

██████████
Person with Management or Control
North Belconnen Community Association Incorporated
RE: Cooinda Cottage

Email: ██████████@nbca.org.au

Dear Ms ██████████

Decision to issue Administrative Action RE: NOT-00084432

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-00084432) relating to Cooinda Cottage SE-00009769 (the Service) operated by North Belconnen Community Association Incorporated PR-00005854 (the Provider).
2. The notification of incident advised that on 21 October 2024, a child was left unsupervised for 8 minutes in outdoor area.
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 22 October 2024, a notification of incident (NOT-00084432) was submitted to the Authority by the Provider advising that on 21 October 2024, the junior group were transitioned indoors for lunch, leaving ██████████ (3 yrs old) alone in the outdoor area for 8 minutes.
5. Additional information submitted with NOT-00084432 included the following:
 - Incident report;
 - Staff statement;
 - Working directly with children;
 - Invitation to attend disciplinary meeting;
 - Staff meeting email.
6. On 23 October 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
 - Attendance records;
 - Performance eating records;
 - Performance plan;
 - Staff meeting notes.
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-00084432 further advised that steps taken by the Provider to prevent or minimise a similar incident included:

- Relevant staff notified of incident and asked to make relevant statements;
- WDWC form altered to add additional ratio checks for transitions in and out;
- Contacted our security company for additional cameras for 'black spots';
- Urgent staff meeting called for 24.10.24 with a review of supervision and engagement plane;
- Construction of new supervision strategies, and review of QIP.

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.

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 support an offence under section 165 and 167 of the *Law* in this instance.
11. In relation to section 165 and 167 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, or protected from harm, while in the care of the Service on 21 October 2024.
12. Having staff sign off on policies and procedures does not ensure understanding, strategies in place need to be properly considered to ensure staff are following policy. An example of this would be an internal audit type practice.
13. The Authority strongly recommends that the Provider reviews its current strategies for ensuring that educators are not only aware of, but understand, and are putting into practise these expectations. The Provider should review what the current practises are (to identify where they

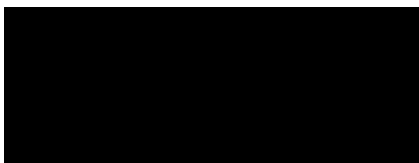
can be strengthened) as it's the Provider's responsibility to ensure that educators understand and are abiding by those policies and procedures.

14. 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.
15. 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.
16. 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.
17. 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

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> . 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>.
19. 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
Education and Care Regulation and Support
Education Directorate

18 November 2024