



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Educator	Ms Faalai Poto
Service Name	Two Tiny Bears
Type of Service	Family day care service
Action Taken	Prosecution action against Ms Faalai Poto 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>; and• one offence of failing to take every reasonable precaution 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>
Date of conviction	1 February 2018
Sentence	Convicted at Griffith Local Court and sentenced to a Conditional Release Order for a period of 2 years

Proven offence:

Ms Faalai Poto was an educator registered with Two Tiny Bears Family Day Care Service. On 11 January 2018, six children, aged 10, 8 and 6 (siblings), and 9, 7 and 5 (siblings) were being educated and cared for by Ms Poto. At approximately 1:00pm, the eldest child in the care of Ms Vitolia Aualiitia, another educator registered with Two Tiny Bears Family Day Care Service, contacted her mother by phone and advised her that she and her siblings had been left alone at City Park, Griffith, for over an hour.

When the child's mother arrived at the park, she noticed her children, and a number of other children meant to be in the care of Ms Faalai Poto, on the grass area near the playground. At the time of her arrival at the park, the child's mother observed a man wearing a Griffith City Council shirt, who was talking to a child. She did not observe Ms Aualiitia or Ms Poto, or any other adults in the vicinity of the park.

The park contained play equipment, including a flying fox with a sign warning that only children older than 12 years should use this piece of equipment, and a large climbing rope. Adjacent to the park was a canal, which was unfenced, and a public road. The

maximum recorded temperature in Griffith on the day of the incident was 38.5 degrees Celsius.

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

- failed to adequately supervise children by leaving them alone in a park; and
- failed to take every reasonable precaution to protect children from harm and from any hazard likely to cause injury.