



Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	The Council of the City of Sydney
Service Name	Ultimo Children’s Program
Type of Service	Centre based education and care service
Action Taken	Prosecution action against the Council of the City of Sydney for: <ul style="list-style-type: none">• one offence of failing to ensure adequate supervision of children - section 165(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and• one offence of failing to take every reasonable one offence of failing to take every reasonable precaution 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	22 July 2019
Sentence	Convicted at Sydney Downing Centre Local Court and fined a total of \$10,000

Proven offence:

A child with Downs Syndrome was enrolled at the service. The parents of the child made the Council of the City of Sydney aware of the child’s tendency to abscond. At approximately 5:30pm on 5 February 2018, a parent advised a staff member that she had just seen the child walk through the foyer and leave the service. A staff member immediately went after the child, who was observed on the corner of two streets. The staff member started to run towards the child, which caused the child to start running away from the staff member. At this point, the staff member stopped running and the child allowed the staff member to approach, whereby the staff member took the child’s hand and they returned to the service premises. The child was nine years old at the time of the incident.

The Council of the City of Sydney

- failed to ensure that adequate supervision was provided when the child was able to leave the service premises, unsighted by staff; and

- failed to take every reasonable precaution to protect a child from harm and from any hazard likely to cause injury.