



## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Nominated Supervisor	Ms Cathy Anderson
Service Name	Guardian Early Learning – Arthur Street
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Ms Cathy Anderson for: <ul style="list-style-type: none"><li>one offence of failing to take every reasonable precaution 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>.</li></ul>
Date of conviction	15 April 2020
Sentence	Convicted at Sydney Downing Centre Local Court and fined a total of \$750

### Proven offence:

The service operated in an open plan layout. The service contained a staff room, which was accessible from the “nursery” area, where education and care was provided to children aged 6 to 12 months. On occasion, the door to the staff room would not latch properly. Ms Anderson was aware of this issue, but had not logged it in the centralised maintenance system of the service.

On 8 December 2017, an 18 month old child who had been in the nursery area gained access to the staff room, unnoticed by staff. The child was located by a staff member, who had been walking towards the nappy change area and saw the child through a glass panel on the door to the staff room. The child was alone, and was holding a bottle of cleaning product, which she had spilt on herself. Advice was obtained from the Poisons Information Centre that, due to the alcohol content in the product, if the child had ingested a large amount she may display signs of intoxication, but the product was not otherwise toxic. As recommended by the Poisons Information Centre, the child was given a drink of water, and was washed.

Ms Cathy Anderson, in her capacity as nominated supervisor:

- failed to ensure that every reasonable precaution was taken to protect children from harm and from any hazard likely to cause injury, in that she had prior

knowledge that the staff room did not shut properly and did not take steps to log this in the centralised maintenance system of the service. The child was exposed to harm and a hazard likely to cause injury during the period when she was in the service staff room, in that she was left alone and unsupervised and gained access to a cleaning product.