

[REDACTED]  
Person with Management and Control  
Community Services #1 Incorporated  
RE: Acacia Children's Education and Care Centre

Email: [REDACTED]

Dear Ms [REDACTED]

**Assessment of Notifications RE: NOT-40492702 and NOT-40494272**

1. As you may be aware, Authorised Officers from Children's Education and Care Assurance, also known as the ACT Regulatory Authority (the Authority), recently assessed two Notifications of Incident (NOT-40492702 and NOT-40494272) reporting that the safety, health and wellbeing of a child was compromised at Acacia Children's Education and Care Centre, SE-00005865, (the Service) operated by Community Services #1 Incorporated, PR-00000823, (the Provider).
2. The assessments related to whether the Service failed to ensure adequate supervision of a child and a failure to take every precaution to protect a child from harm and from hazards likely to cause injury, namely, in preventing a child from being bitten by another child at the Service.
3. Web addresses to *Law* and the *Regulations* are provided for your convenience at the end of this letter.
4. On 9 December 2020, the Authority received a Notification of Incident (NOT-40492702) from the Provider advising Child A and Child B, while resting on a mat, removed their shorts and underwear and proceeded to run away from educators; touching each other's' bottoms and penises in plain view of educators and children in preschool room. As Child A ran past Child C, he grabbed her hair and pulled her towards his groin. Refer Attachment A.
5. On 9 December 2020, the Authority received another Notification of Incident (NOT-40494272) from the Provider advising Child A and Child B were under a sandpit cover with their pants and underwear down. Child A asked Child B to kiss and touch his penis, and Child A kissed Child B's penis. Educators then reached the children and asked them to move from the sandpit. Refer Attachment B.
6. On 14 December 2020, the Authority requested further information from the Provider in relation to the incidents.
7. On 21 December 2020, the Provider furnished further information via email relating to both matters. Additional information provided indicated the following:
  - i. The Provider had been asked to provide detailed of strategies to mitigate risk, records of conversation with families, behaviour guidance plans, however those were not submitted.
  - ii. The Provider has implemented a ratio level in the enrolled children's classroom to one educator for every seven children.
  - iii. There is no evidence of other specific strategies in place.
  - iv. The supervision plan for the outdoor area has different risk priority areas noted.
  - v. CYPs has been informed of the incidents occurring.

- vi. There appears to be no behaviour support/guidance plans implemented for any of the children involved; and
  - vii. The Provider has now implemented training for all educators, support visits for staff, ensured that staff had read and signed policies, and, have developed a plan for a child displaying behavioural issues.
8. The Authority is satisfied that there is sufficient evidence to support that on 2 and 8 December 2020, young persons at the Service displayed sexualised behaviour in view of educators.
  9. The Authority is further satisfied that the circumstances surrounding those incidents do not establish sufficient grounds to reasonably form a suspicion that offences under the *Law and Regulations* were engaged.
  10. However, the Authority strongly suggests that the Provider engage further risk mitigation strategies by way of education to children in regard to protective behaviours, and also engage families and educators to support consistency of learnings, language utilised for supporting children's confidence in regard to protective behaviours, and management of any future similar sexualised conduct.
  11. The *Law* applies to you as a provider and any service you operate. The National Law is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011*. Refer <http://www.legislation.act.gov.au/a/2011-42/default.asp>.
  12. The National Law is made up of an Act and Regulations which can be viewed at:
    - <http://www.acecqa.gov.au/national-law>, and
    - <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>
  13. If you have any queries regarding this letter please contact me via email at [janine.fairburn@act.gov.au](mailto:janine.fairburn@act.gov.au).

Yours sincerely



Janine Fairburn  
Assistant Director  
Early Childhood Policy and Regulation  
ACT Education Directorate

22 January 2021