

██████████  
Person with Management or Control  
Canberra Girls Grammar School  
RE: Canberra Girls Grammar School Age Care

Email: ██████████@cggs.act.edu.au

Dear ██████████

### Decision to issue Administrative Action

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-00046710) relating to Canberra Girls Grammar School Age Care SE-00009653 (the Service) operated by Canberra Girls Grammar School PR-00005815 (the Provider).
2. The notification of incident advised that on 12 June 2024, ██████████ (3 yrs) was wrongly given medication (Amoxicillin, 3.6mls) meant for another child as a result of mistaken identity.
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 19 June 2024, a notification of incident (NOT-00046710) was submitted to the Authority by the Provider advising that on 12 June 2024, ██████████ was given Amoxicillin (3.6mls) in error, by an Educator, exposing her to potentially serious harm. Refer copy of the NOT-00046710 at Attachment A.
5. On 24 June 2024, the Provider submitted additional documents in response to a request for further information from the Authority, including:
  - Phone call with Parent – Record One;
  - Phone call with Parent – Record Two;
  - Attendance Summary;
  - Medication form - Revised;
  - Email to Parent;
  - Email from Parent;
  - Policy review of Medication;

Refer Attachment B.

6. NOT-00046710 further advised that steps taken by the Provider to prevent or minimise a similar incident included:

- The medication policies, procedures and forms have been reviewed.
- A staff meeting was held at 3.30pm June 12 and the initial changes discussed and agreed upon.

### **Law**

7. The Notification engaged the following provisions of the *Law*:

#### **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**

8. 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 167 of the *Law* in this instance.
9. In relation to section 167 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all children were protected from harm at all times while in the care of the Service on 12 June 2024, in that the wrong medication was given to a child which had the potential to cause serious hazard or harm.
10. The Authority is satisfied that the very nature of the matter notified, and additional information submitted by the Provider supports, on balance of probabilities, the offence being substantiated.
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 services to remind the Provider of their obligations and responsibilities under the *Law*. The Regulatory Authority would like to remind the Provider to regularly review practices to ensure that they reflect the policies in place to protect children so 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>.
  
1. Should you have any questions about this Decision please contact me at [nicole.withers@act.gov.au](mailto:nicole.withers@act.gov.au).

Yours Sincerely,



**Nicole Withers**  
Team Leader Investigations  
Regulation and Compliance  
Education Directorate

07 August 2024