



## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Educator	Ms Carmelina Petrini
Service Name	Chasing Rainbows Family Day Care
Type of Service	Family day care service
Action Taken	Prosecution action against Ms Petrini for: <ul style="list-style-type: none"><li>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(3) of the <i>Children (Education and Care Services) National Law (NSW)</i>.</li></ul>
Date of conviction	2 December 2020
Sentence	Convicted at Manly Local Court and fined a total of \$1,500.

### Proven offence:

Ms Carmelina Petrini was an educator registered with Chasing Rainbows Family Day Care.

On 3 June 2019, Ms Petrini was providing education and care for a 10 month old child. At approximately 7:30am, Ms Petrini retrieved a portable heater from her garage and placed it on the ground in the education and care space of her residence. The element of the heater was located internally at the bottom of the heater and forced heat upwards through vents located at the top of the heater.

At approximately 7:45am, Ms Petrini turned the heater on so that the vents on the top of the heater emitted hot air.

At approximately 8:36am, the child was dropped off at Ms Petrini's residence. At approximately 9:15am, Ms Petrini was preparing the child's morning tea, approximately four metres away from where the child was standing. At this time, the child began tapping her hands on the vents at the top of the heater. The child began to cry. Ms Petrini went to the child and pulled her away from the heater. She immediately went to the sink and placed the child's hands under cold running water for around 40 minutes. During this time, blisters began appearing on the palms of the child's hands.

Medical staff diagnosed the child with second degree burns to both her hands.

Ms Petrini, in her capacity as a family day care educator, failed to ensure that every reasonable precaution was taken to protect the child from harm and from any hazard likely to cause injury in that she did not:

- inform the approved provider of her intention to use the heater so that a safety assessment could be conducted, as was required by the service's policies;
- check to see if the surface of the heater was hot prior to the child's arrival at the residence and, if the surface of the heater was hot, implement one or more of the following steps:
  - placing a barrier around the heater;
  - placing the heater in a location that was not accessible to children;
  - turning off and removing the heater prior to the arrival of the children; or
  - obtaining a wall-mounted heater; or
- take any other precautions to ensure the heater did not pose a risk of harm to children.