

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

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

Date completing form:	03/01/2021
Time completing form:	01.45pm
Your full name:	P01 P01
Date of birth	P02
Contact details: (phone and email)	P03 P03 P01
Service to which the complaint relates?	Majura Pk Childcare Centre
Has the complaint been raised directly with the service? If yes what was the response? If <i>not</i> why?	Yes. In the first instance they denied they were failing to comply with staffing/ratio requirements other than on a few isolated instances (i.e. on the dates we provided as specific examples they did accept they didn't have enough staff rostered on). They did appear to roster more staff on for the morning/drop off shift for a few weeks following the complaint, however this was not a permanent change. In regards to the second issue, relating to an allegation about a staff member, we met with them to discuss the complaint, they denied there was an issue and when we responded that this hadn't resolved our concerns we were told that they considered we had 'grave concerns' and as such they were required to report the matter to yourselves. Approximately 2 weeks after the meeting, they emailed us to say they could no longer provide care for our daughter as our complaint had caused 'irreparable harm to staff morale'. They did state they had filed the complaint with yourselves to investigate, however they will not respond to our

	request for further details, i.e. date the incident was reported or some sort of reference number for the report.
Complainant's relationship to the service (how long have you had an association <i>parent/educator</i> for)?	Approximately 12 months.
Date/time of incident/ issue to which the complaint relates. If unknown, approximate timeframes?	We formally raised the staffing issue with management on 13 August 2020, although we noted the ratio had been off since the free childcare provisions due to COVID. The second allegation, relates to an incident in November.
If delay in reporting, reasons for delay?	Initially we hoped we could resolve the issue with the centre, however this has not been the case. Our daughter took some time to settle into the new centre (we moved from Adelaide to Canberra in January 2020) and so we were reluctant to move her. She also formed some strong friendships with three other children in her room and so we had decided to essentially put up with the issues around staffing ratios so she could remain with her friends. In regards to the allegation about a temporary staff member, again we raised the issue with the centre in the hopes it could be resolved. Our delay in reporting their response (i.e. December to now) is simply due to the Christmas break.
Name of children (in full if possible) involved in the incident/ issue to which the complaint relates?	<u>P01</u> <u>P01</u>
Age of Children (DOB if possible and relevant?)	<u>P02</u>
Name of educator(s), staff member(s) or other persons involved?	Owner of the centre (<u>P01</u>) and the allegation involving a staff member relates to <u>P01</u> .
Details of the incident/issue: <i>Consider details such as: What happened? Where did it happen? Has it ever happened before? Has it happened to anyone else? Who was present? Who was involved? Have you discussed the incident/issue with anyone</i>	Apologies for the epic War & Peace-esque description below: <u>Issue 1: Staffing ratios</u> Around the time the Government fee support measures due to COVID were put in place, we began to notice that when dropping our daughter off there were not enough staff in the room to meet the ratio requirements. This was not an isolated incident and was becoming more frequent. The Centre sent a number of emails during this time outlining how the Government measures were hurting them financially and sought to implement new charges to compensate – e.g. if a parent was late to pick up their child, the late fee was to be \$100 to be paid in cash to the staff member involved. In light of

<i>else?</i> <i>Has any action been taken?</i>	this, we were concerned that staff numbers were being reduced as a means of cost cutting. This was particularly evident on mornings when there was only one staff member present who was tasked with juggling multiple crying children – for reference we generally dropped our daughter off between approximately 8.00 – 8.20. For example, on 14 August 2020 I had to stay with my daughter in her room until the next staff member arrived as they only had one staff member present and there was no one available for me to hand my daughter to. We also noticed similar issues in the afternoon. When we commented to staff that they seemed understaffed, two different carers asked us to complain to management directly as they had raised the issue with them themselves, but management had failed to respond. So, on 13 August 2020, we emailed the director (see attached). While I did not agree with their response, we were of the opinion that surely the fact we had complained would ensure they rectified the staffing issue as they would now be aware that parents had noticed the understaffing and so as to avoid any formal complaints. Indeed it did seem to improve, albeit it only for a couple of weeks. On 16 September 2020, we received an email from management regarding a comment my husband had written on an accident report form (i.e. he had written ‘fail’ in the section they described the injury). Again, I have attached the email and our response. On this occasion we did agree to their offer of a Zoom meeting and my husband met with them. Despite the initial email being in regards to the accident report, this was not raised during the interview rather the discussions centred on staffing numbers. My husband noted a number of specific dates when we had observed deficient staff numbers and on at least one of these occasions, they admitted they had been understaffed. For example, when I dropped my daughter off one morning the fire alarm had been activated and staff were evacuating the centre. P01 was the sole carer in my daughter’s room and was required to evacuate 11 children under 3 (not including my daughter). Another example is 01 September at 8.05, 18 children were present in the room with only 3 staff members. Another is 02 September at 16.55 there were 17 children and only 2 staff members and 22 September at 8.10 there were 18 children and only 2 staff members. I understand there is the roof ratio that allows for centres to be compliant during surge periods, on the incident on 22 September it would require two ‘extra’ staff members in other rooms. At the conclusion of the meeting, while we were not convinced anything would change we had already made the decision that we wanted our daughter to remain at the centre
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with her friends as she was finally settled, and as we had never previously had any concerns/complaints about the staff who were actually present, that this was in her best interests. Until the following incident we have not had any further contact with the centre management.

Issue 2: Staff allegation

On 18 November my daughter told me of an incident in the car on the way to dropping her off at childcare. She said something had happened with **P01** but that she couldn't tell anyone. Obviously, this rang alarm bells for us. The relevant attached email provides further detail, but in short after making enquiries as to whether there was a staff member called **P01** (we have never met/seen her) we picked our daughter up early from the centre and tried to work out the best way forward. Our approach was to try and get a better picture from **P01** as to what had or hadn't happened. We were aware that this was potentially a serious allegation so didn't want to make any rash decisions. We took the following few days to discuss it with **P01** using various approaches and her story was consistently that '**P01** got very angry with me and went whack. I said 'I don't like it' and whacked her back'. As we elaborated in both our email to the centre and our meeting with them, we are aware that **P01**'s account may not be entirely accurate, but given her account was consistent in the above details, we had to raise the issue with themselves to resolve what had happened. They responded to our email dated 23 November, on 24 November and asked us to come meet with them. When we arrived we were met by their HR manager and later by **P01**. **P01** confirmed that our concerns were the fact that there had been an incident involving **P01** and that **P01** had been told not to tell and then proceeded to outline the steps she had taken to investigate. She noted that she had reviewed CCTV footage from inside the centre on the 17th and the 18th and hadn't seen anything of concern. She did, strangely, seem intent on outlining what my daughter had eaten for lunch on the 17th, the fact she had done the Hokey Pokey and the time of her nap. Also interestingly, **P01** outlined what **P01** had done on the 18th yet failed to note we had picked **P01** up at approximately 12.30 (as opposed to 5pm) so I am not convinced she actually viewed the footage.

Once **P01** had finished outlining what they had done thus far, HR noted the steps they had taken – i.e. to approach staff in a general way, so as to maintain confidentiality, to see if they had witnessed anything concerning. It was only after this that we were given a chance to speak. I thanked them for what they

had done to date but noted that while they had made enquiries that it didn't resolve our concerns. They hadn't provided any context that may have explained **P01**'s version of events and while we appreciate they were in a difficult position, they must understand that **P01**'s wellbeing was our foremost concern. I also noted our concerns about the limitations to the CCTV footage – i.e. that it is limited to inside the centre and doesn't encompass the playground where, at that time of year, they spend most of their time. In regards to HR's enquiries, we also noted that staff may not have actually witnessed anything and if in fact they did, they may be reluctant to report it for a range of reasons. It was evident at this point, that in failing to agree with **P01**'s evaluation we had angered her as the tone switched and she responded that she was formally required to report the allegation to yourselves and the relevant Ombudsman. She warned us that 'It won't be confidential' and 'it will take a long time'. We replied that that wasn't the outcome we were after and that if she were confident nothing had happened, we would be content for **P01** to simply not be rostered on in **P01**'s room, noting she only worked 2 lunch shifts per week. We were told that wasn't an option. I'm not sure this is relevant, but at no point in the meeting did **P01** express any empathy and it was clear the meeting was just an exercise to 'cover herself'. She was clearly not concerned with protecting her staff member and showed no interest in discussing our concerns. Essentially, we were given the option of accepting nothing had happened or to proceed with making a formal complaint.

Following this meeting, I received a call from a staff member **P01** who had previously worked in **P01**'s room. Her last shift at the centre was the 27th November as she was moving interstate. We have always gotten on well with **P01** however we haven't had any social contact other than on the one occasion we paid her to baby-sit and this was only after the other staff member who was going to baby-sit had to have emergency surgery for appendicitis. This is relevant as will become apparent in the Centre's email in which they terminate care for **P01**.

P01 had told me a week earlier, when I saw her for the first time in over a month, that she had to talk to me but that it had to wait until she left the centre. I can't speak for **P01** but I suspect as she had seen us meeting with **P01** she figured she could discuss her concerns with me a day early, so to speak. Up until this point, the only time we had mentioned **P01** to the staff was when we texted **P01** to see if there was

a staff member called **P01**. We gave no further context as to why. After our meeting with management, noting the following day was **P01**'s last at the centre, I relayed what had happened. **P01** then discussed her concerns about the way the centre is run – she said she had made a formal complaint to yourselves so there is not point in me further outlining the issues here.

The next contact we received from management, other than a email requesting clarification from **P01** as to where the incident occurred, was the termination of care email where they stated that we had broken confidentiality, by discussing the meeting with **P01**, and that this had caused irreparable harm to staff morale in breach of the guidelines in the parent handbook. My response is attached but in short, in regards to confidentiality, there were never any confidentiality undertakings noting **P01** stressed that staff would now be made aware of the complaint. Further, after calling **P01** to discuss the termination email, **P01** advised the staff were made aware of the complaint on 27 November by **P01** who, in doing so, referred to my husband as a 'jerk'.

In regard to staff morale, I think its safe to say we as the client, are not responsible for staff morale and if staff do not feel supported at work, this is an issue for management.

Secondly **P01** took issue with us not mentioning the alleged involvement of another staff member **P01**. As explained in my email response, **P01** only once mentioned **P01** and noting this was not in relation to the 'whack' we chose not to raise it.

Finally, **P01** alleged we had accused the staff of lying. As outlined above, we haven't accused any staff member of lying, we merely stated that a staff member, if indeed they did witness an incident, may not feel comfortable reporting it to HR. Further, I didn't discuss this aspect of the meeting with **P01** so for staff to be aware of this, it would have to have come from **P01**. As is evident form our correspondence, we have also stressed that any issues we have had are (other than **████** in this particular incident) not to do with the individual staff members in each room rather the centre management. This is why we elected to keep our daughter enrolled despite our concerns.

We have not had any response to our reply and the only contact we have since had with the centre was from their Finance department. They have not responded to our queries

	regarding the lodgement of a report about the above incident which leads me to be concerned that they haven't actually made any such report. P01's unwillingness to discuss the allegation beyond outlining the CCTV footage she had viewed, her focus on irrelevant details such as what my daughter had for lunch, and the fact they ceased our enrolment without any genuine reasons to do so, raises concerns for us about their integrity. I appreciate this is of little value, but we have never had an issue with any of our son's or daughter's previous childcare providers. In fact, we are still in contact with a number of staff from over the years – while back in Adelaide over Christmas 2 carers from my daughter's previous centre contacted me to catch up and a third baby-sat for us. Only this year, a staff member from my son's old centre (he is now 7) just got in contact with me on Instagram. The only complaint we have ever made to a centre was when they incorrectly billed us in December 2017 and this was directly resolved with the centre. Again, I appreciate this is not of much value but given our dealings with the centre, I am concerned about their level of honesty and, even taking into account different versions of events which is natural, I am not convinced they will provide a truthful account of our interactions nor that they will provide accurate records of staffing numbers. Over the Christmas break we considered whether to lodge a complaint as simply, who needs the hassle? But given the stress of the past couple of months, and the number of bad experiences others have had with the same centre which we have since been made aware of, we thought it best to follow through.
Did you make any notes at the time, or send any emails? Are you prepared to provide a copy?	I have attached the relevant emails – I have just attached the 'final' one in each chain so as to avoid multiple copies.
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)?	There are a number of issues that staff have reported to us in confidence, such as defrauding NDIS funding and employing staff without a clearance to work with children, but as they are 'second hand information' and they were provided in confidence I haven't included any further details. I understand at least one staff member, P01 , has filed a complaint with yourselves.

We are aware that other parents have had similar complaints and have had meetings with management, however these have only be relayed in quick conversations we've shared at pick up or drop off and so I don't have any further details.

A colleague of my husband also had an issue with the Centre involving their failure to follow a medical action plan. They advised the centre their daughter was allergic to eggs and an epi pen was provided by them to the centre. Their daughter was accidentally given mayonnaise and as a result she suffered an anaphylactic reaction which was further complicated by staff being unable to locate an epi pen. After the incident, management accused the parents of failing to advise them of the allergy. Eventually centre management provided copies of the relevant paperwork which confirmed the parents had advised them, but which also contained a handwritten note by someone at the centre on the letter of advice from their GP saying 'parents overreacting, child not really allergic'. My husband only became aware of this incident after discussing out situation with his colleague. He advised they had not made a formal complaint as they just wated to be 'done' with the incident but noting our experience, he said he and his wife would lodge a formal complaint if we did.