



██████████
Person with Management or Control
Forrest School P&C Association Incorporated
RE: Forrest Out of School Hours Care

Email: ██████████

Dear ██████████,

Decision to issue Administrative Action RE: NOT-00077612

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-00077612) relating to Forrest Out Of School Hours Care SE-00009675 (the Service) operated by Forrest School P&C Association Incorporated PR-00005832 (the Provider).
2. The notification of incident advised that on 26 September 2024, a child absconded from the Service, advising that they were attempting to go to their grandparent's house across the street.
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 27 September 2024, a notification of incident (NOT-00077612) was submitted to the Authority by the Provider advising that on 26 September 2024, ██████████ (5 yrs) left the Service and crossed the road to the central nature strip on Hobart Avenue. This incident was initially unwitnessed by Educators.
5. Additional information submitted with NOT-00077612 included the following:
 - Incident report.
6. On 2 October 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
 - Attendance report;
 - Email correspondence with Parent;
 - Team correspondence;
 - Wellbeing support plan;
 - Working directly with children records.
7. Please note, documents referred to in paragraph 4 through 6 are not included due to size. These documents can be provided upon request.

8. NOT-00077612 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
- The centre is reviewing supervision and transition practices with support of the [REDACTED]
 - [REDACTED] reached out to Parents and Educator team to confirm additional supports for child.

Law

9. 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

10. 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, or protected from harm, at all times while in the care of the Service on 26 September 2024.
11. The Authority is satisfied that [REDACTED] was not adequately supervised, resulting in him absconding from the Service and onto a road, initially unnoticed by educators 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.cecqa.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

23 October 2024