

## EMERGENCY ACTION NOTICE

### Section 179, *Education and Care Services National Law (ACT) Act 2011*

Name of approved provider	Camp Australia Pty Limited
Provider approval number	PR-00003539
Name of approved service	Camp Australia – St John Vianney’s Catholic Primary School OSHC
Service approval number	SE-440011593

Under the *Education and Care Services National Law (ACT) Act 2011* (the *Law*) an Emergency Action Notice may be issued if the Regulatory Authority is satisfied that an education and care service is operating in a manner that poses, or is likely to pose, an immediate risk to the safety, health or wellbeing of a child or children being educated and cared for by the service.

I am satisfied that on 18 July 2023, Camp Australia – St John Vianney’s Catholic Primary School OSHC, located at 89 Namatjira Drive Waramanga ACT, was not operating in accordance with the provisions of the *Law* or *Education and Care Services National Regulations 2011* (the *Regulation*) as set out below. The non-compliance identified was regarding the lack of processes in place to ensure children with medical conditions and specific health care needs are identified.

A child attending the service on 18 July 2023, was identified as having a known medical condition. On visiting the service to conduct an unannounced audit, the Authorised Officer asked educator [REDACTED] (1<sup>st</sup> qualified and Responsible Person) if any children in attendance have a medical condition. The Responsible Person replied, yes but did not appear to be aware of the type of medical conditions.

When asked to see the child’s medication, [REDACTED] produced a bag with some antihistamine medication in it and stated to the Authorised Officer that the child’s EpiPen was not in there. [REDACTED] stated that the risk was minimal as the child only attends one day a week. When the child was collected by their parent a discussion took place between the [REDACTED] and the child’s parent.

Authorised Officer was later advised that the child’s mother normally packs his medication in the child’s school bag and on this day (18 July 2023) this did not occur. [REDACTED] was advised by the parent that the child’s EpiPen is stored at the school. [REDACTED] stated in an emergency the service would rely on the use of the EpiPen stored at the school and accessible only during school operational hours.

Secondly, Authorised Officer asked [REDACTED] if he was aware of the services Policies and Procedures in particular the Medical Conditions Policy and the Collection of Children Policy. [REDACTED] advised Authorised Officer he was not as he had not received an induction nor orientation of the service enabling him to access documents readily or be familiar with practices set out within the Policies or Procedures mentioned by the Authorised Officer.

The non-compliances identified that pose, or is likely to pose, an immediate risk to the health or wellbeing of children being educated and cared for by the service and the related provisions of the *Law* and/or *Regulations* are set out below.

Provision	Non-compliance
<p><b>Section 167 – Offence relating to protection of children from harm and hazards</b></p> <p>(1) The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.</p> <p>Penalty: \$10 000, in the case of an individual. \$50 000, in any other case</p>	<ul style="list-style-type: none"> <li>• Sound processes were not in place to ensure that children who have medical conditions or specific health care needs are protected from harm or hazards.</li> <li>• Sound processes are not in place to ensure Responsible Persons have undergone a thorough induction process and orientation of the service to ensure children are protected from harm or hazard.</li> </ul>

The approved provider is required to take the following action to assist the regulatory authority determining that all children are protected from harm and any hazard that is likely to cause injury.

#### **Action Required**

The approved provider must provide the Regulatory Authority with:

1. A copy of the service’s medical conditions policy and procedure.
2. The medical management plan, risk minimisation plan and communication plan currently in place for [REDACTED].
3. Evidence that [REDACTED] has received a sound induction to fulfil the position of responsible person.
4. Evidence that demonstrates that [REDACTED] has been assessed as being fit and proper to fulfil the position of responsible person.

The approved provider must submit evidence that the above actions have been undertaken, in writing, to Delphine Coutin, Assistant Director Audit and Risk Management at [delphine.coutin@act.gov.au](mailto:delphine.coutin@act.gov.au)

**Evidence for actions 1 and 2 must be provided prior to commencement of After School Care today 19 July 2023.**

**Evidence for actions 3 and 4 must be provided by COB 20 July 2023.**

#### **Failure to comply**

If you do not take the required actions, or do not take those steps within the required timeframe, further compliance actions may be imposed, including suspension of your service approval.



Delphine Coutin  
Assistant Director, Audit and Risk Management  
Children’s Education and Care Assurance, ACT Education Directorate

19 July 2023