

## Caveat Brief

UNCLASSIFIED

**To:** Yvette Berry MLA, Minister for Education

**From:** EBM, ECRS, Education Directorate

**Subject:** Complaint by [REDACTED] RE: CECA enquiry related to Coombs ELC

That you note the complaint received relating to CECA's performance of Regulatory functions and work underway to respond.

**Noted / Please discuss**

Yvette Berry MLA...../...../.....

### Summary

A parent, [REDACTED], is complaining to CECA that CECA failed to address allegations of inadequate supervision and risk to children at Coombs Early Learning Centre in January 2021. [REDACTED] raised allegations that inadequate supervision had resulted in "sexual assault" to her child, [REDACTED], by another child. Both children were three years-old at the time.

[REDACTED] wrote that she "was instructed" by the ACT Ombudsman to complain directly to CECA regarding this matter.

[REDACTED] is demanding a response and advised that she also intends to escalate this matter externally and publicly, as she advocates there are very serious public interest dimensions to what has occurred.

For incidents of harm where a child has caused the harm to another child, CECA's role is to ensure the service has, and is, undertaking best practice steps to protect and support both children. Where a child is exhibiting sexualised behaviour that is not consistent with usual child exploration and development, there is also a protective role for the service towards that child.

Children and Young People Protection Service were notified about this case by the approved provider of the centre in January 2021.

[REDACTED] also raised this matter with the Human Rights Commission (HRC) earlier in 2022. CECA has corresponded with the HRC on this issue and advised the HRC that CECA will cooperate fully with any investigation they undertake on the issue.

Mr Moysey is formally reviewing CECA's response to [REDACTED] matter and has advised [REDACTED] in writing of the review.

### **Background**

CECA were aware of [REDACTED] concerns in January 2021. At the time [REDACTED] advised that she did not wish to make a formal complaint. [REDACTED] said she was liaising with the service and just wanted advice from CECA regarding how to protect [REDACTED].

At the time CECA explained its role in an email to [REDACTED] and provided access to the complaint form.

The approved provider of the service notified CECA of [REDACTED] complaint to the service on 19 January 2021.

CECA maintained oversight of the Provider's management of the issue. CECA supported the provider to proactively manage the safety of the children in question and any other children. Emails shared with CECA between the provider and [REDACTED] suggest that [REDACTED] concerns were addressed.

No further correspondence or contact was had with [REDACTED] until February 2022, when a complaint was lodged directly to CECA about the same issues identified in January 2021. The lodgement of a complaint at this time appeared to be in the context of [REDACTED] being informed by another parent of a similar instance of sexualised peer interactions that occurred with their child in 2021.

Authorised Officers conducted additional enquiries with the approved provider and reached out to the second parent identified in [REDACTED] complaint when provided contact details. [REDACTED] told CECA that they had unenrolled their children week ending 18 August 2021 to move to Victoria.

CECA wrote to [REDACTED] advising the outcome of her complaint.

### **CECA's considerations**

At the time the issue was first reported to CECA, CECA was satisfied that the provider was managing the issue appropriately. The provider applied protective supervision for the children involved and CYPs provided advice in this regard to the service as well.

CECA enquiries with the provider did not establish any incident observed by staff members. CECA was satisfied that the provider and service had appropriately analysed the timing and location of the children in question based on [REDACTED] information to [REDACTED].

Following [REDACTED] direct complaint on 24 February 2022, [REDACTED] provided the names of two parents who [REDACTED] said had relevant information relating to the 2021 complaint. The first parent did not have information relevant to [REDACTED] experience. This parent was concerned about supervision in the first half of 2021 in general but

declined to lodge a formal complaint or provide evidence despite a number of conversations and correspondence with the investigating officer.

The second parent had information that her child experienced a similar incident to [REDACTED] in the first half of 2021. However, the information did not suggest the harm was instigated by the same child who harmed [REDACTED] in the first half of 2021. Again, despite a number of conversations and correspondence with the investigating officer the parent declined to lodge a complaint or provide evidence.

Both parents clearly and consistently expressed a preference not to pursue providing evidence for reasons of privacy. Consequently, CECA determined there was no information, evidence or leads that could be relied upon to pursue any further investigation, let alone prove that supervision was inadequate.

### **Next steps**

Mr Moysey will review and respond to [REDACTED] directly.

CECA is about to commence a three month Risk Assessment and Management campaign, including targeted auditing of providers, with three focus areas:

- Play equipment and supervision.
- Child allergies and medical conditions.
- Interactions between children that may pose a risk to child safety, health, and wellbeing. For example, challenging behaviours and body exploration between children, children touching other children's genitals etc

Attention on these focus areas as part of the usual auditing program commenced two weeks ago.

Contact Officer:  
Sean Moysey

Contact Number:  
[REDACTED]

Date:  
27 May 2022