



██████████
Person with Management or Control
Communities@Work
RE: Communities@Work Bonython Out of School Hours Care

Email: ██████████@commsatwork.org

Dear ██████████,

Decision to issue Administrative Action RE: NOT-00064861

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-00064861) relating to Communities@Work Bonython Out of School Hours Care SE-00009645 (the Service) operated by Communities@Work PR-00005824 (the Provider).
2. The notification of incident advised that on 15 August 2024, ██████████ (8 years) and ██████████ (9 years) absconded twice from the Service without the Educator's knowledge.
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 16 August 2024, a notification of incident (NOT-00064861) was submitted to the Authority by the Provider advising that on 15 August 2024, ██████████ and ██████████ absconded from the Service area for 15 minutes until they were returned by Educators. The boys then absconded again to start school (15 minutes early). Refer copy of the NOT-00064861 at Attachment A.
5. Additional information submitted with NOT-00064861 included the following:
 - Incident report – ██████████
 - Incident report – ██████████
 - Educators account.

Refer Attachment B.

6. On 19 August 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
 - Wording Directly with Children records.

Refer Attachment C.

7. NOT-00064861 further advised that steps taken by the Provider to prevent or minimise a similar incident included:

- The provider will be undertaking further investigation to identify the correct series of events, and related improvement requirements.

Law

8. 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.

Decision

9. 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 of the *Law* in this instance.
10. In relation to section 165 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 while in the care of the Service, in that [REDACTED] and [REDACTED] absconded twice unnoticed by educators, on 15 August 2024.
11. 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.
12. 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.
13. This decision serves 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.
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* 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>.

16. 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
Regulation and Compliance
Education Directorate

12 September 2024