



100-102 Jardine St, Fairy Meadow NSW 2519
 PO Box 395, Fairy Meadow NSW 2519
 P: 02 4255 8000 F: 02 4255 8088
www.disabilitytrust.org.au

8th September 2014

Ms Kate Halliday
 Senior Lawyer
 KnowMore
 PO Box 20319,
 World Square
 SYDNEY 2002

Dear Ms Halliday,

We refer to your letter dated 10 July 2014.

You have requested:

1. a further response from the Disability Trust (TDT) to questions asked by CIF at a meeting on 29 June 2012;
2. whether our employee's conduct has been reported to the Ombudsman and whether there has been an employment related finding about his conduct; and
3. information about the policies and procedures TDT has adopted to minimise risk of abuse of clients by employees of TDT; and
4. generally, a "formal response to CIF's complaint of sexual abuse".

1. Response to CIF's questions

We **attach** a copy of the minutes of the meeting held by TDT at the Nowra office of TDT on 29 June 2012 (**Meeting**). At the Meeting, CIF provided TDT's staff in attendance with a handwritten list of questions.

Whilst TDT's staff were able to answer some of CIF's questions during the Meeting, including questions relating to criminal record checks and working with children checks and other standard procedures, TDT's staff were unable to respond to any questions relating to the events subject of the Police investigation, which included all questions regarding the facts subject of the allegations. It is a policy of TDT that internal investigations do not proceed until external investigations (including the police investigation) have concluded.

Now that the police investigation has concluded, we **attach** a document which contains complete responses to all questions raised by CIF during the Meeting. This document was prepared by Mr Ryan Kiddle, Manager of Recreation Services, on 19 August 2014. Mr Kiddle was in attendance at the Meeting.

2. Report to the Ombudsman

TDT reported our former employee's conduct to the Ombudsman pursuant to section 25C of the *Ombudsman Act 1974* (NSW). In June 2013 the Ombudsman's Office completed their review of the matter and informed TDT that no further action was required by TDT in relation to the investigative process.

Subsequently the finding was forwarded to NSW Commission for Children and Young people as a relevant employment proceeding. The employee was suspended from duty pending the investigation and has not returned to work for TDT in way whatsoever.

3. Information about policies and procedures

Firstly, please refer to the policies and procedures set out in the attached document prepared in response to CIF [redacted]'s questions.

As a result of the complaint, TDT's *Policy D-04 Dealing with Abuse & Assault of a Child* was reviewed but not changed. This policy meets current standards not only for disability services (NSW Disability Service Standards), but has also the requirements for TDT to be registered as a statutory out of home care provider for children and young people removed from parental care.

We understand that CIF [redacted] wanted TDT to change its policy so that no child or young person would be left alone with an adult. Whilst this proposal was discussed internally, it was agreed that it would not be feasible to enact, given current funding levels especially in relation to other models of care. In this regard, we remain consistent with industry standards.

Further, TDT reviewed staffing levels and arrangements for supporting children to access the toilet in the afterschool service (where the complaint arose). Currently, three staff on duty supervise a group of up to six children and young people aged between 12 and 18. This ratio is in line with staffing for this service model across the sector and is largely determined by funding levels. The protocol for young people using the toilet in that service is that one staff member stands at the door of the toilet (approximately 5 metres away from the main room) while the other two staff provide supervision for the remaining young people in the service. Staff are not allowed to enter the cubicles unless a young person has mobility issues and requires support with toileting. This protocol has not been changed.

Finally, TDT routinely runs staff training for direct care staff on the reporting of child protection issues. This is part of an ongoing training calendar. Since this complaint, TDT has provided key staff with significant additional ASQA accredited training on child protection that is *CHCCHILD401A Identify and Respond to Children and Young People at Risk*. This is a two day training course and more extensive than our regular half day training courses.

4. Further formal response

We do not understand what else CIF [redacted] requires in terms of a "formal response" from TDT. We have now provided CIF [redacted] with all information requested of TDT.

CIF [redacted] spoke to Mr Kiddle at the conclusion of the investigation and was advised that the worker was no longer in our employ. At that stage, Mr Kiddle asked CIF [redacted] whether she would like her son to continue in the program. CIF [redacted] indicated it was her son's choice. CIF [redacted] was advised to contact us if she wanted his place to remain open but we have not heard from CIF [redacted] since.

We regret that we did not follow up further on this matter, if this was CIF's expectation. TDT was under the impression that CIF did not want further contact from TDT, but we apologise if this was not the case. Since the conclusion of the investigation in early 2013, no one, including CIF, has sought any further response from TDT until now.

We trust this information assists.

Please contact me on REDACTED if you have any further questions.

Yours sincerely



Margaret Bowen
CEO