

Person with Management or Control
ACT Education Directorate
RE: Narrabundah Early Childhood School Preschool Unit

Email: [\[REDACTED\]@act.gov.au](mailto: [REDACTED]@act.gov.au)
[\[REDACTED\]@act.gov.au](mailto: [REDACTED]@act.gov.au)

Dear Ms [REDACTED]

Decision to issue Administrative Action RE: NOT-00099320

1. As you may be aware, Authorised Officers of the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently assessed a Notification of Incident (NOT-00099320) relating to Narrabundah Early Childhood School Preschool Unit SE-00011808 (the Service) operated by ACT Education Directorate PR-00006465 (the Provider).
2. The notification of incident advised that on 9 December 2024, a child left via the back door of the Service and walked home unsupervised (around 20 minutes duration).
3. The Authority is satisfied that the Provider did not comply with the provisions of the *Education and Care Services National Law Act (ACT)* (the Law) in this instance. Web addresses to the Law and the associated *Regulations* are provided for your convenience at the end of this Decision.

Facts

4. On 10 December 2024, a notification of incident (NOT-00099320) was submitted to the Authority by the Provider advising that on 9 December 2024, [REDACTED] (4 yrs old) left the Service (unnoticed by Educators) and walked home, their absence only being noticed when his mother arrived for pick up. The child was found at home later by his mother.
5. Additional information submitted with NOT-00099320 included the following:
 - Safe collection of children procedures;
 - Safe delivery of children procedures;
 - Delivery and Collection of Children Risk Assessment;
 - End of day procedures;
 - Incident report.
6. Please note, documents referred to in paragraphs 4 and 5 are not included. These documents can be provided upon request.
7. NOT-00099320 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
 - Narrabundah Early Childhood School team will review the safe arrival of children and delivery and collection of children procedures as a team.
 - The team have had a debrief following [REDACTED] being found.

- School staff to send reminder to families relating to the gates entering and exiting the preschool.
- School Operations to provide support to Narrabundah Early Childhood School preschool team as required.

Law

8. The Notification engaged the following provisions of the *Law*:

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: \$11 400, in the case of an individual
\$57 400, 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: \$11 400, in the case of an individual
\$57 400, in any other case.

Decision

9. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to substantiate an offence under section 165 and 167 of the *Law* in this instance.
10. To ensure the Provider is aware of their obligation under section 165 and 167 of the *Law*, can you please provide the following information:
- (a) Provide evidence that all educators are aware of the risk assessment, the supervision plan/policy and the end of day procedure.

As this incident could have eventuated in a range of catastrophic consequences, this evidence will help ensure safety and supervision for all children in attendance.

Please ensure a response is submitted by close of business 25 February 2025.

11. In relation to section 165 and 167 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all children were adequately supervised at all times or protected from harm while in the care of the Service on 9 December 2024.

12. 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 you to achieve compliance and improve outcomes for children.
13. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of the Service, and the advised of steps taken by the Provider to mitigate risk of a similar occurrence, the Authority has decided to issue this administrative action rather than statutory compliance actions to address the non-compliance.
14. This decision services to remind the Provider of their obligations and responsibilities under the *Law*, and to ensure that staffing and supervisory processes and educator practice is monitored regularly to ensure ongoing compliance with the *Law* and encourage continual improvements for outcomes for children.
15. This Decision will be recorded on the Service's file and may be considered in any future applications for approvals, amendments, or waivers. It may also be considered in determining the action to be taken, should further breaches of the Law or associated Regulations be found.

Legislation

16. 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> . 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 at vittorio.colosimo@act.gov.au.

Yours Sincerely,



Vittorio Colosimo
A/g Assistant Director Investigations
Education and Care Regulation and Support
Education Directorate

11 February 2025