

[REDACTED]
Person with Management or Control
Canberra Girls Grammar School
RE: Canberra Girls Grammar School Early Learning Centre

Email: [REDACTED]@cggs.act.edu.au

Dear [REDACTED]

Decision to Issue Administrative Action RE: NOT-40866178

1. As you may be aware, the ACT Regulatory Authority (the Authority), also known as Children’s Education and Care Assurance, recently assessed a Notification of Incident (NOT-40866178) relating to Canberra Girls Grammar School Early Learning Centre SE-00009654 (the Service) operated by Canberra Girls Grammar School PR-00005815 (the Provider).
2. The Notification related to multiple children, aged 3 and 4 years cutting each other’s hair unseen by educators.
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 9 June 2023, the Authority received Notification of Incident (NOT-40866178) from the Provider. The Notification advised that, on 8 June 2023, multiple children aged between 3 and 4 years, were able to cut each other’s hair without educators noticing until after the fact. Refer NOT-40866178 at Attachment A.
5. The Notification was submitted with additional documents being:
 - Educator accounts; and
 - Educator and child attendance records.
6. On 14 June 2023, additional information was requested from the Provider via email. This was responded to on 15 June 2023. Additional information consisted of details of children involved, timeframes relevant to the incident, and a report was submitted. Please refer copy of report submitted at Attachment B.

Law

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

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: \$10 000, in the case of an individual.

\$50 000, in any other case

Reasons

8. Upon considering all evidence for assessment, inclusive of Provider supplied information, the Authority is satisfied, on the balance of probabilities, that there is sufficient evidence to substantiate an offence under sections 165 of the *Law* in this instance.
9. The Authority is satisfied that inadequate supervision contributed to the children being able to cut each other's hair unnoticed by educators on 8 June 2023.
10. 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 you this Administrative Decision.
11. In determining this outcome, the Authority took into consideration the actions undertaken by the Provider at the time of the incident, actions advised of being undertaken via the notification, and the compliance history of the Service.
12. This Decision is issued to remind the Provider, that always, staffing and supervision levels need to meet the emotional, developmental, and physiological needs of children and educators alike. These staffing and supervision levels may need to be adapted to protect children from harm and hazard likely to cause injury – both physically and psychologically.
13. 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

14. 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>.
15. 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. If you have any questions in relation to this Decision, please contact Authorised Officer Janine Fairburn via email at Janine.fairburn@act.gov.au.

Yours Sincerely



Janine Fairburn
Assistant Director
Children's Education and Care Assurance
Education and Care, Regulation and Support

23 June 2023