

### 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

Date completing form:	17 February 2021
Time completing form:	10:30AM
Your full name:	P01 P01
Date of birth	P02
Contact details: (phone and email)	P03 and P03
Service to which the complaint relates?	Birralee Education and Care Centre (Barton)
Has the complaint been raised directly with the service? If <i>yes</i> what was the response? If <i>not</i> why?	All complaints have been raised with Birralee as the below incidents demonstrate. However the identified problems were never adequately addressed and the neglect was allowed to continue. Ultimately, P01 P01's solution was to kick us out of Birralee.
Complainant's relationship to the service (how long have you had an association <i>parent/educator</i> for)?	P01 and I had P01 in childcare at Birralee since 2017 on a 4 day a week basis. We ceased our relationship with Birralee on 12 February 2021 due to systemic negligence and failure to care for our daughter safely.
Date/time of incident/ issue to which the complaint relates. If unknown, approximate timeframes?	<ul style="list-style-type: none"> <li><b>Primary complaint – 4-5 February 2021:</b> Escape, urine and bite marks incidents. Follow-up correspondence continues until 12 February.</li> <li><b>Around November 2020:</b> First aid form falsified by P01 where she attempted to blame P01 for injury she inflicted.</li> </ul>

	<ul style="list-style-type: none"> <li>• <u>Late October/early November 2020</u>: Communication book incident, where <b>P01</b> claims to have performance managed staff and removed <b>P01</b> from caring for <b>P01</b>.</li> <li>• <u>9 – 14 October 2020</u>: Bullying and food incident involving <b>P01</b>. Correspondence between <b>P01</b> and myself occurred.</li> <li>• <u>January-February 2020</u>: Nappy/toilet training incidents involving <b>P01</b> (and possibly) <b>P01</b>.</li> </ul>
<p>If delay in reporting, reasons for delay?</p>	<p>Some delay due to the time taken in preparing report while working full time, caring for <b>P01</b> part-time and finding her new child care. However, emails were often sent and notes made at the time to best ensure accuracy.</p> <p>Other earlier matters included are to demonstrate a pattern of behaviour by the same Birralee staff and how required changes were not actioned by management.</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> (our daughter) <b>P01</b> (other child at Birralee)</p>
<p>Age of Children (DOB if possible and relevant?)</p>	<p><b>P01</b> is 4 years old, her DOB is <b>P02</b></p>
<p>Name of educator(s), staff member(s) or other persons involved?</p>	<p>Executive Director Children’s Services <b>P01</b> <b>P01</b> Birralee Centre Manager <b>P01</b> <b>P01</b> Birralee Assistant Director <b>P01</b> Birralee Team Leaders <b>P01</b>, <b>P01</b>, <b>P01</b> and <b>P01</b> Birralee Carers <b>P01</b> and <b>P01</b> <b>P01</b> (child) and <b>P01</b>’s mother</p>
<p>Details of the incident/issue:</p> <p><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 else? Has any action been taken?</i></p>	<p><b>Escape and urine incident on Thursday 4 February 2021</b></p> <p>At about 17:30 on Thursday 4 February I arrived at Birralee to pick up <b>P01</b>. I entered the front door and signed her out on the mounted I-pad, as I do as a precaution to ensure <b>P01</b> and children cannot escape the front door. The reason I do not sign out when leaving Birralee is because; 1) one cannot both sign out and watch the front door as your back is facing the door, 2) the button on that door can be reached by almost anyone as it is door handle height, 3) front door is known to malfunction (it may either not lock properly or sometimes be stuck while wide open etc.) and 4) can be queuing behind other parents to sign out.</p> <p>I proceeded to the front outdoor play area where <b>P01</b> and about 10 children were being supervised by Team Leaders <b>P01</b>, <b>P01</b> and Birralee Carer <b>P01</b>. I waved to <b>P01</b> who</p>

was playing with another child called P01 and said hi to the Birralee staff. I was soon pulled aside by P01 and handed a first aid form and began to review it. P01 was left under the carer's supervision so I could read and sign the first aid form. At around this same time P01's mother entered the outdoor play area, greeted P01 then re-entered the classroom to collect P01's belongings. P01 did not follow her mum into the room and resumed play with P01.

Upon hearing P01 and P01's laughter I looked up to search for them and realised they were no longer in the centre. P01 and P01 were racing down a ramp towards an entrance of the Government Building of 4 National Circuit Place, Barton. I yelled out "P01" several times who then turned back with P01 and returned to the front door. At this point P01 approached the fence and called them back as well and they re-entered Birralee. I am unsure of the whereabouts of P01 and P01 when the incident occurred.

P01 and P01 re-joined us in the outdoor play area where P01's mother was looking visibly distressed told off P01 saying something like "I didn't know where you were". They then left Birralee.

I was bewildered how P01 and P01 had escaped given the very manageable ratio of children to carers – 3 to about 10. In particular I did not know how they managed to pass through four doors (passing near the kitchen area and pressing an adult height button) without being noticed by the Birralee staff. They likely jumped and pressed the button, which know the older children can do.

At this point I had also noticed that the back of P01's dress was wet and was confused as to why she had not been changed into spare clothes as per the usual practice.

P01 arrived at the front door of Birralee (but did not enter the centre) at about 17:35 where P01 and I joined her and proceeded to our car. Upon putting P01 into her car seat P01 realised that her underpants were drenched with urine and there was an unmistakable strong smell. I confirmed this to be true myself and upset by this neglect returned to Birralee.

I re-entered the centre, at about 17:40 where I initially addressed P01. I raised my concerns with her as to how P01 not only managed to escape under their supervision,

but was also drenched in urine. She did not appear empathetic and passed the blame for the 'urine' incident onto **P01**, the Team Leader who she said supervised **P01** up until 16:30.

Given **P01** did not want to take the matter seriously or take any responsibility I asked her to follow me and we re-entered the outdoor play area where I repeated my same concerns to **P01** and **P01**.

Neither **P01** or **P01** said anything, but (to his credit) **P01** took responsibility and was clearly empathetic and apologised for the incidents. **P01** was of the view that **P01** was wet from water, which the children had played with, but did not challenge me when I explained how her underpants were clearly drenched by what was unmistakably urine. He again apologised and I left Birralee feeling let down by the negligence and safety breach.

#### **P01's bite marks incident with P01 on Friday 5 February 2021**

At about 16:30 on Friday 5 February I arrived at Birralee to pick up **P01**. I spoke quickly with new Assistant Director **P01** **P01** about the previous day's incidents and was advised that she was already familiar with it and said she was addressing it in an email response.

I proceeded to the back outdoor play area where Birralee Team Leader **P01** approached me and brought up Thursday's incidents and (like **P01** did) said that the 'urine' incident did not happen on her watch. She continued to tell me how **P01** had a "really good day" and at this time **P01** greeted me. I immediately noticed red/elevated bite marks (presumably insect) all over **P01**'s left thigh, lower leg/foot and some on her arm. Her foot was entirely red and swollen.

At this point I asked **P01** something to the effect of "if **P01** had such a good day, then what is that?" [pointing at the marks]. **P01** had no idea what it was, when or how it happened. I then requested that she apply first aid to stop the swelling and itching. The three of us and some other children followed us to the bathroom where she applied a spray to the affected areas. She did not fill out the required first aid form, but tired of telling her how to do her job, I once again left Birralee feeling let down by staff negligence.

In the foyer area of Birralee I asked **P01** to sit down on the chair near the front door where I took three photos of the bites (timestamped at 16:45) highlighting the injuries. By this time the severity of the bites had subsided somewhat (likely from the spray) and the wet/reflection appearance in the photos is a result of the spray applied by **P01**.

### **Birralee responses to the incidents from 4-5 February**

There has been extensive correspondence between us and Birralee as result of this. Below is the breakdown:

Email from **P01** to us at 16:37 on 5 February where she forwarded the matter and responsibility to **P01 P01**. This was not helpful as **P01** was already in correspondence with **P01** who does not work in the centre. **P01** and I were looking to the staff at the centre for a clear plan to ensure **P01** was unable to escape the centre again. We had also requested for the incident to be documented by Birralee for our and their records.

Email from me at 17:16 on 5 February to Birralee addressing **P01**, cc'ing in **P01** and **P01** briefly outlining the incidents from Thursday/Friday raising the issue of "supervision".

Email response from **P01** to **P01** and **P01** at 12:06 on 8 February asking **P01** what she is going to do about the concern raised by myself and **P01** in her capacity as newly assigned Assistant Director. **P01** the Director of Birralee seemed to be absent for much of that week and **P01** was the highest ranked staff member of Birralee at that time.

Email from **P01** to **P01** and myself at 16:09 on 8 February where she:

- acknowledged that **P01** was wet, should have been changed, but believed it was more likely water
- did not acknowledge staff being in anyway responsible for the escape with her solution being that a box be placed over the button
- did not acknowledge how **P01** had overlooked the bites, but instead blamed **P01** for allegedly not raising it and us as parents for not telling the centre to apply preventative aero guard, and
- rather than offering wrap around care at Acacia/Forrest, instead sent us links to other non-affiliated centres around Wanniasa.

Email to **P01** from me at 19:08 on 8 February about 'moving forward' where I asked about transferring to associated centres Acacia or Forrest as had been discussed earlier.

Phone call from **P01** to me at 9:19 on Tuesday 9 February where **P01**:

- withdrew the care offer for **P01** at Acacia/Forrest
- accused **P01** of being "abusive" towards **P01** (but provided no further detail) and as result kicked us out of Birralee, and
- her mannerism throughout the entire conversation was very confrontational and she clearly wanted us gone as if we were the sole "problem" and that we weren't the right "cultural fit".

Email from me to **P01**, cc'ing in Birralee and **P01** at 10:44 on Tuesday 9 February where I outlined why I was "appalled" with how **P01** was handling our serious complaint and how these issues were systemic/unresolved.

Email from **P01** to complaintsCECA@act.gov.au at 11:18 on 9 Tuesday February, cc'ing in me and **P01** highlighting the neglect and **P01**'s solution to kick us out.

Email from **P01** to us, cc'ing in Birralee at 17:37 on 10 February where she claims to have investigated prior issues with **P01**, accusing **P01** of causing **P01** "distress" (not "abuse") and offering us a place in Birralee until 8 March 2020.

Email from me to **P01**, cc'ing in Birralee and **P01** at 21:32 12 February ceasing our enrolment in Birralee due to safety concerns and neglect. In this I countered **P01**'s slur against **P01** and rejected her offer for us to stay at Birralee until 8 March due to **P01** and my concerns of double dipping into the child care subsidy and double payments.

### **Earlier incidents (January 2020 – January 2021)**

January-February 2020: When we returned from Christmas leave in early 2020 **P01** was competently toilet trained and would use the adult toilets correctly and did not require nappies. Within weeks under the care **P01** (and possibly **P01**) her toilet training went completely backwards. She began coming home in nappies and was urinating/defecating uncontrollably as if she were 1-2 years old all over again. In one

instance she was returned to us from Birralee with a nappy that contained a very dry poo that was firmly stuck to her backside, suggesting she had not been changed for a considerable period of time. I raised our concerns verbally with Birralee staff for many weeks and slowly saw an improvement.

9-14 October 2020: On Friday 9 October 2020 P01 witnessed incidents of P01 being bullied while in the care of P01 – who did nothing even when P01 raised this directly with her. At this time P01 was also complaining upon leaving childcare about being hungry. At this point parents were no longer being informed (as a result of removed signs) of what they were being fed and the chef had also left Birralee.

P01 responded promptly to an email of mine, saying he would be investigating and “putting an end” to these concerns and later set out an action plan for addressing the concerns, which included;

- separating the children
- new teachings for the children in resilience and other areas
- training opportunities for the staff, and
- a communication book for us.

This is all contained in emails from 9-14 February and I was happy with P01’ handling of the matter and trusted that it would be implemented and communicated with us.

Late October/early November 2020: As per the above emails with P01 a communication book was to be maintained by Birralee staff so we could track P01’s progress. P01, P01 and carer P01 instead began writing only negative and harsh comments about P01 that clearly demonstrated their strong dislike towards her.

One example recalled by P01 was that P01 had pulled the hair of one of the carer’s and then started kicking her. When P01 was asked why she did this P01 was alleged to have said “because I felt like it”. Another example was how P01 refused to eat the food that was provided.

P01 spoke to another Team Leader P01 (who formerly cared for/knew P01) about the communication book. P01 recalls being extremely distressed about how P01 was being perceived. P01 explained to P01 that the book was set up so that we could learn about her day. P01 recalls saying to P01 that she is upset that P01 carer’s felt so poorly of her and this book demonstrate the carers strong

dislike for her.

**P01** agreed that the comments left in the book was only negative, not constructive and she will raise the issue with **P01**. The conversation between **P01** and **P01** happened in the presence of one of **P01**'s Carer **P01** who **P01** did not engage with because she was too upset. **P01** does acknowledge that **P01** offered an explanation stating to the effect "I was asked to only provide comments on any issues they had with **P01**". **P01** did not ask any questions to **P01** about her statement.

After a couple of days **P01** approached **P01** to see if he had learnt about incident with the communication book.

**P01** said he did and that he was upset with the carers and their conduct over the matter. **P01** advised that the carers involved were being performance managed. We do recall that **P01** was moved to another room soon after the incident.

**P01** continued to routinely raise the incident with **P01** requesting for the communication book to be returned to **P01** and for an outcome for the conduct of **P01** and **P01**. Although **P01** assured **P01** that he was going to provide the book and provide updates she felt that her concerns were never addressed by Birralee. We still did not know how **P01** was faring at Birralee, which was whole purpose of having this book created.

December 2020: An email from **P01** to parents showed that **P01** was once again **P01**'s Team Leader. **P01** called **P01** to inquire why **P01** had been reinstated and looking after **P01**. **P01** apologised for the oversight in placing **P01** under **P01** but did nothing to remedy this. We were both upset about this outcome as it demonstrated **P01**' failure to provide a duty of care to **P01**.

**P01** also asked **P01** what had happened to the communication book which made **P01** very tense. Upon further inquiry it was reported to **P01** that carer **P01** had thrown the book in the rubbish bin and a new communication book was reinstated. Since January 2021 **P01** was defeatist in attitude towards **P01** who was saying that his staff "don't listen to me" and that lots of parents keep on complaining.

At this point it was clear to us that **P01** had given up on us and was not adequately implementing/communicating on his

	<p>undertakings from October/November 2020. P01 called P01 P01 and passed on her disappointment about the declining quality of care P01 was receiving and how P01 was not implementing the known required changes.</p> <p><b>Around November 2020:</b> Upon picking up P01 from Birralee P01 was told by P01 that she was hurt and showed scratch marks to her side and back. P01 asked P01 how she got these marks and P01 said "P01 did it".</p> <p>The next morning at drop off P01 approached P01 with an incident report and asked P01 for her signature. When she questioned P01 on how P01 received the marks P01 responded that she "was not there when the incident occurred". P01 let P01 know that P01 told her that she did it and P01 responded by saying "P01 did it to herself". P01 responded back by saying there was no way P01 could do this to herself because she would not be able to reach the area where the scratch marks were. P01 refused to sign the first aid form and asked P01 to investigate and redo the form with a full statement on how P01 was injured.</p> <p>P01 reported back to P01 saying P01 had inflicted the injury unintentionally while P01 was having a tantrum. The first aid form was completed correctly and P01 signed the form. We were appalled that P01 would falsify a document and blame a child instead taking responsibility for her own actions. While P01 was P01's Team Leader we had received a lot of first aid reports with no explanation on how the injuries were caused or witnessed by any carers. This leads us to believe that it may be common practice for first aid forms to be completed incorrectly and perhaps there was a larger issue of supervision of children.</p>
<p>Did you make any notes at the time, or send any emails? Are you prepared to provide a copy?</p>	<p>Yes, we have provided separate attachments with photos and email correspondence substantiating the above, where possible.</p>
<p>If necessary would you be prepared to make a statement?</p>	<p>Yes, we would both be willing to make a statement.</p>
<p>Is there any other information (documents, memos, emails etc) that you may have that would</p>	<p>Yes, we have provided separate attachments with photos and email correspondence substantiating the above, where possible.</p> <p>We have additionally included the Birralee policies and</p>

substantiate the allegation(s)?	handbook for your consideration.
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