



## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Nominated Supervisor	Ms Lanieta Vakatawa
Service Name	Koala Long Day Care Centre
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Ms Lanieta Vakatawa for: <ul style="list-style-type: none"><li>one offence of failing to ensure adequate supervision of children - section 165(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>.</li></ul>
Date of action	20 August 2020
Sentence	Convicted at Blacktown Local Court and fined a total of \$1,000.

### Proven offence:

The service provides long day care to a maximum of 39 children aged between six weeks and six years of age. Ms Lanieta Vakatawa was the nominated supervisor of the service.

On 5 April 2019, a two-and-a-half-year-old child was signed into the care of the service at 8:11am. When first enrolled, the child's parents advised staff that he would often try to escape. The information was noted on the child's enrolment form and staff were aware of this behaviour.

Parents and children would enter and exit the service through an external gate and then a door into the front nursery room. The sign-in iPad was located near that door. The children were also gathered together in that room in the morning.

At or around 8:20am, a NSW Police Officer responded to an urgent duty call over police radio in relation to a child walking on the street, without supervision. Shortly after, two police officers arrived at the location and observed a vehicle parked partially on the road and partially on the verge. The occupants of the vehicle approached holding the hand of a child.

At 8:45am, one of the police officers telephoned the service and asked if any children were missing. A staff member at the service confirmed that no children were missing.

The staff did not check the attendance roll or conduct a roll call to confirm that all children were accounted for.

Shortly afterwards, the police officer attended the service and showed an image of the child to staff, who recognised the child. The police returned the child to the care of the service at around 9:00am.

Ms Lanieta Vakatawa, in her capacity as nominated supervisor, failed to ensure that the child was adequately supervised at all times that he was in the care of the service, in that she:

- failed to have in place and enforce a system to ensure that staff at the service knew where each child was at all time;
- failed to ensure that the child was monitored actively, diligently, or at all, between about 8:11am and 9:00am on 5 April 2019; and
- Placed the child in an extremely hazardous situation by enabling him to walk unsupervised on and near roads.