



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Company Director	Philip Clark, Company Director of Pipdol Pty Ltd
Service Name	Cheeky Cherubs Preschool
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Philip Clark for: <ul style="list-style-type: none">• one offence of failing to ensure that the relevant number of educators educating and caring for children at the service is no less than the prescribed number – section 169(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and• one offence of failing to ensure that children only leave the service premises in accordance with the regulation – clause 99(1) of the <i>Education and Care Services National Regulations (NSW)</i>
Date of conviction	19 July 2017
Sentence	Convicted at Gosford Local Court and fined a total of \$1800

Proven offence:

At 8:55am on 31 August 2015, three educators were on duty and 35 children were in attendance at the service. All of the children were under six years of age. Between approximately 8:55am and 9:15am a three (nearly four) year old child was able to leave the service premises undetected by the educators. The child walked along the street until being picked up by a member of the public, who returned the child to the service at 9:20am.

Philip Clark, in his capacity as a company director of Pipdol Pty Ltd, failed to exercise due diligence to prevent the contraventions of the National Law and Regulations by not ensuring that:

- the service complied with the National Law and Regulations in respect to the educator to child ratios (three educators were present but four educators were required); and
- a child did not leave the education and care service premises except in accordance with the Regulations.