



██████████  
Person with Management or Control  
French-Australian Preschool Association Incorporated  
RE: French-Australian Preschool

Email: ██████████

Dear ██████████

**Decision to issue Administrative Action RE: NOT-00069733**

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-00069733) relating to French-Australian Preschool SE-00009776 (the Service) operated by French-Australian Preschool Association Incorporated PR-00005834 (the Provider).
2. The notification of incident advised that on 24 July 2024, a child was taken out of the classroom and into the corridor, door shut and left alone, due to inappropriate discipline conducted by an Educator ██████████
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 3 September 2024, a notification of incident (NOT-00069733) was submitted to the Authority by the Provider advising that on 24 July 2024, a child was woken abruptly and burst into tears loudly, causing an Educator ██████████ to take the child out of the classroom into the corridor and closing the door, leaving the child alone and unsupervised. Refer copy of the NOT-00069733 at Attachment A.
5. Additional information submitted with NOT-00069733 included the following:
  - Email received from Educator ██████████ reporting conduct of ██████████ to management.

Refer Attachment B.

6. NOT-00069733 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
  - The teacher ██████████ resigned from her position during a meeting with the director, yourself and the HR parent rep, ██████████

**Law**

7. The Notification engaged the following provisions of the Law:

### **Regulation 155 - Interactions with children**

An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that—

- (a) encourages the children to express themselves and their opinions; and
- (b) allows the children to undertake experiences that develop self-reliance and self-esteem; and
- (c) maintains at all times the dignity and rights of each child; and
- (d) gives each child positive guidance and encouragement toward acceptable behaviour; and
- (e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service.

### **Section 174(1) of the Law - Offence to fail to notify certain information to Regulatory Authority**

An approved provider must notify the Regulatory Authority of the following information in relation to the approved provider, or each approved education and care service operated by the approved provider -

- (a) any change relevant to whether the approved provider is a fit and proper person to be involved in the provision of an education and care service;
- (b) information in respect of any other prescribed matters.

Penalty: \$4 500, in the case of an individual  
\$22 900, in any other case.

### **Decision**

8. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to support an offence under regulation 155 and section 174(1) of the *Law* in this instance.
9. In relation to regulation 155 and section 174(1) of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that children were inappropriately disciplined while in the care of the Service, nor was this serious incident reported on 24 July 2024.
10. The Authority is satisfied that the very nature of the matter notified, and additional information submitted by the Provider supports, on balance of probabilities, the offence being substantiated.
11. The Authority is satisfied that this child was inappropriately disciplined by an Educator responsible for his education and care at the time.
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>.
1. Should you have any questions about this Decision please contact me at [vittorio.colosimo@act.gov.au](mailto:vittorio.colosimo@act.gov.au).

Yours Sincerely,



**Vittorio Colosimo**  
A/g Assistant Director Investigations  
Regulation and Compliance  
Education Directorate

01 October 2024