

## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Nominated Supervisor	Ms Miranda McGrath
Service Name	Active OOSH Cameron Park
Type of Service	Centre based education and care service
Action Taken	<p>Prosecution action against Ms Miranda McGrath for:</p> <ul style="list-style-type: none"> <li>• one offence of failing to take every reasonable precaution to protect children from harm and from any hazard likely to cause injury - section 167(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>.</li> </ul>
Date of action	22/06/2020
Sentence	Sentenced at Toronto Local Court. Following a plea of guilt, the matter was dismissed without recording a conviction and without further penalty under section 10(1)(a) of the <i>Crimes (Sentencing Procedures) Act 1999 (NSW)</i>

### Proven offence:

The service provides education and care for school aged children, outside of school hours. On 18 January 2018, an eight year old child attended the service during the vacation care period. On that day, the child attended the “Super Camp Adventure Excursion” with the service.

During the excursion, the child, along with other children, was under the direct supervision of Ms McGrath and another educator. The weather was warm and sunny, with a maximum temperature of 29.5 degrees Celsius. The child participated in five activities that were each about 45 minutes in duration. These activities were conducted in full sun.

Ms McGrath allowed the children to remove their hats and shirts while participating in activities in areas that were not protected from the sun. Ms McGrath applied sunscreen to the child, but observed her to have removed the sunscreen on a number of occasions.

The child was sunburnt at the end of the day, and required medical treatment to address superficial burns, which resulted in two large blisters at both shoulders, two

smaller blisters at both shoulders and redness around both shoulders and the back of her neck.

Ms Miranda McGrath, in her capacity as nominated supervisor:

- failed to ensure that every reasonable precaution was taken to protect children from harm and from any hazard likely to cause injury, in that she failed to ensure the Sun Safety Policy was followed; was aware that the child had either not applied, or had removed sunscreen that was applied; did not act as a role model for sun safe behaviour; and allowed the child to participate in the activities without a hat or shirt.