Early Learning Commission

NSW Early Learning Commission
Convictions and Significant Enforcement Actions

Nominated Supervisor Name	Shyann Kalatzis
Service Name	Jenny's Kindergarten & Early Learning Centre - Gregory Hills
Type of Service	Centre-based service
Action Taken	Prosecution action against Shyann Kalatzis for: • one offence 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 *Children (Education and Care Services) National Law (NSW)*; 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 *Children (Education and Care Services) National Law (NSW)*.
Date of conviction	13 March 2026
Sentence	Without proceeding to conviction, Ms Kalatzis was sentenced in the Campbelltown Local Court to a conditional release order pursuant to section 10(1)(b) of the *Crimes (Sentencing Procedure) Act 1999* for 12 months for the section 165(2) offence. Ms Kalatzis was convicted of the section167(2) offence and fined $2,800.

Proven offence:

On 20 January 2025, a child fell into a toy storage bucket. The educator who pulled the child out of the bucket observed that the back of the child's head was on the base of the bucket. The child's chin was on their chest, looking back towards their legs. The water in the bucket was just over the child's face.

Ms Shyann Kalatzis, 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:

- There were no educators near the sandpit supervising the children in that area for approximately 4 minutes and 28 seconds continuously;
- The child was head-down in the toy storage bucket near the sandpit with their feet continuously off the ground for approximately 1 minute and 15 seconds without intervention;
- The educators at the service were not following the supervision plan in force at the service in the immediate lead up to and at the time of the incident, which required an educator to be supervising the sandpit area at all times a child was in that area; and
- The educators supervising the children leading up to the time of the incident were not wearing high-visibility vests to allow them to discern compliance with the Service's supervision plan, as prescribed by the Service's Guidelines.

Ms Shyann Kalatzis, 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:

- The toy storage bucket that the child fell into did not have drainage holes;
- The toy storage bucket was not brought under shelter at close on Friday afternoon, which led to it filing with water;
- The outside checklist was not completed prior to the children being taken to the outdoor play area on the day of the incident;
- The toy storage bucket was not checked for water before children were taken to the outdoor play area on the day of the incident;
- The educators supervising the children leading up to the time of the incident were not wearing high-visibility vests to allow them to discern compliance with the service's supervision plan, as prescribed by the service's guidelines;
- The educators were not following the supervision plan in force at the service in the immediate lead up to and at the time of the incident, which required an educator to be supervising the sandpit area at all times a child was in that area;
- Following the incident, an ambulance was not called for the child.

The toy bucket was replaced and the service's supervision plan was updated following the incident.