

Early Childhood Education Directorate

Convictions and Significant Enforcement Actions

Nominated Supervisor	Adriana Caruso (nee Tozzi), employed by G & M Childcare Centres Pty Ltd
Service Name	The Pines Academy
Type of Service	Centre based education and care service
Action Taken	<p>Prosecution action against Adriana Caruso for:</p> <ul style="list-style-type: none"> • 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 any hazard likely to cause injury – section 167(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>
Date of conviction	17 July 2017
Sentence	Ms Caruso entered a plea of guilty to the offence. The offence was proven but no conviction was recorded. The matter was dismissed without further penalty under section 10(1)(a) of the <i>Crimes (Sentencing Procedures) Act 1999 (NSW)</i>

Proven offence:

The service owned and operated at least two Toyota Coaster commuter type buses, each capable of transporting approximately 20 children. The buses were utilised by the service to take children in the care of the service to various schools in the morning, and to pick up children and transport them to the service in the afternoon after school.

On 8 December 2014, after picking children up from school and transporting them to the service, a six year old child remained inside one of the buses after it had been parked and locked for the evening. The child remained alone and unsupervised in the bus for approximately one hour before he was seen, hitting the glass door of the bus with both his hands, by a parent of another child. An educator was alerted and attended the bus to help the child out. The child was crying and shaking, and was red and sweating. The ambient temperature was in excess of 28 degrees Celsius.

Adriana Caruso, in her capacity as the nominated supervisor, failed to ensure that every reasonable precaution was taken to prevent harm and hazard likely to cause injury to the child.