

Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	Whatcanwedo.com Pty Ltd atf WCWD Discretionary Trust
Service Name	Our Place Educational Centre
Type of Service	Centre based education and care service
Action Taken	<p>Prosecution action against Whatcanwedo.com Pty Ltd for:</p> <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>; • 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>; and • one offence of failing to take reasonable steps to ensure that the nominated supervisor and staff members followed policies and procedures – clause 170(1) of the <i>Education and Care Services National Regulations (NSW)</i>.
Date of conviction	11 February 2020
Sentence	Convicted at Queanbeyan Local Court and fined a total of \$9,300

Proven offence:

A child with a number of medical conditions including epilepsy, autism spectrum disorder, attention deficit hyperactivity disorder and an intellectual and language impairment was enrolled at the service. On 9 July 2018, at approximately 2:20pm, the child left the service premises unbeknownst to staff. The child, who was seven years old at the time of the incident, walked approximately one kilometre to a Woolworths store, where staff at the store contacted the police. At approximately 3:32pm, two police officers returned the child to the service. Prior to the police making contact with the service at around 3:15pm, the staff were unaware of the child's absence.

Whatcanwedo.com Pty Ltd

- failed to ensure that adequate supervision was provided when the child was able to leave the service premises, unseen by staff;
- failed to take every reasonable precaution to protect a child from harm and from any hazard likely to cause injury, in that:
 - there was not an adequate physical barrier to prevent the child from leaving the premises; and
 - the child was exposed to hazards including traffic and a large pond after having exited the service and walked alone and unsupervised to Woolworths; and
- failed to take reasonable steps to ensure that nominated supervisors and staff members followed the policies and procedures of the service in that there was no risk minimisation or communication plan in place for the child, nor had the child's health needs been communicated to all staff members.