

Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Approved Provider	Abu Sefein Operating Pty Ltd
Service Name	Endeavour Early Education Concord
Type of Service	Centre based education and care service
Action Taken	<p>Prosecution action against Abu Sefein Operating Pty Ltd for:</p> <ul style="list-style-type: none"> • one offence of failing to ensure that all children being educated and cared for by the service are adequately supervised at all times that the children are in the care of that service – 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 the education and care service premises and all equipment and furniture used in providing the service are safe, clean and in good repair - clause 103(1) <i>Education and Care Services National Regulations 2011</i>.
Date of conviction	11 May 2021
Sentence	Convicted at Burwood Local Court and fined a total of \$10,500.

Proven offence:

Abu Sefein Operating Pty Ltd:

- failed to ensure that the child was adequately supervised at all times, and failed to ensure that the child was protected from harm and from any hazard likely to cause injury in that it:
 - failed to have in place and enforce a system to ensure that staff at the service knew where each child was at all times;
 - failed to ensure that the child was monitored actively, diligently, or at all between about 2:20pm and 2:46pm on 20 August 2019;
 - failed to install adequate child-proof doors or gates at points of entry and exit at the service, allowing the child to access the lift foyer and lift without restriction;

- walking across a rocky garden bed at the entrance of the premises, while holding a cup and trailing a backpack. The child then walks across the driveway of the premises, without looking or pausing, and proceeds further along the footpath of Majors Bay Road, heading south.
 - failed to monitor the lift foyer and the lift, especially given the door's closing mechanism was known to be faulty at the time and had not been fixed;
 - failed to implement head count procedures at regular intervals to ensure that all children were accounted for; especially when children were transitioning between the indoor and outdoor spaces;
- failed to ensure that the education and care service premises and all equipment and furniture used in providing the service were safe, clean and in good repair on 20 August 2019, in that it:
 - failed to ensure that the three sliding doors between rooms were not self-closing;
 - failed to ensure that the latches would secure the doors shut when closed;
 - failed to ensure that the doors were heavy enough to prevent children from opening them; and
 - failed to fix faulty latches on doors despite service staff having knowledge of the latches unreliability.