

"M" This is attachment "M"
to the statement of
AT

15th November 2011

**Employee Performance and
Conduct Directorate**
c/o Renee Carruthers

[REDACTED]

AT

[REDACTED]

**RE: CHILDCARE WORKER CHARGED WITH 14 COUNTS OF AGGRAVATED
INDECENT ASSAULT**

Dear Sir/Madam,

You may be aware of the recent incidents in Southern Sydney regarding a child care worker who was stood down from their position last month and has subsequently been charged with what has been reported as 14 counts of aggravated indecent assault against several children. The person of interest (POI) worked at an organization that offers Before and After School Care, Vacation Care and crèche services, which I shall refer to collectively as Out of School Hours Care (OSHC). This service was offered on my child's school grounds and advertised on our school's front gate. The service was and I believe, still is recommended to parents at school orientation sessions. Potentially many children in our community have been in the direct care of the POI. It is my understanding that the POI was also a youth leader in a church and provided baby-sitting services to many families in our area. I also understand that the POI arranged a movie night for another school that was held on school grounds. I raise my concerns as a parent of a child who was in the direct care of the POI and also for the many other children in our community who were in this care.

PRIMARY CONCERN: FaCS DOES NOT REGULATE OSHC

AW [REDACTED], another parent and myself, have met several times to discuss this matter. Of particular concern is the fact that OSHC services in NSW are not currently regulated by Community Services. Whilst the organization may have policies, which reflect industry standards, we have concerns that their operational practices do not effectively achieve these standards. We have contacted many relevant organizations to report our concerns about child protection in OSHC. In spite of the Child Wellbeing and Child Protection NSW Interagency guidelines stating 'child protection is the collective responsibility of the whole-of-government and the community'¹ we have consistently been met with the response by departments that this is not their responsibility. We have had several meetings, emails and phone calls to the organization itself, as have many parents as I understand it, but we still have concerns that the appropriate

policies are not being followed. We have telephoned the Commissioner for children and Young People, EPaC, FaCS, met with our school principals on several occasions, contacted the Catholic Education Office, have telephoned and written to the National Childcare Accreditation Commission and have had several telephone conversations and meetings with our local member, Mark Speakman.

We have repeatedly been told that there is currently no entity with the authority to ensure that the appropriate policies are being followed until after the organization completes its own investigation. The Director of Family and Community Services confirmed they will not intervene until after the organization's investigation is complete. It is my understanding that the organization has indicated that it will not begin its investigation until after the criminal matters have been concluded. This could be a matter of several months or even years. It is disturbing to say the least, that in the interim, an organization with a culture that appears to have enabled the alleged behavior for approximately two years, is not being regulated by any external entity. Who is responsible in the interim for ensuring policies are followed? Whilst FaCS will act on reports made about individual children, who is ensuring that this organization is capable of and willing to appropriately identify and report any concerns, when this has not been done effectively during the POI's two years of employment?

CONCERNS REGARDING THE OVERALL RESPONSE TO THIS SITUATION

I am also concerned that I feel there has been no structured response to this situation:

- Some parents were contacted by email to inform them of the allegations on 13th October 2011. It is my understanding that some parents were not informed at all, until other parents informed them. I received a letter from the organisation on the 27th October, which referred to a letter dated 24th October, which I did not receive until requested. This raises serious concerns about the organization's record keeping.
- Parents have not contacted or given guidance as to what is and what isn't appropriate to be discussed in the interests of maintaining the integrity of the criminal matters.
- There has been no counseling arranged for my family and others I know of. When I asked the organization what guidance and support they could offer my family they told me to phone the DoCS/FaCS hotline 132 111. They indicated that the staff at this number were familiar with the matter and would be able give us direction. I called the helpline during the week beginning 7th November 2011 and the worker told me that they knew nothing about the situation surrounding this POI. I subsequently phoned FaCS on 16th November 2011 and was able to speak to 'Tenile' who was familiar with the matter. She called me at the end of the day and confirmed that there is no organization that regulates OSHC.

- Our schools took no action until almost three weeks after parents were informed of the allegations. A meeting was held on November 4th 2011 at Caringbah Public School. School counseling services were offered but we were told that school counselors are not experts in 'these matters' and parents ought to 'hope that nothing had happened and sit back and relax' until our children disclose anything. It would be my hope for the future that operating procedures would be in place to avoid such a delay, and to swiftly provide the appropriate support to families and children. We were given some useful general information about child protection which I believe parents appreciated. At the meeting I said that I understood JIRT were interviewing children who have made disclosures, but I raised my concerns that other families have not been offered counseling services for appropriate children to be properly assessed. There has to date, been no response to this.

CONCERNS ABOUT WHETHER THE ORGANISATION IS FOLLOWING POLICIES

- I don't feel that there has been a transparent process in place. When I approached a staff member on 3 occasions, before I could ask a question or make a statement this person told me repeatedly 'I know nothing, I can't tell you anything because I don't know anything.' When I first attempted to call Caringbah YMCA to cancel my son's attendance and to make a complaint about what my son had told me, I was told they couldn't talk to me about it. I have subsequently been able to speak to the organization about this, and have removed my child from the service.
- I have spoken with a staff member who wasn't certain whether she could speak with police as all staff were asked to sign a confidentiality agreement when they were informed of the POI's removal from the organization.
- A very small article in the *Leader* gave parents some information about the specific schools and centres where the POI worked. The article omitted to provide information that the POI ran the crèche with another worker every Monday at the organization's gym. The POI also held a movie night for school children (who both attended OSHC and those who did not) at Caringbah Public School, and provided babysitting services for families.
- It is my understanding that there were staff members who never received child protection training during their employment at this organization. For example, one staff member who worked closely with the POI had not received any care and protection training during the last five years.
- It was usual procedure for the POI to drive children in the organization's car or minibus without another worker being present. When I complained that my child had been driven by this person in a car, the organization's General Manager of Children's services informed me that this was acceptable procedure. It certainly wasn't acceptable to our family. It was our understanding that the children were driven to excursions on a

school bus-not in a standard vehicle with one worker driving. At no point did the organization make me aware of this practice or ask for my permission for my child to be put in this situation.

- It is my understanding that the POI was the first to arrive at one centre on a regular basis and was alone with the first child dropped at the centre until others arrived . It is my understanding that it was usual practice for the worker to leave the centre when the second worker arrived, leaving the children with the second worker whilst the POI drove the organization's bus around the area to pick up children. It is my understanding on one occasion; the POI took one of the children with him from the centre. It is my understanding this parent made a complaint to the school and/or to the organization. It is my understanding that the worker continued to pick up children in the bus subsequent to this complaint being made.
- The POI had their laptop at work with them on a regular basis. I understand the POI also had their mobile phone at work.
- On the 8th November, the organization sent a letter to parents answering some parent concerns about the organization's policies. The letter confirmed there is a 'requirement that there has to be two staff always with children'. On the following Friday the 4th of Nov, a parent went to pick up their child from Caringbah Public School After School Care at approximately 5.30pm. There were approximately 5 children at the location and the parent observed there to be only one worker present for the duration of the time the parent was present. When the parent brought this to the attention of the organization the following week, the parent was informed that there was in fact another worker present. If this was the case, the parent did not see the second worker.

IN SUMMARY:

It is inappropriate for this organization to be accountable to no-one until the investigation is complete. Children may still be at risk as it appears this organization has not ensured that its workers are following appropriate practices. I urge you to act on this immediately to help ensure the safety of children attending OSHC. Child protection is everyone's responsibility.

I look forward to receiving your response and am happy to discuss my concerns with you.

Yours sincerely,

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