

## Early Childhood Education Directorate

### Convictions and Significant Enforcement Actions

Educator	Ms Helen Rateau
Service Name	Kidstart Family Day Care
Type of Service	Family day care service
Action Taken	<p>Prosecution action against Ms Rateau for:</p> <ul style="list-style-type: none"> <li>• 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>;</li> <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>; and</li> <li>• one offence of failing to implement adequate health and hygiene practices to minimise risks to children being educated and cared for – clause 77(3) of the <i>Education and Care Services National Regulations (NSW)</i>.</li> </ul>
Date of conviction	7 July 2020
Sentence	Convicted at Waverley Local Court and fined a total of \$7500. Ms Rateau was also placed on a Conditional Release Order for a period of 18 months.

#### Proven offence:

Ms Helen Rateau was an educator registered with Kidstart Family Day Care. The residence of Ms Rateau had three bedrooms, two of which were used as sleeping rooms for the children in Ms Rateau's care. One of the bedrooms had four cots in it. The other bedroom was Ms Rateau's daughter's bedroom and contained one set of bunk beds, a bassinet, a desk and wardrobes.

On 4 March 2019, Ms Rateau was caring for four children, one of whom was a six-month-old child. On this day, the child was dropped off wearing a blue short-sleeved onesie, a pair of shorts, a big and a "Huggies" brand nappy.

At about 12:35pm, Ms Rateau placed the six-month-old child in the bassinet to sleep. At about 12:50pm, the child was crying. Ms Rateau entered the room to check on the child and then left the room. The child stopped crying a short time later. Upon checking the child at about 1:20pm, Ms Rateau found the child face down in the bassinet and not breathing. Ms Rateau called an ambulance and commenced CPR, but the child was unable to be revived and was declared deceased upon arrival at Sydney Children's Hospital.

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

- failed to adequately supervise the child in her care by failing to closely monitor the sleeping child; failing to check/inspect the sleeping child at regular intervals; and failing to ensure that the child was within sight to monitor the child's breathing and skin colour; and
- failed to ensure that she took every reasonable precaution to protect a child from harm and from hazard likely to cause injury in that the child was placed in an unsuitable bassinet instead of a cot; the bassinet contained a loose sheet and pillow; the child's bib was not removed; and Ms Rateau failed to follow best practice guidelines in respect to sleeping children; and
- failed to implement adequate health and hygiene practices to minimise risks by not having changed the child's nappy between 8:30am and 1:20pm.