

## Early Childhood Education Directorate Convictions and Significant Enforcement Actions

Educator	Ms Helen Rateau
Service Name	Kidstart Family Day Care
Type of Service	Family day care service
Action Taken	<p>Prosecution action against Ms Rateau for:</p> <ul style="list-style-type: none"> <li>• one offence of failing to ensure adequate supervision of children - section 165(3) of the <i>Children (Education and Care Services) National Law (NSW)</i>;</li> <li>• 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(3) of the <i>Children (Education and Care Services) National Law (NSW)</i>; and</li> <li>• one offence of failing to implement adequate health and hygiene practices to minimise risks to children being educated and cared for – clause 77(3) of the <i>Education and Care Services National Regulations (NSW)</i>.</li> </ul>
Date of conviction	7 July 2020
Sentence	Convicted at Waverley Local Court and fined a total of \$7500. Ms Rateau was also placed on a Conditional Release Order for a period of 18 months.

### Proven offence:

Ms Rateau, in her capacity as a family day care educator:

- failed to adequately supervise the child in her care by failing to closely monitor the sleeping child; failing to check/inspect the sleeping child at regular intervals; and failing to ensure that the child was within sight to monitor the child's breathing and skin colour; and
- failed to ensure that she took every reasonable precaution to protect a child from harm and from hazard likely to cause injury in that the child was placed in an unsuitable bassinet instead of a cot; the bassinet contained a loose sheet and pillow; the child's bib was not removed; and Ms Rateau failed to follow best practice guidelines in respect to sleeping children; and

- failed to implement adequate health and hygiene practices to minimise risks by not having changed the child's nappy between 8:30am and 1:20pm.