



ACT
Government
Education

[REDACTED]
Persons with Management and Control
Sage Education and Childcare Belconnen
Team Gump Pty Ltd as Trustee for Team Gump Trust

Email: [REDACTED]
Cc [REDACTED]

Dear [REDACTED],

Decision to issue Administrative Letter

1. Thank you for your notification of a serious incident on 28 April 2022. Having reviewed the information supplied, I am satisfied that Sage Education and Childcare Belconnen, SE-40016571 (the Service) was not complying with the provisions of the *Education and Care Services National Law (ACT) Act 2011 (the Law)* and the *Education and Care Services National Regulations 2011 (the Regulation)* in respect to meeting legislated ratio levels with the infant and toddler rooms within the Service on 27 April 2022.

Facts

2. On 28 April 2022 the ACT Regulatory Authority (the Authority) received a Notification of Serious Incident, NOT-40696927 (the Notification) from the Service. The Notification advised that due to three staff in isolation from COVID-19, and the absence of two additional staff with illness the Service was unable to fill gaps to ensure correct ratios between 8.15am-9.30am on the morning of 27 April 2022.
3. The Authority assessed the information provided in the Notification. The information included admissions to being out of ratio during this time. The information satisfied Authorised Officers that a contravention of s165-167-169 has occurred.
4. The Authority also notes the Services mitigation and staffing absenteeism plans that are in place.

Law

5. The Notification engages the following provisions of the *Law and Regulation*.

Section 165 of the Law - Offence to inadequately supervise children

- (1) 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.

- (2) The nominated supervisor 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.

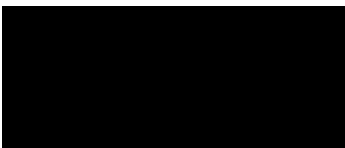
Section 167 of the Law - Offence relating to protection of children from harm and hazard

- (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 the service from harm and from any hazard likely to cause injury.
- (2) The nominated supervisor of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.

Reasons

6. Having considered the information within the Notification I am satisfied that the Provider has taken reasonable steps to ensure the protection of children and plans to reduce the risk of further non-compliance.
7. On this occasion I have determined to issue the Service with an Administration Letter which is intended to acknowledge the contraventions and steps taken to prevent future incidences.
8. This decision will be recorded on your service file and may be considered in any future applications for approvals, amendments or waivers. This decision will also be considered in determining any future regulatory action, should there be future contraventions of the *Law* or *Regulations*.
9. If you have any queries regarding this letter, please contact Janine Fairburn on (02) 6205 4309 or email Janine.fairburn@act.gov.au

Yours sincerely



Clare Brookes
Senior Manager
Children's Education and Care Assurance
Education Directorate

11 May 2022