

Early Childhood Education Directorate

Convictions and Significant Enforcement Actions

Educator	Ms Carmelina Petrini
Service Name	Chasing Rainbows Family Day Care
Type of Service	Family day care service
Action Taken	Prosecution action against Ms Petrini for: one offence of failing to ensure that every reasonable precaution was taken to protect children from harm and from any hazard likely to cause injury – section 167(3) of the <i>Children (Education and Care Services) National Law (NSW)</i>.
Date of conviction	2 December 2020
Sentence	Convicted at Manly Local Court and fined a total of \$1,500.

Proven offence:

Ms Petrini, in her capacity as a family day care educator, failed to ensure that every reasonable precaution was taken to protect the child from harm and from any hazard likely to cause injury in that she did not:

- inform the approved provider of her intention to use the heater so that a safety assessment could be conducted, as was required by the service's policies;
- check to see if the surface of the heater was hot prior to the child's arrival at the residence and, if the surface of the heater was hot, implement one or more of the following steps:
 - placing a barrier around the heater;
 - placing the heater in a location that was not accessible to children;
 - turning off and removing the heater prior to the arrival of the children; or
 - obtaining a wall-mounted heater; or
- take any other precautions to ensure the heater did not pose a risk of harm to children.