

██████████  
Person with Management or Control  
Caerus Early Learning Pty Ltd  
RE: Coombs Early Learning

Email: ██████████

Dear Ms ██████████

**Decision to issue Administrative Action RE: NOT-00085362**

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-00085362) relating to Coombs Early Learning SE-40010858 (the Service) operated by Caerus Early Learning Pty Ltd PR-40013119 (the Provider).
2. The notification of incident advised that on 24 October 2024, a child was administered the incorrect medication (Amoxicillin instead of Nurofen).
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 24 October 2024, a notification of incident (NOT-00085362) was submitted to the Authority by the Provider advising that on 24 October 2024, ██████████ (1 yr old) was administered 4mls of Amoxicillin, instead of the 4mls of Nurofen that was intended, by an Educator who read the label incorrectly.
5. Additional information submitted with NOT-00085362 included the following:
  - Incident report
6. On 25 October 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
  - Incident report (signed)
7. Please note, documents referred to in paragraph 4 through 6 are not included. These documents can be provided upon request.
8. NOT-00085362 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
  - Nominated supervisor has printed and issued all rooms the administration of medication policy to review.

- Nominated supervisor has notified all staff that any Children requiring medication is to be given by nominated supervisor or responsible people in management team.
- All Medication will be stored in a locked box in the kitchen.

### **Law**

9. The Notification 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: \$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 167 of the *Law* in this instance.

11. **This letter requires a response to the following:**

- Provide confirmation that educators are aware of the strategies in place to administer medication.
- Provide a copy of the updated medical administration policy.

Please ensure a response is submitted by close of business 13 January 2025.

12. In relation to section 167 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all children were protected from harm at all times while in the care of the Service on 24 October 2024.
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 services 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

16 December 2024