

██████████  
Person with Management or Control

Communities@Work

RE: Communities@Work Isabella Plains Early Childhood Service

Email: ██████████ [@comms@work.org](mailto:██████████@comms@work.org)

Dear ██████████

### **Decision to Issue Administrative Action**

1. As you may be aware, Authorised Officers from the ACT Regulatory Authority (the Authority), also known as Children’s Education and Care Assurance, recently assessed a Notification of Complaint (NOT-40547257) relating to the operation of Communities@Work Isabella Plains Early Childhood Service SE-00011293 (the Service) operated by Communities@Work PR-00005824 (the Provider).
2. The Authority is satisfied that the Provider has contravened provisions of the *Education and Care Services National Law (ACT)* (the *Law*). Web addresses to 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**

3. On 10 June 2021, the Authority received a Notification of Complaint (NOT-40547257) advising of a parent complaint alleging potential safety concerns at the Service, specifically concerns relating to the establishment by educators of authorised persons for children’s pick up/collection. Refer Attachment A.
4. Additional information submitted with the Notification included a copy of the complaint letter (Attachment B) and a copy of the Provider’s response to the Complainant (Attachment C).

#### **Law**

5. Provisions of the *Law* engaged by the assessment of notification are as follows:

**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.

## Reasons

6. The Authority has considered all the information supplied by the Provider and is satisfied that not every reasonable precaution was taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury in relation to the processes undertaken by educators to check authorised persons for collection on 2 June 2021, in contravention of section 167(1) of the *Law*.
7. The Authority is satisfied that the very nature of the Provider's response to the Complainant inclusive of admissions to educator failings on the day engages a contravention of section 167 of the *Law*, however, note that the Provider has advised of immediate rectification measures undertaken via reminding educators of policy and procedure requirements, to mitigate the chances of additional similar non compliances.
8. The Authority noted additional concerns raised by the complainant in relation to staffing arrangements/resourcing and acknowledge the Provider's response in relation to these concerns. The Authority did not identify or suspect any engaged contraventions of *Law* in relation to those staffing concerns in this instance.
9. 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. In this circumstance, the Authority has determined not to initiate statutory action but instead to issue this Administrative decision.
10. In deciding if a compliance action should be taken, the Authority considered the following considerations:
  - a) That because of the incident, the Provider has advised of strategies that they have put in place to mitigate future risk of a similar complaint being raised.
  - b) If the Provider ensures that policy and procedure are always followed at the Service, then risk of potential harm or hazard to children will be mitigated through better due diligence of persons collecting children from the Service.
11. The Authority determined that strategies implemented to address non compliances has met the expectations of the Authority. Due to this, the Authority will not be initiating statutory compliance action in this instance. However, the contravention has been recorded on the Service file and may be considered in the instance of any future similar incidents.

## Legislation

12. The Education and Care Services National Law applies to you as a provider and any service you operate. The National 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>.
13. The National Law is made up of an Act and Regulations which can be viewed at:

- <http://www.acecqa.gov.au/national-law>, and
- <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>

14. Should you have any questions about this Decision please contact me on telephone (02) 6205 4390 or email [janine.fairburn@act.gov.au](mailto:janine.fairburn@act.gov.au).

Yours Sincerely



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

18 June 2021