



Mr [REDACTED]
Person with Management and Control
CSIROCARE Black Mountain Inc
RE: CSIROCARE Black Mountain Early Childhood Centre
Email: [REDACTED]

Dear Mr [REDACTED]

Decision to issue Administrative Action

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-40686665) relating to the operation of CSIROCARE Black Mountain Early Childhood Centre SE-00009770 (the Service), operated by CSIROCARE Black Mountain Inc PR-00005826 (the Provider).
2. The Notification related to circumstance where a child being educated and cared for by the Service was administered a large dose of Panadol (14.5ml) on 23 January 2023.
3. Web addresses to the *Education and Care Services National Law Act (ACT)* (the Law) and the *Education and Care Services National Regulations 2011* (the Regulations) are provided for your convenience at the end of this Decision.

Facts

4. On 24 January 2023, the Authority received NOT-40814621 from the Provider, advising that a three-year-old child, known to be [REDACTED], was administered a large dose of [REDACTED] by an educator on 23 January 2023. Refer Notification and additional information at Attachment A.
5. Additional documentation and information were requested by the Authority in relation to the Notification, with the Provider submitting requested information on 24 January 2023. Additional information included a copy of the Service's Administration of Medication policy and procedure, as required under *Regulation 168(2)(a)(iv)* and *Regulation 95*. Refer relevant correspondence at Attachment B.

Law

6. The facts as outlined in the Notification and additional Provider submitted information engaged the following:

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.

Regulation 170(1) – Policies and Procedures to be followed

The approved provider of a centre-based service must take reasonable steps to ensure that nominated supervisors and staff members of, and volunteers at, the service follow the policies and procedures required under Regulation 168.

Penalty: \$1000.

Decision

7. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to ground a reasonable suspicion of an offence under section 167(1) of the *Law* in this instance.
8. In relation to section 167 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider has not taken reasonable steps to ensure staff followed policy and procedure in relation to administering of Panadol, which has contributed to the incident occurring.
9. The policy and procedure clearly state that *‘Educators administer medication according to the “Five Rights” (i.e. right patient, right time, right medication, right dose, right manner). Before medication is given to a child, an educator member, other than the one administering the medication, verifies the accuracy of each of these Five Rights.’*
10. The Authority is satisfied that if this had been followed, the child would not have been administered 14.5ml of Panadol, but rather no more than the recommended maximum dose of 9-10ml as advised by the brand maker - [Panadol Colourfree Suspension 1-5 Years | Panadol AU](#)
11. The Authority acknowledges that there were no adverse impacts on the child in this instance, but should there have been, or if the error was in relation to a stronger type of medication, the consequences could have been catastrophic.

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 steps taken by the Service at the time via contacting 000 and there were no adverse impacts on the child in this instance the Authority has decided to issue this administrative action rather than statutory compliance actions.
14. In relation to substantiated offences engaged by the Provider under sections 167 of the *Law*, the Authority requests the Provider to submit the following evidence to demonstrate that the Provider has taken reasonable steps to ensure that nominated supervisors and staff members of, and volunteers at, the service are aware of, understand, and follow the policies and procedures required under Regulation 168, specifically those relating to administration of medication to children.
15. Requested information outlined above can be submitted to me - Assistant Director, Janine Fairburn at Janine.fairburn@act.gov.au. The Authority requests this to occur within 14 days of receipt of this decision.
16. This Decision is issued to remind the Provider, that always, staff need to be aware of, understand and follow the Services policies and procedures to meet the physical, developmental, and physiological needs of all children at all times. The Provider must ensure this occurs to protect children from harm and hazard likely to cause injury – both physically and psychologically.
17. The substantiated contravention have been recorded on your Service file and may be considered by the Authority in any future applications for approvals, amendments, or waivers. They may also be considered in determining the action to be taken, should further similar breaches of the *Law* or *Regulations* be substantiated.

Legislation

18. 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>.

19. 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
Janine.fairburn@act.gov.au.

Yours Sincerely,



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

14 February 2023