



Ms [REDACTED]
Person with Management or Control
Edge Early Learning ACT Pty Ltd
RE: Edge Early Learning Ngunnawal

Email: [REDACTED]@edgeearlylearning.com.au

Dear Ms [REDACTED]

Decision to issue Administrative Action RE: Direct Complaint

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 complaint relating to Edge Early Learning Ngunnawal SE-40015883 (the Service) operated by Edge Early Learning ACT Pty Ltd PR-40029018 (the Provider).
2. The complaint advised that on 5 September 2024, a child was bitten by a peer and a complaint was made via email to the Service. This complaint was not reported to the Authority.
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. In September, a direct complaint was submitted to the Authority by the Provider advising that on 5 September 2024, [REDACTED] (3 yrs) was bitten by a peer whilst attending the Service, this was not reported to the Parents. A complaint was made via email relating to the incident to the Service and this was not notified to the Authority.

Law

5. The complaint provided sufficient information that engaged the following provisions of the Law:

Section 174(2) 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 an approved education and care service operated by the approved provider -

- (a) any serious incident at the approved education and care service;
- (b) any complaints alleging –
 - a. that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the approved education and care service; or
 - b. that this Law has been contravened;
- (c) information in respect of any other prescribed matters.

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

Decision

6. The Authority has received information and is satisfied that there is sufficient evidence to support an offence under section 174(2) of the *Law* in this instance.
7. As the Authority was not notified of this complaint, ensure that all relevant instances are reported in the future, especially including those around serious injuries.
8. 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.
9. 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.
10. This decision services to remind the Provider of their obligations and responsibilities under the *Law*, and to ensure that relevant complaints are notified to the Authority within the legislated timeframe.
11. 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

12. 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>.
13. 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