



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Nominated Supervisor and Person with Management or Control	Ms Ariane Leeder
Service Name	Green Gables Kindergarten
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Ariane Leeder for: <ul style="list-style-type: none">• one offence of failing to ensure adequate supervision of children - section 165(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and• one offence of failing to notify the Regulatory Authority of a complaint alleging that a serious incident had occurred – section 174(2)(b)(i) of the <i>Children (Education and Care Services) National Law (NSW)</i>• one offence of failing to ensure that a child does not leave the education and care service premises except in accordance with the regulations – clause 99(2) of the <i>Education and Care Services National Regulations (NSW)</i>
Date of conviction	6 June 2018
Sentence	Convicted at Sutherland Local Court and fined a total of \$6,375

Proven offence:

On 21 August 2014, between approximately 3:30pm and 3:45pm, a two and a half year old child left the service premises, unsupervised and without the knowledge of staff. A parent of another child enrolled at the service saw the child who had left, picked him up and handed him to another child's parent, who in turn handed the child back to an educator at the service.

On 22 August 2014, a parent telephoned the service and complained that the safety and/or wellbeing of the child had been compromised whilst in the care of the service. The complaint was reported to the Department on 25 August 2014.

Ariane Leeder, in her capacity as nominated supervisor:

- failed to ensure that adequate supervision was provided when the child left the service without the knowledge of staff;
- failed to ensure that a child did not leave the service premises, otherwise than in accordance with clause 99(4) of the Regulations; and

Ariane Leeder, in her capacity as the person with management or control for Stari Holdings Pty Ltd, failed to exercise due diligence by not preventing the approved provider from:

- failing to report the complaint to the Department within 24 hours.