



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Educator	Ms Emily Simoni
Service Name	Upper Hunter Family Day Care
Type of Service	Family day care service
Action Taken	Prosecution action against Ms Emily Simoni for: <ul style="list-style-type: none">one offence of failing to ensure adequate supervision of children - section 165(3) of the <i>Children (Education and Care Services) National Law (NSW)</i>.
Date of conviction	16 December 2019
Sentence	Convicted at Musswellbrook Local Court and fined a total of \$2,500

Proven offence:

Ms Emily Simoni was an educator registered with Upper Hunter Family Day Care. On 30 November 2018, four children (one aged 18 months, one aged 2 years and one aged 3 years) were in the care of Ms Simoni at her family day care residence. Ms Simoni left her residence to attend a preschool orientation session with her son. Ms Simoni arrived at the orientation session at or about 11:00am.

The four children were left in the care of Ms Simoni's partner, who was not a family day care educator assistant as defined in the National Law. At or about 11:42am, a family day care coordinator attended the residence to conduct an unannounced support visit. The coordinator rang the doorbell at the glass sliding door several times with no response. The coordinator observed the children unsupervised in a room inside the residence.

The coordinator heard a voice coming from the rear of the property and observed the educator's partner standing over a swimming pool pump. The coordinator returned to the glass sliding door and continued to knock until the educator's partner opened the door. At that point, the coordinator realised that the educator was not at the residence.

The educator returned to the residence at approximately 12:10pm.

Ms Simoni, in her capacity as a family day care educator:

- failed to adequately supervise four children by leaving them at the family day care residence with a person who was not a family day care educator assistant.