

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



Our reference: C/2011/8282
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12 December 2011

AT
[Redacted]
[Redacted]

Dear AT

Your complaint about Caringbah Public School YMCA After School Care

Thank you for your letter of complaint, which we received on 21 November 2011, regarding your concerns about Caringbah Public School YMCA After School Care and the regulation of out of school hours services in general.

It is my understanding that your complaint related to concerns about a child care worker at the Caringbah Public School YMCA After School Care (the OOSH) who had been charged with aggravated indecent assaults towards young children. You also raised concerns about the regulation of OOSH facilities in NSW and the risk of abuse of young children who utilise OOSH services, including the service operated by the YMCA at Caringbah Public School.

Given the issues raised in your complaint, we consulted with the Ombudsman's legal counsel and the Deputy Ombudsman to determine whether we have a legal basis for making inquiries. After considering the issues raised in relation to this matter, we have determined that this matter does not currently fall within Part 3A of the *Ombudsman Act 1974* (the Act), on the grounds that the OOSH service is not licensed by the Department of Education and Communities nor is there any 'engagement' between the OOSH and Caringbah Public School in its operations to provide services to children enrolled in the OOSH program.

However, from 1 January 2012, the Ombudsman's employment related child protection jurisdiction over education and care services will change to include approved OOSH services pursuant to the *Children (Education and Care Services) National Law (NSW)*. This means that any approved OOSH service in NSW will fall under the Ombudsman's employment related child protection jurisdiction. This will mean that OOSH services will need to notify the Ombudsman of allegations of 'reportable conduct' and we will have an oversight role in relation to the handling of allegations of a child protection nature in relation to employees in OOSH services. We can also assist OOSH services to improve their systems for preventing conduct of this nature.



Should you continue to have concerns about the matters raised in your complaint, we would be happy to review this matter in light of the pending legislation.

If you have any questions about this letter, please contact me on (02) [REDACTED]. Please note that I work on Monday and Tuesdays only. Should you require advice outside these days please contact Mr Kelvin Simon, Senior Investigation officer on (02) [REDACTED].

Yours sincerely

[REDACTED]

Teresa Law
Investigation Officer
for the Ombudsman