



21st November 2013

Deputy Ombudsman
Steve Kinmond
Level 24
580 George St
Sydney NSW 2000

Cc:

Dear Steve,

Thank you for your time in meeting with and myself on 1st November, as well as your follow up letter dated 6th November.

Your follow up letter details the six main areas of concern to and me in seeking information, outcomes and justice for our daughters who were indecently harmed by at during 2011. We deeply appreciate your commitment to pursuing these issues.

As per our discussion on the 1st November, and as per the detail contained in our correspondence to your office dated 6th September, we request that the scope of your review of Ms Starling's investigation report be broadened to include the following:

1. Clarifying the purpose of Ms Starling's investigation. Was the purpose to either:
 - a. Ascertain whether any illegal conduct occurred in during the period between 2010 and 2011 in which attended the centre on a day to day basis; or
 - b. Ascertain whether there were any breaches of duty of care or regulations, including a lack of adequate policies and procedures or a lack of implementation of adequate policies and procedures, which may have resulted in the potential for staff or volunteers to gain solo access to children and thereby put children at risk of harm.
2. Clarifying whether the investigation reviewed the then Licensee and Director 's response to each charge against , including her written communications with parents of the centre and any key communication messages she instructed her staff to provide to parents.
3. Clarifying whether the investigation reviewed the centre's policies and procedures, and what evidence the investigation collected in ascertaining whether these policies and procedures were adequately implemented on a daily basis, with particular regard to:

- a. What role did [CDM] play in the centre on a day to day basis?
- b. What access to children did this role require?
- c. What policies were in place to supervise [CDM]'s access to children and what evidence was collected to demonstrate that these policies were implemented on a daily basis?
- d. Did the centre have an 'Outdoor Supervision Policy' and what evidence was collected to demonstrate daily implementation of this policy?
- e. What policies and procedures were in place to ensure that no staff or volunteer was able to gain solo access to children in two specific areas of the centre – the sandpit area of the backyard and the upstairs locker area?
- f. Did the centre have any policies to clarify appropriate physical contact with children by both staff and volunteers, with particular regard to sitting children on staff and volunteer laps, and staff and volunteers patting and massaging children at sleep time?
- g. Did the investigation find any evidence of any of the centre's policy and procedure documents being signed by any staff member or volunteer?

On the 18th July 2013 [CDN] was present at a meeting with [REDACTED], an ex-staff member of [CEG] who resigned soon after the first charge of indecent assault was laid against [CDM]. At this meeting [REDACTED] disclosed numerous details and observations from her time at [CEG] which would significantly inform any further investigation of the issues raised in our points above. We firmly believe that the Ombudsman's Office has a duty to exercise its powers to contact [REDACTED] to pursue this matter fully.

We again thank you for your time in reviewing our case Steve, and we look forward to your timely reply.

Yours sincerely,

[CDP]

[CDP]