



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	Mr Richard Laney
Service Name	Koala Long Day Care Centre
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Mr Richard Laney for: <ul style="list-style-type: none">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>.
Date of conviction	15 October 2020
Sentence	Convicted at Parramatta Local Court and fined a total of \$3,500

Proven offence:

Mr Richard Laney was the approved provider of an education and care service known as Koala Long Day Care Centre.

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.

Mr Richard Laney failed to ensure that every reasonable precaution was taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury in that the child was placed in a hazardous situation (being alone and unsupervised on the street) and:

- failed to ensure the child was supervised in a manner that prevented him from leaving the service premises unaccompanied;
- failed to move the sign-in area away from the entrance of the service premises to avoid over-crowding of persons at the entrance;
- failed to install adequate signage to remind parents to close doors and gates immediately upon entering and exiting the service premises; and
- failed to implement a roll call and/or head count procedure at regular intervals to ensure that all children were accounted for.