

Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Nominated Supervisor	Ms Lauren Smith
Service Name	Kids united OSHC
Type of Service	Centre based education and care service
Action Taken	<p>Prosecution action against Ms Lauren Smith for:</p> <ul style="list-style-type: none"> • one offence of failing to ensure adequate supervision of children - section 165(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and • one offence of failing to take every reasonable precaution to protect children from harm and from any hazard likely to cause injury - section 167(2) of the <i>Children (Education and Care Services) National Law (NSW)</i>.
Date of action	16 November 2020
Sentence	Sentenced at Campbelltown Local Court. Following a plea of guilt, the court made Conditional Release Orders for both offences under section 10(1)(b) of the <i>Crimes (Sentencing Procedures) Act 1999 (NSW)</i> . No conviction was recorded.

Proven offence:

Ms Lauren Smith, in her capacity as nominated supervisor:

- failed to ensure children being educated and cared for were adequately supervised in that the two children, from approximately 3:50pm to 4:37pm, being the period when the children first left the service premises to when they were returned, were not supervised; and
- failed to ensure that every reasonable precaution was taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury in that she:
 - failed to ensure that the service had an adequate number of functioning walkie-talkies for each educator to communicate the movements of children in the care of the service;
 - failed to ensure that there was no blind spot on the path between the indoor and outdoor play areas to ensure that children were supervised while travelling between play areas;

- failed to adopt, implement and train educators on a formal written policy of using the walkie-talkies, including “call and response” radio procedure whereby a sending educator requests verbal confirmation that a message has been received and the educator receiving the message confirms receipt of the message before any child travels between play areas;
- failed to adopt, implement and adequately train educators on a written policy whereby children in the care of the service are not permitted to travel between parts of the school premises unsupervised by and/or out of the line of sight of an educator at the service; and
- failed to instruct parents not to give their children the gate security pin code.