

### Instructions

This form should be used to lodge a complaint to the ACT Regulatory Authority in circumstances where your complaint alleges possible offences and/or engage a risk to the safety, health and wellbeing of children or a child attending an education and care service.

The completed form should be forwarded to [complaintsCECA@act.gov.au](mailto:complaintsCECA@act.gov.au)

The Authority is obligated to protect personal information in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles contained in the Privacy Amendment (Enhancing Privacy Protection) Act 2012. Information provided in this form would only be shared subject to the information sharing provisions under the relevant Legislation.

## Direct Complaint Form - Online

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| Date completing form:  | 24/10/20  |
| Time completing form:  |   |
| Your full name:  | P01 P01   |
| Date of birth  | P01   |
| Contact details:<br>(phone and email)  | P03<br>P03  |
| Service to which the complaint relates?  | Guardian Early Learning Centre, Forde Canberra  |
| Has the complaint been raised directly with the service? If <i>yes</i> what was the response? If <i>not</i> why? | Yes<br>First sexual assault their response was to change processes to implement a 15 minute documented welfare check on my child and ensure all educators undertook refresher training on body privacy<br><br>Second sexual assault I immediately withdrew my daughter immediately and lodged complaints wit the director of the centre and the area manager. |
| Complainant's relationship to the service (how long have you had an association <i>parent/educator</i> for)?     | My daughter had attended the centre for approximately two months at the time of the first sexual assault and then approximately 4 months at the time of the second sexual assault.  |
| Date/time of incident/ issue   | First incident<br>Either Monday 24 or Tuesday 25 August   |

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| <p>to which the complaint relates. If unknown, approximate timeframes?</p>   | <p>Second incident Tuesday 20 October</p>   |
| <p>If delay in reporting, reasons for delay?</p>   | <p>I believed the centre was dealing with the first sexual assault in an appropriate manner – and then the second sexual assault occurred, which clearly shows they did not protect my daughter at all.</p>   |
| <p>Name of children (in full if possible) involved in the incident/ issue to which the complaint relates?</p>  | <p><b>P01</b> <b>P01</b> – my 4.5 <b>P05</b> was the victim.</p> <p>First sexual assault – two preschool boys named <b>P01</b> and <b>P01</b></p> <p>Second sexual assault – one preschool boy named <b>P01</b> (same child as first assault)</p>   |
| <p>Age of Children (DOB if possible and relevant?)</p>   | <p>All approximately 4 years old (in the preschool classroom)</p>   |
| <p>Name of educator(s), staff member(s) or other persons involved?</p>   | <p>First sexual assault – apparently no educators in the vicinity, nothing was observed, and nobody noticed my daughter had a bloody vagina.</p> <p>Second sexual assault – educator <b>P01</b> observed <b>P01</b> encouraging my daughter to hide in various locations around the yard, and when she heard <b>P01</b> say to my daughter ‘lets do it here, they cant see us’ she went to them and asked them to play somewhere else. Apparently educator <b>P01</b> was also in the vicinity. According to both of them they did not see any physical touching occur (contrary to my daughter).</p>   |
| <p>Details of the incident/issue:</p> <p><i>Consider details such as:<br/>What happened?<br/>Where did it happen?<br/>Has it ever happened before?<br/>Has it happened to anyone else?<br/>Who was present?<br/>Who was involved?<br/>Have you discussed the incident/issue with anyone else?<br/>Has any action been taken?</i></p> | <p>Both instances were in/close to the sandpit near the nursery rooms.</p> <p>First incident:</p> <ul style="list-style-type: none"> <li>Both boys asked to touch <b>P01</b>’s vagina and bottom, both of them inserted their fingers roughly and caused pain and bleeding, which is how I was alerted to what happened that night. They boys asked <b>P01</b> to <b>P05</b> their penis’s, which she did, as she is <b>P05</b> and desperate for friends.</li> </ul> <p>Second incident:</p> <ul style="list-style-type: none"> <li><b>P01</b> asked <b>P01</b> to let him touch her vagina again. She is <b>P05</b> and desperate for friends so complied, although she later told me she was scared and confused and just wanted him to play with her. That night she told me her ‘vagina was very sore as <b>P01</b> touched it really hard, but don’t worry mum this time he didn’t put his fingers inside my vagina’</li> </ul> |

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|   | <p>This has never happened to my daughter before attending this childcare. She attended another centre for two years previously and we never had issues with poor educator supervision or predatory children intent on preying on my vulnerable daughter.</p> <p>Since the first sexual assault myself and my daughter’s therapists and support worker have ensured we have repeatedly discussed, read stories, and watched videos on what is appropriate and safe behaviour and what is not.</p> <p>My daughter is P05 and although she understands how she SHOULD behave – this does not translate to reality – for example when a boy that she wants to be friends with asks her to do something unsafe and painful, she said yes on two separate occasions.</p> <p>My daughter has the P05, requiring substantial support in social interactions and communications, and the daycare were very aware of this.</p> <p>Guardian Forde failed in their duty of care - TWICE failing to prevent my daughter from being sexually assaulted.</p> |
| <p>Did you make any notes at the time, or send any emails? Are you prepared to provide a copy?</p>                                | <p>I have detailed emails that I sent to the director of the childcare for both incidents.</p> <p>Yes, happy to provide copies.</p>  |
| <p>If necessary would you be prepared to make a statement?</p>  | <p>Yes, happy to provide a statement.</p> <p>I intend to take this as far as possible. The centre grossly failed in their duty of care to my daughter, one of society’s most vulnerable members. I am beyond devastated that they allowed an environment including inadequate supervision of my P05 daughter which resulted in my daughter to be sexually assaulted not once but TWICE.</p>  |
| <p>Is there any other information (documents, memos, emails etc) that you may have that would substantiate the allegation(s)?</p> | <p>I have notes in my phone ‘note’ app.</p> <p>I have requested a copy of both investigations from the daycare director however I am yet to receive either of those.</p> <p>I have records of both visits to my daughters doctor plus results of the UTI test undertaken to ensure there were no infections after the first sexual assault.</p> <p>I have emails to my daughters therapists outlining the issue</p>  |

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|  | <p>that occurred so that they could implement body safety related therapy to try and keep her safer in future.</p> |
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