c) Allegation communication
- d) Attendance records
- e) Risk mitigation strategies

Refer Attachment B.

8. Due to the risks posed to children, enrolled at an approved service, when inappropriately interacted with by educators, the Authority determined to issue this show cause notice.
9. The Authority is considering compliance action based on the allegation and evidence gathered which indicates that your conduct poses a risk to safety of children.

Allegation

10. It is alleged that on 19 August 2024, you spoke with a child, known as [REDACTED], in an inappropriate and coercive manner, raising concerns of potential grooming and unacceptable risk of harm to children.

Evidence Relevant to the Allegation

11. The Authority obtained information alleging the following.
 - a. *That you told [REDACTED] a secret.*
 - b. *That the secret was that you love [REDACTED]*
 - c. *[REDACTED] is not allowed to tell anyone the secret.*
 - d. *If [REDACTED] told anyone the secret that you would be very, very sad and upset.*
12. Evidence gathered relevant to Allegation One appears to support unacceptable risk of harm to a child or children.

Law

13. The compliance action that the Authority is proposing is:

Section 182 of the Law - Grounds for giving prohibition notice

- (1) The Regulatory Authority may give a prohibition notice to a person who is in any way involved in the provision of an approved education and care service if it considers that there may be an unacceptable risk of harm to a child or children if the person were allowed—
 - (a) to remain on the education and care service premises; or
 - (b) to provide education and care to children.
- (2) For the purposes of subsection (1), a person may be involved in the provision of an approved education and care service as any of the following—
 - (a) a nominated supervisor;
 - (b) an educator;
 - (c) an employee;

Effect of a Prohibition Notice

14. Should a decision be made to issue a Prohibition Notice, pursuant to section 182 of the *Law*, you would be immediately prohibited from doing any of the following:
 - a) providing education and care to children for an education and care service;
 - b) being engaged as a supervisor, educator, family day care educator, employee, contractor or staff member of, or being a volunteer at, an education and care service; or
 - c) carrying out any other activity relating to education and care services.

Right of response

15. You have a right to respond to the allegations set out in this notice. You may, within 14 days of receiving this letter, make a written submission for the Authority's consideration in deciding if a compliance action should be taken.
16. At Attachment C to this Notice is a '4 Step Guide to Responding to a Show Cause Notice' to assist in the development of your submission. Please direct your written submission via email to Vittorio.Colosimo@act.gov.au or by post to:

Children's Education and Care Assurance
Attention: Vittorio Colosimo
GPO Box 158, Canberra ACT 2601.

Caution

17. I am informing you that the excerpts of witness accounts taken for the Authority's investigation are included in the interests of procedural fairness. The statements taken during the investigation and the excerpts provided for your consideration in the show cause process are protected disclosures under section 296 of the *Law*.
18. The *Law* provides, at section 297, for the protection of persons who make protected disclosures from serious detrimental action against them in reprisal.
19. Please also be aware that it is an offence under section 295 of the *Law* to provide the Authority with false or misleading information or documents.
20. The *Law* 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>.
21. 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>

22. Should you have any questions about this Show Cause Notice please contact Vittorio Colosimo by email at Vittorio.Colosimo@act.gov.au.

Yours Sincerely



Vittorio Colosimo
Assistant Director
Early Childhood Policy and Regulation
ACT Education Directorate

1 October 2024