ACT Government
Education

Ms [redacted]
Person with Management or Control
Edge Early Learning ACT Pty Ltd
Re: Edge Early Learning Higgins
Email: [redacted]

Dear [redacted]

Decision to Issue Administrative Action RE: NOT-40850098

1. As you are aware, Authorised Officers from the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently assessed a Notification of Incident (NOT-40850098).

2. The notification was regarding an educator working without a current and valid Working with Vulnerable People (WWVP) registration at Edge Early Learning Higgins SE-40011068 (the Service) operated by Edge Early Learning ACT Pty Ltd PR-40029018 (the Provider).

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) and the Education and Care Services National Regulations (the Regulations) in this instance.

4. Web addresses to the *Law* and the *Regulations* are provided for your convenience at the end of this Decision.

Facts

5. On 28 April 2023, the Authority received a Notification of the Incident (NOT-40850098) from the Provider. The Notification advised that an educator, [redacted] had worked at the Service for the period 13 March 2023 and 27 April 2023 without a current and valid WWVP Registration. Refer NOT-40850098 and additional information at Attachment A.

Law

6. The Notification and Notice engaged the following provisions of the *Law*:

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: $10 000, in the case of an individual
$50 000, in any other case.

Reasons

7. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to ground an offence under section 167(1) of the *Law* in this instance.

8. Ensuring that all educators/ staff always hold a current and valid WWVP registration that they are working with children is considered a reasonable precaution to protect children from harm or hazard likely to cause injury. The very nature of the incident, admissions to the incident occurring as detailed and the Provider's management of matter supports the contravention being determined.

9. The Authority acknowledges that precautionary steps via an audit undertaken by the Services Director identified that Ms [redacted] WWVP registration was expired, however, it is expected that this should have been identified prior to the actual expiry date rather than nearly six weeks after expiry.

10. 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.

11. Considering the evidence, the objectives and guiding principles of the Law, the compliance history of the Service, and the steps taken by the Provider to mitigate risk of a similar oversight, the Authority has decided to issue this administrative action rather than statutory compliance actions to address the non-compliance.

12. This Decision is intended to bring to your attention the need to ensure that the Provider meets its obligations under the *Law*, in particular the obligation to always ensure that educators WWVP registrations are always current and valid.

13. 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

14. 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.

15. 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

16. If you have any questions in relation to this Decision, please contact me at janine.fairburn@act.gov.au.

Yours sincerely

Janine Fairburn
Assistant Director
Children's Education and Care Assurance
Education and Care, Regulation and Support

31 May 2023