

Early Childhood Education Directorate

Convictions and Significant Enforcement Actions

Approved Provider	Kids Cbass Pty Ltd
Service Name	Kids United OSHC
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Kids Cbass Pty Ltd 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(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>.
Date of conviction	14 December 2020
Sentence	Convicted at Campbelltown Local Court and fined a total of \$5,000

Proven offence:

Kids Cbass Pty Ltd failed to ensure that every reasonable precaution was taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury in that it:

- failed to ensure that the service had an adequate number of functioning walkie-talkies for each educator to communicate the movements of children in the care of the service;
- failed to ensure that there was no blind spot on the path between the indoor and outdoor play areas to ensure that children were supervised while travelling between play areas;
- failed to adopt, implement and train educators on a formal written policy of using the walkie-talkies, including “call and response” radio procedure whereby a sending educator requests verbal confirmation that a message has been received and the educator receiving the message confirms receipt of the message before any child travels between play areas;
- failed to adopt, implement and adequately train educators on a written policy whereby children in the care of the service are not permitted to travel between parts of the school premises unsupervised by and/or out of the line of sight of an educator at the service; and
- failed to instruct parents not to give their children the gate security pin code.