



Early Childhood Education and Care Regulatory Authority

Convictions and Significant Enforcement Actions

Approved Provider Name	The Ella Group Pty Ltd
Service Name	Funtime Childcare
Type of Service	Centre-based service
Action Taken	Prosecution action against the Ella Group Pty Ltd for: <ul style="list-style-type: none">• one offence 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>; and• one offence of failing to ensure that a child being educated and cared for by the service does not leave the education and care service premises except in accordance with the regulations – cl. 99(1) of the <i>Education and Care Services National Regulations (NSW)</i>.
Date of conviction	25 July 2024
Sentence	Convicted at Bankstown Local Court and fined a total of \$12,500.

Proven offence:

The Ella Group Pty Ltd failed to ensure that all children being educated and cared for by the service were adequately supervised at all times in that, on 5 May 2023, it failed to ensure that:

- educators knew where a four year old child was at all times when the child was in the care of the service;
- the child did not leave the service premises except in accordance with regulation 99(4) of the National Regulations;

- the child was monitored actively, diligently, or at all;
- the child was safe at all times; and
- the child had the opportunity to alert educators to the child's location.

The Ella Group 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 5 May 2023, it:

- did not have policies and procedures in place to ensure that the garden area gate was always closed or not able to be easily accessed by children;
- did not ensure that the lock on the garden gate area could not be accessed or opened by a child;
- did not install any mechanism on the garden gate which either alerted educators when the gate was not closed or ensured that, once opened, the gate returned to the closed position automatically;
- did not limit the use of the garden area gate to staff only;
- did not place a sign at the garden area gate requesting users to close the gate after use;
- did not ensure that there were no items in the yard which children could use to stand on to access the lock on the garden area gate;
- did not reduce access to the garden area gate by installing an additional fence and gate between the garden area and the car park;
- did not ensure that a physical headcount of the children at the service was conducted at regular intervals throughout the day;
- did not ensure compliance with the Incident, Injury, Trauma and Illness Policy and Supervision Policy; and
- did not implement any supervision plan with strategies to allow educators to supervise the gate when the garden area was being used by children.

The Ella Group Pty Ltd failed to ensure that, on 5 May 2023, a child being educated and cared for by the service did not leave the service premises in accordance with regulation 99(4) of the National Regulations in that the child:

- was not given into the care of a parent or any other authorised person;
- did not leave the service premises in accordance with the written authorisation of a parent or an authorised person;
- was not taken on an excursion;
- was not transported by or under an arrangement by the service; and
- was not given into the care of a person or taken outside the premises for medical, hospital or ambulance care or treatment because of any other emergency.