



Early Childhood Education and Care Regulatory Authority

Convictions and Significant Enforcement Actions

Approved Provider Name	Little Triumphs Pty Ltd
Service Name	Little Triumphs Early Education Centre and OOSH
Type of Service	Centre-based service
Action Taken	<p>Prosecution action against Little Triumphs Pty Ltd for:</p> <ul style="list-style-type: none">• four offences of failing to ensure all children being educated and cared for by the service are adequately supervised at all times - section 165(1) of the <i>Children (Education and Care Services) National Law (NSW)</i>;• 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>;• five offences 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 ensure that reasonable steps were taken to ensure that prescribed documents are accurate – cl. 177(2) of the <i>Education and Care Services National Regulations (NSW)</i>; and• one offence of failing to ensure that a child being educated and cared for by the service was not taken outside the service premises on an excursion without written authorisation – cl. 102(1) of the <i>Education and Care Services National Regulations (NSW)</i>.
Date of conviction	24 February 2023
Sentence	Convicted at Penrith Local Court and fined a total of \$51,000.

Proven offence:

Little Triumphs Pty Limited failed to ensure that all children being educated and cared for by the service were adequately supervised at all times in that:

- on 28 July 2020, it:
 - failed to ensure that children were kept within the line of sight of educators at all times whilst being taken on foot (including crossing the road) to and from Southlands Shopping Centre;
 - failed to ensure that children were kept within the line of sight of educators at all times whilst inside the Southlands Shopping Centre;
 - failed to prevent children in care from running around and playing in the public area of Southlands Shopping Centre;
 - permitted a male child to attend a public male toilet unattended and without any educator with the child; and
 - failed to ensure that staff complied with the policies of the service that relate to excursions and transportation;
- on 30 July 2020, it:
 - failed to ensure that the children in the care of the service were kept a safe distance away from traffic on Maxwell Street;
 - failed to ensure that children in the care of the service were in the line of sight of the educators; and
 - failed to ensure that children in the care of the service did not communicate with members of the public without educator supervision and knowledge; and
- on 31 August 2020, it:
 - failed to ensure that a child was supervised while sleeping in a cot lying on top of a thick fluffy blanket which was not tucked into the mattress; and
 - failed to ensure that a child was supervised while sleeping in a cot with a half-full bottle of milk, a fluffy toy, a baby monitor and electrical cords within the child's reach; and
 - failed to ensure that children in the care of the service slept in accordance with the appropriate policy.

Little Triumphs Pty Ltd failed to ensure that every reasonable precaution was taken to protect a child from harm and from any hazard likely to cause injury in that, on 30 July 2020, it:

- failed to ensure that the children who were being taken to the basketball courts on Maxwell Street were kept a safe distance away from traffic on Maxwell Street whilst waiting for the arrival of the Nominated Supervisor;
- failed to ensure that a child being cared for within the service was sitting in the swing safely in the outside area of the service; and
- failed to ensure that a child was within the line of sight and within sufficient proximity of educators while sitting in the swing.

Little Triumphs Pty Ltd failed to comply with the conditions on the service approval in that on 23 June 2020, 1 July 2020, 14 July 2020, 20 July 2020 and 28 July 2020, it failed to ensure that the number of children educated and cared for by the service at any one time did not exceed the maximum of 32 specified in the service approval.

Little Triumphs Pty Ltd failed to comply with the requirement to take reasonable steps to ensure that enrolment records were accurate in respect to the enrolment records of four children.

Little Triumphs Pty Ltd failed to ensure that, on 28 July 2020, 17 children being educated and cared for by the service were not taken outside the service premises on an excursion without written authorisation in accordance with the *Education and Care Services National Regulations (NSW)*.