

██████████  
Person with Management or Control  
Communities@Work  
RE: Communities@Work Isabella Plains Early Childhood Service

Email: ██████████ [@commsatwork.org](mailto:██████████@commsatwork.org)

Dear ██████████

**Decision to Issue Administrative Action RE: NOT-40771286**

1. As you are aware, Authorised Officers from the ACT Regulatory Authority (the Authority), also known as Children’s Education and Care Assurance, recently assessed a Notification of Serious Incident (NOT-40771286) relating to Communities@Work Isabella Plains Early Childhood Service SE-00011293 (the Service) operated by Communities@Work PR-00005824 (the Provider).
2. The notified incident advised that an enrolled child, known as ██████████ ██████████ (aged 5years 2months), absconded from the Service on 7 September 2022.
3. The Authority is satisfied that the Provider has not complied with provisions of the *Education and Care Services National Law Act (ACT)* (the *Law*) in this instance. Web addresses for the *Law* and the *Regulations* are provided for your convenience at the end of this decision.

**Facts**

4. On 8 September 2022, the Authority received a Notification of Incident (NOT-40771286) from the Provider advising that, on 7 September 2022, an enrolled child, known to be ██████████ ██████████ (aged 5years 2months), exited by climbing over the Service’s preschool gate, walking across the car park and out the front gate.
5. It was further alleged that ██████████ walked up Noorooma Street, moved to the island in the middle of the road and jumped in front of a car before an educator pulled him back. ██████████ then continued walking towards Drakeford Drive coming close to passing cars before picking ██████████ up and taking him back to the Service. Refer NOT-40771286 at Attachment A.
6. On 8 September 2022, the Regulatory Authority requested additional information from the Provider. This request was responded to on 9 September 2022. The Regulatory Authority notes that ██████████ has been suspended until a collaborative meeting occurs with all relevant parties and is agreed. Refer relevant correspondence at Attachment B.
7. Documents submitted in response to the Authority’s request included:
  - a) IMG\_1620, IMG\_1621 - Photos of the Preschool gate
  - b) Restrictive practice -Emergency

- c) Meeting with [REDACTED] Email
- d) [REDACTED] Meeting 08Sep
- e) Occupational Violence Incident Report
- f) Positive Behavioural Support Plan
- g) Incident, Injury, Trauma, and Illness Record
- h) Mitigation [REDACTED]
- i) Behaviour Response Plan [REDACTED]

### Law

8. Provisions of the *Law* relevant to the notification assessment are:

**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.

### Reasons

9. After carefully considering all information supplied by the Provider, the Authority is satisfied that on 7 September 2022, not all reasonable precautions were taken to protect a child being educated and cared for by the Service from harm or hazard likely to cause injury by the Provider in contravened section 167(1) of the *Law* in this instance.
10. The Authority is satisfied that the fact the child was able to climb over the preschool gate, walk across the car park and walk out the front gate before an educator was able to return the child supports substantiation of the offence.
11. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of the Service, and the steps taken by the Provider to mitigate risk of a similar incident, the Authority has decided to issue this administrative action rather than statutory compliance actions.
12. In relation to substantiated breaches engaged by the Provide under section 167(1), the Authority requests the Provider to submit the following evidence to support risk mitigation actions have been undertaken:
- a) Provide evidence that the Service is working with all parties involved to support [REDACTED] in attending the Service.
  - b) Provide evidence that the opportunity for [REDACTED] to abscond have been mitigated.

13. Requested information outlined in paragraph 12 can be submitted to Authorised Officer, Vittorio Colosimo at [vittorio.colosimo@act.gov.au](mailto:vittorio.colosimo@act.gov.au). The Authority requests this to occur within 14 days of receipt of this decision.
14. 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**

15. 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>.
16. 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>
17. If you have any questions in relation to this Decision, please contact Authorised Officer Vittorio Colosimo by email at [Vittorio.Colosimo@act.gov.au](mailto:Vittorio.Colosimo@act.gov.au).

Yours sincerely



Jo Williams  
Director  
Children's Education and Care Assurance  
Education and Care, Regulation and Support  
ACT Education Directorate

3 November 2022