

██████████
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-00075305

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-00075305) 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 18 September 2024, ██████████ (3 yrs old) and ██████████ (5 yrs old) each entered a storeroom for a short period of time.
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 19 September 2024, a notification of incident (NOT-00075305) was submitted to the Authority by the Provider advising that on 18 September 2024, ██████████ entered a storeroom cupboard, followed by ██████████ for under 5 minutes. A third child nearly managed to enter before an Educator came over to check on them.
5. Additional information submitted with NOT-00075305 included the following:
 - Witness statement (1);
 - Witness statement (2);
 - Witness statement (3);
 - Record of conversation;
 - Working directly with children record;
 - New locks (1-4).
6. On 20 September 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
 - Child attendance records;
 - CCTV footage.

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-00075305 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
 - Installation of new locks on the cupboards (19 September 2024).

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 support 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 18 September 2024.
12. 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.
13. The Authority is satisfied that [REDACTED] and [REDACTED] were not adequately supervised, resulting in both children entering the unlocked storeroom, unnoticed by educators responsible for their education and care at the time.
14. The Authority acknowledges that the Provider has just responded to a Show Cause Notice (ING-00083276), this letter is to ensure better supervision strategies are being enacted.
15. 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.
16. 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.

17. 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.
18. 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

19. 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>.
20. 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
Regulation and Compliance
Education Directorate

17 October 2024