

Ms [REDACTED]
Person with Management or Control
The Young Women's Christian Association of Canberra
RE: YWCA Charles Conder School Aged Care

Email: [REDACTED]
cc: [REDACTED]

Dear Ms [REDACTED]

Assessment of Notified Complaint RE NOT-40870069

1. As you are aware, Authorised Officers from the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently assessed Notification of a Serious Incident (NOT-40870069) relating to YWCA Charles Conder School Aged Care SE-00009663 (the Service) operated by The Young Women's Christian Association of Canberra PR-00005876 (the Provider). The incident was notified to the Authority on 21 June 2023.

Facts

2. The notification of complaint advised that, on 21 June 2023, a complaint was received by a parent advising of systemic, unmanaged bullying of a child by a peer.
3. The interaction was described as the 7-year-old ([REDACTED]) was engaged with other children as follows:
 - a) On 6 June 2023, [REDACTED] began chasing other children throughout the yard, yelling at them that "he wants to have sex with them". Once catching them, he taunted them for being slow before pulling his pants down and rubbing himself against them.
Refer NOT-40870069 and attached supportive documents at [Attachment A](#).
 - b) Other behaviour displayed by [REDACTED] includes describing sexual acts to children and educators
 - c) Exposing himself to educators and other children
4. Further to the notification, the Provider advised via email that they had submitted a child concern report to CYPS on 16 May 2023 and continue to update it weekly with the escalation of behaviour. Refer communication between YWCA QSU and program mail [Attachment B](#).
5. Additional information was submitted at time of the notification at [Attachment C](#).
6. Additional information submitted included the following:

- a) Staff emails 2 June 2023 through 8 June 2023. [REDACTED], [REDACTED], [REDACTED], [REDACTED] outlining ongoing concerns regarding [REDACTED] behaviour.
- b) Communication between [REDACTED] (Charles Conder School Principal), YWCA Quality Service Unit and Strategic Procurement which includes [REDACTED] ([REDACTED] mother) original complaint to Charles Conder Primary School regarding [REDACTED] behaviour.
- c) Incident Report – [REDACTED].

Assessment/Recommendations

7. Upon considering all evidence for assessment, inclusive of Provider supplied information, the Authority offers the following recommendation:
 - a) The Provider is to ensure that the families involved are provided with the contact details of Enhanced Child Health Services. This unit can provide professional guidance and support for the families and the children. The Provider is encouraged to have the families of both children contact Enhanced Childrens Health Services on (02) 5124 2712 for professional guidance and support.
 - b) Once families have had the opportunity to contact Enhanced Health Services, ensure that they advise the school and the service of the outcome and any strategies/ guidance that needs to be implemented. A meeting with each individual family, school and service should be held to ensure that plans are implemented consistently across both services to support the children and their families.
 - c) The Provider is to engage immediately with the school, via the community of practice requirements as set out under the service deed, to have consistent risk assessments, action plans and behaviour guidance plans in place to protect and support both children as well as mitigate risks of a similar interaction occurring. These should be done parallel with meetings with each family to ensure a consistent approach.
 - d) The Provider is to thoroughly review their current supervision arrangements and risk assessments for the service spaces used by all children, and any amendments to be communicated to educators in a way that ensures educators understand and are aware of the Provider's expectations, and that amendments are implemented quickly and correctly to mitigate risks of inadequate supervision.
8. The Provider is requested to update the Authority in all actions undertaken and provide evidence of strategies implemented. The Provider is to advise the Authority if there are any issues or concerns to ensure best outcomes for the children and families.

9. We have attached further resources that have been supplied to the Authority by Enhanced Health Services that can be utilised by the Provider/ Service and school at Attachment D, E, F and G.

Legislation

10. The *National Law* is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011* <http://www.legislation.act.gov.au/a/2011-42/default.asp>.
11. The *Law* and *Regulations* can be viewed at:
- <http://www.acecqa.gov.au/national-law>, and
 - <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>
12. If you have any questions in relation to this Decision, please contact me by email at jo.williams@act.gov.au.

Yours sincerely



Jo Williams
Director – Regulatory Operations
Children’s Education and Care Assurance
Education and Care, Regulation and Support

06 July 2023