



██████████  
Person with Management or Control  
Edge Early Learning ACT Pty Ltd  
RE: Edge Early Learning Charnwood

Email: ██████████

Dear ██████████

**Decision to issue Administrative Action RE: NOT-00104429**

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-00104429) relating to Edge Early Learning Charnwood SE-40014603 (the Service) operated by Edge Early Learning ACT Pty Ltd PR-40029018 (the Provider).
2. The notification of incident advised that on 19 December 2024, four children climbed onto a fence and unlocked/opened a gate into an adjacent, unsupervised yard.
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 20 December 2024, a notification of incident (NOT-00104429) was submitted to the Authority by the Provider advising that on 19 December 2024, four children, ██████████ (5 yrs), ██████████ (5 yrs), ██████████ (5 yrs) and ██████████ (4 yrs) worked in unison to climb the boundary fence and unlock the gate, allowing them to access the adjacent Toddlers outdoor play equipment for around 6 minutes unsupervised.
5. Additional information submitted with NOT-00104429 included the following:
  - Copy of Incident reports (multiple);
  - Working directly with children log;
  - Witness statements (multiple).
6. On 30 December 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
  - Working directly with children logs;
  - Child attendance records;
  - Day plan;
  - Ratio calculators;
  - Roll call record;
  - Staff roster record;

- Actions being taken to support supervision document;
  - Training plan;
  - Staff 'Active Supervision' training (signed off);
  - Outdoor Supervision: Risk Assessment and Planning Tool;
  - Policy and Procedure training records;
  - Evidence of Induction training booking;
  - Indoor Play: Risk Assessment;
  - Outdoors: Risk Assessment;
  - Outdoor Learning Supervision: Risk Assessment;
  - Outdoor Supervision plan;
  - Indoor Supervision plan;
  - Evidence of displayed map, lanyards and reference to Active Supervision;
  - Reflections on Supervision.
7. Please note, documents referred to in paragraph 4 through 6 are not included. These documents can be provided upon request.
8. NOT-00104429 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
- Review and development of a support risk assessment when conducting indoor and outdoor play.
  - Review of the supervision strategies currently being used by the team members.
  - Identified that four out of five team members are new to working in this space and training to be reviewed to support the team with their practices when utilising the indoor/outdoor play.

### 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.

### Decision

10. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to substantiate an offence under section 165 of the *Law* in this instance.

11. In relation to section 165 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all children were adequately supervised at all times while in the care of the Service on 19 December 2024.
12. Due to this incident, the Authority would recommend the following actions to the Provider:
  - Ensure that all educators are aware of the supervision plans, policy and procedures in place (signing off on these documents does not ensure understanding).
  - Review and reflect on staffing arrangements, especially around new staff - considering the individual needs of children and the experience of educators/environment when determining what's going to meet adequate supervision (as the minimum regulated ratios will not guarantee it).
  - All other fences should be checked after this incident to ensure that there's no ability to climb again.
13. 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.
14. 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.
15. This decision serves 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.
16. 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**

17. 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>.
18. 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  
Education and Care Regulation and Support  
Education Directorate

11 February 2025