

Early Childhood Education and Care Regulatory Authority

Convictions and Significant Enforcement Actions

Nominated Supervisor name	Michelle Keen
Service Name	Little Triumphs Early Education Centre and OOSH
Type of Service	Centre-based service
Action Taken	Prosecution action against Michelle Keen for: - two offences of failing to ensure all children being educated and cared for by the service are adequately supervised at all times - section 165(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and - two offences 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	24 February 2023
Sentence	At the Penrith Local Court, Ms Keen was: - convicted of one offence under s.165(2) and sentenced to a conditional release order for two years. - sentenced to a conditional release order for 2 years without conviction for the second offence under s.165(2); and - convicted of both offences under s.167(2) and sentenced to a conditional release order for two years in relation to each offence.

Proven offence:

Ms Michelle Keen, in her capacity as the nominated supervisor, failed to ensure that all children being educated and cared for by the service were adequately supervised at all times in that:

- on 28 July 2020, she:
 - failed to ensure that children were kept within the line of sight of educators at all times whilst being taken on foot (including crossing the road) to and from Southlands Shopping Centre;
 - failed to ensure that children were kept within the line of sight of educators at all times whilst inside the Southlands Shopping Centre;
 - failed to prevent children in care from running around and playing in the public area of Southlands Shopping Centre;
 - permitted a male child to attend a public male toilet unattended and without any educator with the child; and
 - failed to ensure that staff complied with the policies of the service that relate to excursions and transportation;
- on 30 July 2020, she:
 - failed to ensure that the children in the care of the service were kept a safe distance away from traffic on Maxwell Street;
 - failed to ensure that children in the care of the service were in the line of sight of the educators; and
 - failed to ensure that children in the care of the service did not communicate with members of the public without educator supervision and knowledge.

Ms Michelle Keen, in her capacity as nominated supervisor, failed to ensure that every reasonable precaution was taken to protect a child from harm and from any hazard likely to cause injury in that:

- on 30 July 2020, she:
 - failed to ensure that the children who were being taken to the basketball courts on Maxwell Street were kept a safe distance away from traffic on Maxwell Street whilst waiting for the arrival of the Nominated Supervisor;
 - failed to ensure that a child being cared for within the service was sitting in the swing safely in the outside area of the service; and
 - failed to ensure that a child was within the line of sight and within sufficient proximity of educators while sitting in the swing; and
- on 13 August 2020, she;
 - failed to ensure that a child slept in a safe manner by permitting the child to sleep in a cot lying on top of a thick fluffy blanket which was not tucked into the mattress.