



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Person with management or control	Mr Samir Ghattas
Service Name	Maria Long Day Care
Type of Service	Centre based education and care service
Action Taken	Prosecution action against Mr Samir Ghattas for: <ul style="list-style-type: none">• one offence 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>;• one offence of failing to notify the Regulatory Authority of a serious incident – section 174(2)(a) of the <i>Children (Education and Care Services) National Law (NSW)</i>;• one offence of failing to comply with the conditions of a provider approval - section 19(4) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and• one offence of failing to notify a parent within a time that was reasonably practicable, of any incident, injury, illness or trauma involving their child – clause 86 of the <i>Education and Care Services Regulations (NSW)</i>
Date of conviction	4 December 2018
Sentence	Convicted at Parramatta Local Court and fined a total of \$3,300

Proven offence:

Mr Samir Ghattas is the sole director of AHMOS Pty Ltd. On 11 April 2014, Mr Ghattas became the sole nominated supervisor of the service. On 1 January 2017, a staff member signed a nominated supervisor consent form declaring that she consented to be the nominated supervisor for the service. On 15 February 2018, AHMOS Pty Ltd gave notice to the Department that the staff member had been added as a nominated supervisor of the service.

On 23 October 2017, a child, who was almost five years old, was signed into the service at approximately 10:00am. Soon after her arrival, the child was in the outside play area when she was pushed by another child. The child who was pushed fell over on her right arm and started crying. Educators applied first aid. The child was not able to move the fingers on her right hand very much. Mr Samir Ghattas was asked to look at the child's arm and to call her parents.

At about 2:00pm, an educator asked another person to look at the child's arm. The child started crying, complained that her arm was hurting and said that she wanted to go to the doctor. An educator again spoke to Mr Ghattas, who stated that he had called the child's mother. The child spent the rest of the day playing indoors. She was not given any pain medication, or was emergency medical treatment arranged.

At around 3:15pm, Mr Ghattas contacted the child's mother, who arrived at the service at approximately 4:30pm. Upon seeing the child, her mother took her straight to hospital where an x-ray and examination concluded that the child had a fractured arm.

The approved provider failed to notify the Department of the serious incident.

Mr Ghattas, in his capacity as a person with management or control for AHMOS Pty Ltd, failed to exercise due diligence by not preventing the approved provider from:

- failing to comply with the conditions of the service approval by not operating the service in a way that ensured the safety, health and wellbeing of the children being educated and cared for by the service;
- failing to comply with the conditions of the provider approval by failing to notify the Department of the addition of a nominated supervisor either 7 days prior to, or within 14 days of, the change taking place;
- failing to notify the child's parents of the incident as soon as reasonably practicable; and
- failing to report the serious incident within 24 hours.