



ACT
Government
Education

Mr [REDACTED]
Persons with Management and Control
Kids Biz Holidays & Sports Pty Ltd
P O Box 297
MAWSON ACT 2607

Email: [REDACTED]@kidsbizoshc.com.au

Dear Mr [REDACTED]

Decision to issue Administrative Letter

1. Thank you for your notification of a serious incident on 14 April 2022. Having reviewed the information provided, I am satisfied that Kids Biz OSHC (Mother Theresa School), SE-40003292 (the Service) was not complying with the provisions of the *Education and Care Services National Law (ACT) Act 2011 (the Law)* and the *Education and Care Services National Regulations 2011 (the Regulation)* in respect to ensuring adequate supervision and protecting children from harm and hazard.

Facts

2. On 14 April 2022 the ACT Regulatory Authority (the Authority) received a Notification of Serious Incident, NOT-40692437 (the Notification) from the Service. The Notification advised that at 12.15pm an Educator returned an out of bounds child to the group. At 12.50pm the same child was seen by other children climbing over the fence in the same area previously moved from. The Service became aware the child was missing when the mother rang at 1.10pm to advise that child was home with her and that he stated he was being picked on.
3. The Authority assessed the information provided in the Notification. The information indicates there was a repeated lack of supervision on the out of bounds areas and of the child who left the service. The information satisfied Authorised Officers that a contravention of s165 and 167 has occurred.
4. The Authority also notes the Services mitigation strategies and support plans for the child in question. However, the Authority require the Service to provide the Authority with a risk mitigation strategy to prevent further incidents in the future.

Law

5. The Notification engages the following provisions of the *Law and Regulation*.

Section 165 of the *Law* - Offence to inadequately supervise children

- (1) 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.

- (2) The nominated supervisor 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.

Section 167 of the *Law* - Offence relating to protection of children from harm and hazard

- (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.
- (2) The nominated supervisor 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.

Reasons

6. Having considered the information within the Notification I am not satisfied that the Provider took all reasonable steps to ensure the protection of children. A risk mitigation plan is required to reduce the risk of children leaving the service or being unaccounted for. The risk mitigation strategy must be submitted no later than COB Friday 20 May 2022 via the NQAITs.
7. On this occasion I have determined to issue the Service with an Administration Letter which is intended to acknowledge the contraventions and steps taken to prevent future incidences.
8. This decision will be recorded on your service file and may be considered in any future applications for approvals, amendments or waivers. This decision will also be considered in determining any future regulatory action, should there be future contraventions of the *Law* or *Regulations*.
9. If you have any queries regarding this letter, please contact Janine Fairburn on (02) 6205 4309 or email Janine.fairburn@act.gov.au

Yours sincerely



Clare Brookes
Senior Manager
Children's Education and Care Assurance
Education Directorate

11 May 2022