



## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Person with management or control	Mr Justin Ellul
Service Name	St Andrews Children’s Neighbourhood Centre; St Andrews Before and After School Care
Type of Service	Centre based education and care service
Action Taken	<p>Prosecution action against Mr Justin Ellul for:</p> <ul style="list-style-type: none"><li>• one offence of failing to ensure that no child is subjected to corporal punishment - section 166(1)(a) of the <i>Children (Education and Care Services) National Law (NSW)</i></li><li>• one offence of failing to ensure that no child is subjected to any discipline that is unreasonable in the circumstances - section 166(1)(b) of the <i>Children (Education and Care Services) National Law (NSW)</i>;</li><li>• three offences of failing to ensure that every reasonable precaution is taken to protect children from harm and from any hazard likely to cause injury – section 167(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>;</li><li>• one offence of failing to ensure that each educator educating and caring for children meets the qualification requirements relevant to the role (early childhood teacher) – section 169(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>;</li><li>• 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>; and</li><li>• three offences of failing to notify the Regulatory Authority of a complaint alleging that a serious incident had occurred – section 174(2)(b)(i) of the <i>Children (Education and Care Services) National Law (NSW)</i>.</li></ul>
Date of conviction	1 June 2018

Sentence	Convicted at Campbelltown Local Court and fined a total of \$6,450
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**Proven offence:**

During 2015, the following incidents occurred:

- an educator at the service witnessed another educator throwing chips at a child. A second educator took a water bottle and started spraying the child, who commenced shaking his head and trying to move away. When the child squealed, the educator crouched down and slapped the child on his hand;
- a child was not adequately supervised when he was regularly locked in a small, dark room as punishment for not sleeping and disrupting other children during nap time;
- a child was unsupervised at the service premises while the only staff member on the premises was in the office;
- a large chain, posing a hazard to children, was often left in the outdoor play area. The children at the premises would play with the chain, wrap it around their necks, drop it onto their feet, get their fingers caught in it, and trip over it;
- a child in the care of the service engaged in behaviours such as biting, hitting, and pushing other children, which caused harm to those children;
- a child in the care of the service engaged in violent behaviours, such as punching, spitting, verbally abusing, kicking, wrestling and jumping on other children, which caused harm to those children;
- the service failed to meet the requirement of having access to an early childhood teacher for at least 20% of the time that education and care was being provided; and
- on three occasions, the approved provider failed to report complaints made alleging that the safety, health or wellbeing of a child was being compromised.

Mr Justin Ellul, in his capacity as a person with management or control of St Andrews Children Neighbourhood Centre Inc. failed to exercise due diligence to prevent the approved provider from:

- failing to ensure that that no child was subjected to corporal punishment or discipline that was inappropriate in the circumstances;
- failing to take reasonable precautions to protect children from harm or any hazard likely to cause injury;
- failing to ensure that staff held the qualifications appropriate to their role;
- failing to ensure that adequate supervision was provided; and
- failing to report complaints.