



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	Guardian Corporate Early Learning Centres Pty Ltd
Service Name	Guardian Early Learning – Arthur Street
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Guardian Corporate Early Learning Centres Pty Ltd for: <ul style="list-style-type: none">one offence of failing to ensure adequate supervision of children - section 165(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>.
Date of conviction	15 April 2020
Sentence	Convicted at Sydney Downing Centre Local Court and fined a total of \$2,500

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.

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.

Guardian Corporate Early Learning Centres Pty Ltd:

- failed to ensure that adequate supervision was provided when the child was unsupervised for approximately 10 to 15 minutes, during which time she was able to enter the service staff room unsupervised and gain access to a cleaning product.