



## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	W K Phillip Pty Ltd
Service Name	Caves Beach Early Learning Centre
Type of Service	Centre based education and care service
Action Taken	Prosecution action against W K Phillip Pty Ltd for: <ul style="list-style-type: none"><li>• five offences of failing to comply with the conditions of the service approval in respect of the maximum number of children permitted to be educated and cared for – section 51(8) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and</li><li>• three offences of failing to ensure that an educator educating and caring for children at the service met the qualification requirements relevant to the educator’s role</li></ul>
Date of conviction	28 July 2017
Sentence	W K Phillip Pty Ltd entered a plea of guilty for all offences. The offences were proven but a conviction was not recorded. The matter was conditionally discharged upon the entering of a good behaviour bond for a period of two years from 28 July 2017, under section 10(1)(b) of the <i>Crimes (Sentencing Procedures) Act 1999 (NSW)</i>

### Proven offence:

The service was approved to educate and care for a maximum of 45 children.

In July 2015, following the receipt of a complaint, the Department began an investigation into the operation of the service. As part of that investigation, the Department obtained various documents, which revealed that:

- on five separate days in March 2015, the child attendance records showed more than the permitted number of children attending the service; and
- three educators, who provided education and care to children at the service on certain dates in March 2015, were listed on the staff attendance records as having early childhood teaching qualifications. The educators did not hold those qualifications, resulting in the service having an insufficient number of

early childhood teachers in relation to the number of children in attendance at the service on the relevant days.

W K Phillip Pty Ltd failed to:

- comply with the conditions of the service approval by allowing the service to educate and care for more than the maximum number of children permitted; and
- ensure that the service had the correct number of early childhood teachers.