



From: Cropper, Brian
Sent: Friday, 24 November 2023 1:48 PM
To: [REDACTED] P03
Subject: RE: Breach of Legislation - Kinderhaven Symonston
Attachments: Direct Complaint Form.docx

OFFICIAL: Sensitive - Legislative Secrecy

Dear Ms [REDACTED] P01.

Thank you for your email.

By way of background, education and care services in the ACT are regulated by the *Education and Care Services National Law (ACT) (National Law)*. The Children's Education and Care Assurance (CECA) is the ACT's Regulatory Authority for the education and care sector.

Please be aware that CECA do not investigate matters on behalf of individuals, but as the regulatory body for education and care services in the ACT. Please find relevant links, for your convenience: <http://www.acecqa.gov.au/national-law>, and <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>.

Please find attached a Direct Complaint Form to assist with your formal complaint to CECA. If choosing to complete the form, it would be appreciated if you could include as much detail as possible regarding your concerns, in particular dates (or date ranges), other persons present, and any conversations you may have had with specific persons at the Service regarding your concerns.

This form is for internal use and contains prompts for important information to enable an assessment to be carried out. Please also attach any emails or written correspondence that you may have had with the Service related to your concerns.

Once completed, can you please return the form to complaintsCECA@act.gov.au.

Regards

Brian Cropper | Senior Investigator

Phone 02 62071104 | Email : brian.cropper@act.gov.au

Education and Care Regulation and Support | Education Directorate | ACT Government

Hedley Beare Centre for Teaching and Learning, Stirling 2611 | PO Box 158, Canberra City 2601

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From: [REDACTED] P01 [REDACTED] P01 <[REDACTED] P03 >
Sent: Friday, November 24, 2023 9:44 AM
To: CECA <CECA@act.gov.au>; WorkSafe <[REDACTED] P03 >; [REDACTED] P03 >; [REDACTED] P03 >
Subject: Breach of Legislation - Kinderhaven Symonston

You don't often get email [REDACTED] P03 . [Learn why this is important](#)

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Good Morning

I am writing to report several incidences where Kinderhaven Symonston has breached their legislative and regulatory obligations. If this is the wrong forum or body, please advise by reply email so that I am able to ensure it is appropriately investigated. I would also request that this email is depersonalised prior to being shown to anyone from the centre. Reluctantly, my children are still enrolled and I am concerned that retaliatory action is extremely likely.

Nominated Supervisor

Their 'current' nominated supervisor resigned from the position a number of weeks ago, as they have been on stress leave and have since left the centre entirely. You will find attached a picture which shows the only document displayed indicating who the nominated supervisor is. I believe no one has been reassigned to her position. I am aware that breaches have happened since she left and that there is potential they have been falsely submitted under her name as Nominated Supervisor.

Displaying Classroom Program

For a number of months across 2023 in the preschool room, a program was not provided to parents either in the app or displayed in the centre. After speaking to staff, my understanding is that they are not being provided with their planning time on a consistent basis in order to develop and publish programs. I further understand that this is a breach of several regulations, however I would like to make it clear I believe there is no fault on the educators behalf. The blame should lay squarely on management who are not providing this non-contact time.

Staff Qualifications

From my understanding of the regulatory framework, there is a requirement that 50% of educators are required to either hold, or be working towards a diploma qualification. The centre has recently lost 4 educators who were counted towards this ratio with no permanent replacements made. This is not counting the centre manager who is currently on maternity leave, with the educator acting in her position having left. Furthermore, there is no centre manager or 2IC. I am unsure whether any other leadership positions are filled due to poor communication from management.

Based on the behaviour of the casual educators, I would be extremely reluctant to believe they are qualified, or should be given the responsibility of educators at this level.

Inadequate Supervision

I am aware that there have been breaches of supervision and children being left alone in classrooms for an extended period of time. I am concerned that these multiple breaches have not been reported or investigated by the company G8 Education. I am aware when I have reported to staff my own child being left unsupervised with scissors, resulting in her cutting her hair down to the scalp and cutting the hair of her peers, the Centre Manager at that time was not granted access to cameras by management meaning she was unable to complete a full investigation. Additionally, there has been no communication regarding other breaches leading me to believe these investigations were quashed by management.

Failure to Investigate Breaches

As above, the investigations into these breaches are severely lacking. There is limited to no communication to parents following a breach, and breaches have often been reported to the centre by the parent of the child involved, or a bystander parent. There is no accountability for this abject failure to provide care, with the area manager simply rebuking responsibility by stating, 'I didn't do it.'

Fraudulent Behaviour

Educators are being pressured to commit fraud and sign falsified witness statements at the whim of the area manager, in order to harass a parent. This harassment is retaliatory and vexatious. I have urged the parent to consider legal action as a result. This parent reported a breach, and queried an interaction where the area manager insulted her daughter (causing her daughter severe emotional distress as the result of being bullied by a trusted adult). As a result, the area manager has verbally abused the parent in front of her daughter (again, causing the child severe emotional distress), attempted a campaign to have them both removed from the centre and has requested multiple staff members falsify witness statements accusing this parent of harassment herself.

I have had numerous issues with my fees not being correctly calculated and would welcome an investigation ensuring the finances of the business remain unaffected by management's willingness to engage in gross misconduct.

Harassment of Families

In addition to the family suffering from a campaign of abuse and harassment, I personally have felt that the area manager has attempted to rebuff my concerns with overt aggression. I recently raised concerns about the children watching multiple movies in a single day, as my daughter's enrolment form specifies that she is not allowed any screen time. I was calmly discussing this with a permanent educator, familiar with my family when the area manager interrupted our conversation calling myself, and my four year old a liar. I was able to deescalate the situation by calmly affirming my position and providing direct evidence, however I walked away from the interaction feeling that she would take her aggression out on the educators. I am deeply concerned for the children of families who are either unable to assist this adult with regulating their feelings, or defensively rise to her level of aggression.

Unsafe Work Practices

There has been a significant increase in resignations from educators over the past three months which I am comfortable to allege are a result of management failing not just in their regulatory requirements, but also their duty of care to staff.

Educators have been working with extremely volatile children with no support provided to either the children or staff. I have witnessed educators be repeatedly assaulted by children in their care and are required to continue on their day. When educators have raised concerns, they were told to ignore it because management would instead try to remove the child from care for being 'too difficult'. This offers no support to educators in the meantime, and fails to provide a duty of care to the child. Educators are exposed regularly to infectious bodily fluids and are not supported to manage this hazard due to the centre's inability to maintain appropriate staffing. I personally witnessed an educator be thrown up on and request help at least three times to:

- a) keep the other children from playing in the vomit;
- b) offer comfort and clean up the sick child; and

c) clean themselves up

Educators have been publishing documents in the app outside of work hours with no access to overtime payment. This is a psychological hazard and places them at risk of burnout, what is a further psychological hazard is the fact they are not given the resources to complete this during work time and the pressure to complete it at a later date in their own time.

I have noticed educators become physically uncomfortable and withdrawn in the presence of management. I am not privy to their daily interactions, however this is extremely concerning behaviour.

High levels of turnover are resulting in permanent educators being overworked. Even when casuals are placed to assist with ratio, they are unfamiliar with the children's individual needs and requirements, placing additional mental strain and pressure on permanent staff. They have noticeably worked longer hours from open to close, mental health decline, and their once happy demeanour has declined. This causes concerns for their own well-being, concerns over breaks and support from upper management and concerns for the well being of the children.

If educators are being overworked and undervalued this will have a major impact on the children and the quality of care that is being given to them.

Staff Movements

Although I would much prefer our cherished staff remain to provide the exceptional quality of care I know they are capable of, I am extremely concerned that some staff may not have the freedom of choice to leave, or feel safe speaking out against toxic workplace practices as their visas are tied to their employment. I am unsure which levels of management are aware of each staff member's individual visa requirements, however with the industry in a staffing crisis and the increased reliance on sponsored workers I believe management's reluctance to meet their workplace obligations is a worrying trend.

I am urgently requesting that this centre is investigated for their inability to maintain the safety of staff, students, and parents.

[REDACTED] P01