

## 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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| Direct Complaint Form - Online   |   |
| Date completing form:  | 23 February 2022  |
| Time completing form:  | 6 hours   |
| Your full name:  | p01 p01   |
| Date of birth  | P02   |
| Contact details:<br>(phone and email)  | P03<br>P03  |
| Service to which the complaint relates?  | Bruce Early Childhood Centre  |
| Has the complaint been raised directly with the service? If <i>yes</i> what was the response? If <i>not</i> why? | <p>Yes. The complaint was raised by us (P01's parents) on 23 December 2021, the day after P01 reported it to us. We contacted P01 - P01 p01 (the director of the centre) via email and spoke to the Preschool team leader, p01 p01, in person.</p> <p>p01 acknowledged the seriousness of this behaviour and told us that the boy (P01) would not be in that day. She would speak to P01 - P01 (the director of Bruce child care service) in person to arrange further discussions with us.</p> <p>P01 - P01 responded to our email promptly and gave assurances to follow up with staff, affected children and their parents. She also notified us that P01 had recently reported the boy doing the same thing to a friend of hers (P01) and that this was reported as a serious incident. She later notified us</p> |

that our complaint was also raised with the regulator and we eventually received a copy of this. In the complaint (submitted on our behalf) it is mentioned that our daughter and this boy have had ‘past altercations’ and he had a behaviour plan in place for ‘different behaviour issues’. This is not accurate and does not reflect the repeated, pernicious and deliberate behaviour of this boy and the effect he has had on our child and other children around him. To be clear, P01 had reported his sexualised behaviour before and we had discussed and gained assurances from P01 - P01 that staff would be alerted and increased observation would prevent it from happening again.

In response to our complaint on the 23 December, P01 - P01 outlined a number of measures that we were supportive of, including speaking with the P01's parents, reinstating his behaviour management plan, alerting centre educators to the problem (including future training), updates in the centre's policies and curriculum in addition to providing protective behaviour material, educator training and education to the preschool children.

Shortly after the complaint was made, on 25 December 2021, P01 made further and more serious disclosures to us about the boy's behaviour and was clearly distressed and suffering. We have since requested that the full details of P01's experience is reported as a serious incident report but P01 - P01 has refused to do this. Instead, we were told a call was made to the regulator. These choices of how and what to report is something we have had no say in and, in this instance, have no record of or objective source of evidence for.

P01's experience with this boy was not an isolated incident and was traumatising for her. The repeated, planned, sexualised and aggressive nature of the behaviour is not reflected in reporting to the regulator and it is currently impossible to have confidence in any claim of oversight being applied to the centre's response.

After the Christmas break, the boy did not return to the centre until 17 January 2022 and finally left the centre at the end of January.

P01 - P01 has respected our wishes and has worked with us to ensure that our daughter P01 was not at the centre at the same time as the boy during the last weeks of January.

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|  | <p>We are extremely concerned that the boy will go on to do this again in another school and are worried about future impact on other children. We have sought assurances from P01 - P01 that she would follow up with the boy's parents, his behaviour would be recorded in materials to be passed on to his new school and help from professionals would be sought for him. A concern was discussed (raised by P01 - P01) that the boy may be imitating abuse he has experienced in another setting.</p> <p>There needs to be follow through. We expect the response outlined by P01 - P01 to be implemented but we currently don't have visibility or authority to ensure that this happens.</p> |
| <p>Complainant's relationship to the service (how long have you had an association parent/educator for)?</p>   | <p>Nearly four years.</p>   |
| <p>Date/time of incident/ issue to which the complaint relates. If unknown, approximate timeframes?</p>  | <p>The months prior to 23 December 2021.</p>  |
| <p>If delay in reporting, reasons for delay?</p>   | <p>There was no delay in us reporting this.</p>   |
| <p>Name of children (in full if possible) involved in the incident/ issue to which the complaint relates?</p>  | <p>P01 P01 p01 P01</p>  |
| <p>Age of Children (DOB if possible and relevant?)</p>   | <p>4 years old<br/>P02</p>  |
| <p>Name of educator(s), staff member(s) or other persons involved?</p>   | <p>P01 - P01 p01<br/>p01 p01<br/>P01 P01<br/>P01 P01</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</i></p> | <p>22 December 2022</p> <p>On the night of 22 December, P01 told us that a boy in her class at daycare, P01 regularly lifted her and other girls' skirts (e.g. P01's, P01's) despite being told to stop and the girls asking for educators' assistance.</p> <p>At points, P01 had whispered like it was a secret and told us that P01 was too strong to stop. She expressed distress, frustration and powerlessness as educators in the playground were not taking it seriously. We had not received any incident</p>   |

*else?*

*Who was present?*

*Who was involved?*

*Have you discussed the incident/issue with anyone else?*

*Has any action been taken?*

reports about this and it had not been raised with us by educators.

On 23 December, we spoke to P01's preschool team leader P01 and wrote to the centre's director, P01 - P01. P01 - P01 responded promptly (see attached emails, labelled **EMAIL 1** and **EMAIL 2** and outline above).

We asked why we had not been informed of these events and P01 - P01 told us that she was only aware of one other time this had happened. This was when P01 had lifted the skirt of P01's friend P01 (we were not told at this time that he had touched P01's bottom). P01 had reported this incident to an educator (P01) but we had not been informed. Although an incident report had been raised, we discovered that P01's parents had not been notified and informed P01 - P01 of this.

On Christmas day, P01 was truly distressed and made further disclosures about P01. She said that while P01 had lifted her skirt he had looked inside her underpants. She said he makes her feel unsafe and 'yucky'. She told us that P01 was physically aggressive and twisted her arm, pushed her over and hid behind corners waiting for her and other girls to do these things to them.

We were no longer willing to take risks with P01's safety and went about ensuring that P01 would not be at the centre with P01 again and planning for her to move to another centre. We also clearly expressed our concern for the safety of other girls at the Bruce centre and those who would be at P01's next school. These behaviours were not spontaneous or playful, they were planned and deliberate. The girls told the boy to stop and he did not, he held onto their clothes and used his strength to intimidate them.

#### **Action taken**

Beyond ensuring P01's immediate safety, we have not seen the implementation of the response measures outlined by P01 - P01. In particular, updates in the centre's policies and curriculum, educator training, and protective behaviours education for the children.

We have requested that a serious incident report is raised for P01 and her experiences are viewed in the context that is not reflected in the complaint submitted on our behalf. (Attached email chain labelled **EMAIL 7**.)

We are also concerned that P01 may be being abused himself. A concern first raised by P01 - P01. This behaviour requires targeted intervention and we have no way of knowing if that is being pursued.

We believe these issues warrant the oversight of the regulator and that follow up on remediation measures should not be the

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|  | <p>responsibility of us alone.</p> <p><b>PRIOR INCIDENTS</b></p> <p>- 27 January 2021</p> <p>We spoke to P01 - P01 in person and over the phone about P01's report to us that in the days prior, P01 had looked inside her and her friend P01's pants at their bottoms in the block room.</p> <p>During our discussions with P01 - P01 about this, she assured us that she was taking this seriously and would ensure that educators would be vigilant of P01's behaviour and areas of 'hidden' visibility would be rectified.</p> <p>P01 was clearly uncomfortable with this incident and didn't want it to happen again. We made sure we communicated her feelings to P01 - P01 and what we thought was her display of genuine concern reassured us that she agreed that it was a serious matter.</p> <p>- w/c 20 July 2020</p> <p>One day of this week we picked P01 up and immediately noticed that she had a deep scratch under her eye that had taken out a small chunk of skin. This looked like a wound from being hit by someone. No educator available to talk to us knew what had happened and no incident report was provided. P01 told us that P01 had hit her. P01 later admitted to this. We spent a lot of time chasing up what had happened as P01 - P01 was not responding to our requests for clarification. We were given three different reasons why an incident report hadn't been provided and eventually submitted a formal complaint about how this was handled. We were told that this complaint was provided to the regulator.</p> <p>A comprehensive set of measures was then outlined by the Executive Manager Children's Programs, p01 p01 (see attached emails) including a Risk Minimisation Plan which we asked for but have not seen. Following this, we regularly had in-person discussions with P01's lead educator at the time, P01, and spoke to P01 about how she felt at daycare. P01's relationship with P01 had strengthened and it appeared that the boy's behaviour was being managed in collaboration with his parents. (Relevant emails attached, labelled <b>EMAIL 3, EMAIL 4, EMAIL 5, EMAIL 6</b>)</p> |
| <p>Did you make any notes at the time, or send any emails? Are you prepared to</p> | <p>Yes, we have included the few notes we have but most records are in the form of email exchanges with the director of the centre, P01 - P01 p01 and Executive Manager Children's Programs, p01 p01.</p>   |

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| provide a copy?  |  |
| If necessary would you be prepared to make a statement?  | Yes  |
| Is there any other information (documents, memos, emails etc) that you may have that would substantiate the allegation(s)? | <p>Yes. Things we have:</p> <ul style="list-style-type: none"> <li>• Notes taken of P01's report by P01 - P01 (Director)</li> <li>• Email records regarding each incident we know of.</li> <li>• Complaint record to regulator.</li> </ul> <p>Things we do not have access to:</p> <ul style="list-style-type: none"> <li>• The Serious Incident form created for P01's friend P01 - P01 reported this incident happening to P01</li> <li>• The behavioural management records for the boy</li> <li>• The safety management plan for P01</li> <li>• Record/report/notes of phone call between P01 - P01 (Director) and state regulator officer (P01).</li> </ul> |