

Early Childhood Education Directorate

Convictions and Significant Enforcement Actions

Nominated Supervisor	Ms Vickie Susane Spencer
Service Name	Goodstart Early Learning Forbes
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Ms Vickie Susane Spencer for: - one offence of failing to 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 the service – section 165(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and - 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(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>.
Date of conviction	6 May 2021
Sentence	Ms Spencer was sentenced to a Conditional Release Order ('CRO') without conviction at Forbes Local Court. The CRO was made on the condition of good behaviour for a period of 12 months.

Proven offence:

Ms Spencer, in her capacity as the nominated supervisor:

- failed to ensure that children being educated and cared for by the service were adequately supervised at all times in that:
 - the child was left on the service bus unsupervised for approximately 50 minutes;
 - she signed the child into the service premises without ensuring that the child was physically present within the premises; and
 - she was unaware of the child's absence until a head count was conducted approximately 50 minutes after the children had alighted from the bus;

- failed to ensure that that every reasonable precaution was taken to protect the child from harm and from any hazard likely to cause injury in that:
 - the child was left unsupervised and restrained in a child seat on the service bus and was exposed to potential hazards including being exposed to high temperatures on the bus and becoming lost or injured should the child have left the vehicle;
 - she failed to implement relevant policies and procedures by failing to ensure that staff had read and understood those procedures at some point prior to undertaking the morning bus run; or
 - failed to implement other reasonable measures to ensure the child was properly accounted for, such as:
 - signing children off the bus register as they exited the bus to ensure all had alighted;
 - ensuring that she, or another staff member, visually checked the service bus at the end of the morning bus run; or
 - conducting a roll call of the children who had been picked up on the bus as they entered the service premises, requiring them to be physically present and accounted for at that point.