



## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider Name	Kidstart Family Day Care Pty Limited ATF Kidstart Unit Trust
Service Name	Kidstart Family Day Care
Type of Service	Family day care service
Action Taken	<p>Prosecution action against Kidstart Family Day Care Pty Limited for:</p> <ul style="list-style-type: none"><li>• one offence of failing to ensure all children being educated and cared for by the service are adequately supervised at all times - section 165(1) 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(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>;</li><li>• six offences of failing to comply with the conditions of a service approval - section 51(8) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and</li><li>• one offence of failing to ensure each family day care educator holds a current approved first aid qualification - clause 136(3)(a) of the <i>Education and Care Services National Regulations (NSW)</i>.</li></ul>
Date of conviction	28 September 2021
Sentence	Convicted at Sydney Downing Centre Local Court and fined a total of \$176 000.

### Proven offence:

Kidstart Family Day Care Pty Limited:

- failed to ensure that the child was adequately supervised at all times;
- failed to ensure that every reasonable precaution was taken to protect the child from harm and from any hazard likely to cause injury in that it:

- had not provided sufficient refresher training to the educator on its policies and best practice relating to sleep and rest. Kidstart provided training on Red Nose sleep practices and procedures on 3 October 2017, however this was not refreshed prior to 4 March 2019;
  - did not monitor the educator to ensure compliance with its obligations to protect children from harms and hazards;
  - did not prevent the educator from providing education and care services without a current Cardiopulmonary resuscitation (CPR) certificate;
- failed to comply with the condition of the service approval to ensure the safety, health and wellbeing of children in that it failed to:
  - properly train and monitor the educator to ensure she had full knowledge and understanding of policies, procedures, and guidelines;
  - ensure the educator's CPR qualifications were current while educating and caring for children;
  - adequately inspect the premises and monitor the educator's compliance with the Law, guidelines and policies;
  - adequately inspect the residences of other educators registered with the service and to monitor their compliance with the Law, guidelines and policies; and
- failed to ensure the educator held a current approved first aid qualification.