



Early Childhood Education and Care Regulatory Authority

Convictions and Significant Enforcement Actions

Approved Provider Name	Kids' Kinder Childcare Pty Limited
Service Name	Jumpstart Childcare
Type of Service	Centre-based service
Action Taken	<p>Prosecution action against Kids' Kinder Childcare Pty Limited for:</p> <ul style="list-style-type: none">• one offence of failing to notify the regulatory authority of a complaint alleging that the law had been contravened – section 174(2)(b)(ii) of the <i>Children (Education and Care Services) National Law (NSW)</i>;• eight offences of failing to ensure that a child being cared for was not subjected to discipline that was unreasonable in the circumstances - section 166(1)(b) of the <i>Children (Education and Care Services) National Law (NSW)</i>;• one offence of failing to ensure that every reasonable precaution is taken to protect children being educated and cared for by the service 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>;• 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 ensure that educators under the age of 18 are adequately supervised by an educator who has attained the age of 18 – cl. 120 of the <i>Education and Care Services National Regulations (NSW)</i>.
Date of conviction	23 July 2024

Sentence	Convicted of 12 offences at Sydney Downing Centre District Court (following an appeal from the Local Court) and fined a total of \$186,620.
----------	---

Proven offence:

Kids' Kinder Childcare Pty Limited failed to notify the regulatory authority of a complaint alleging that the law had been breached.

Kids' Kinder Childcare Pty Limited failed to ensure that seven children being educated and cared for by the service were not subjected to any discipline that is unreasonable in the circumstances.

Kids' Kinder Childcare Pty Limited 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 24 December 2021, it:

- failed to ensure that a child was secured into a highchair using a strap;
- failed to ensure that a sufficient number of chairs appropriate for children ages 0-2 years old to conduct arts and crafts activities were in the room;
- failed to ensure that the table on the highchair was secure before placing the child in the highchair;
- failed to ensure the responsible person on the "open shift" checked all highchairs first thing in the morning to ensure all highchairs were safe, secure and in good working condition;
- failed to ensure that the responsible person documented the inspection on the daily safety checklist; and
- failed to ensure that children were only placed into highchairs during mealtimes in accordance with the service's policy.

Kids' Kinder Childcare Pty Limited failed to comply with the conditions on the service approval in that during the period 1 May 2021 to 28 October 2021 it failed to operate the service in a way that ensures the safety, health and wellbeing of the children being educated and cared for by the service.

Kids' Kinder Childcare Pty Limited failed to ensure an educator at the service who is under 18 years of age is adequately supervised at all times by an educator who has attained the age of 18 years in accordance with the requirements of the *Education and Care Services National Regulations (NSW)*.