



BRINDABELLA
CHRISTIAN COLLEGE

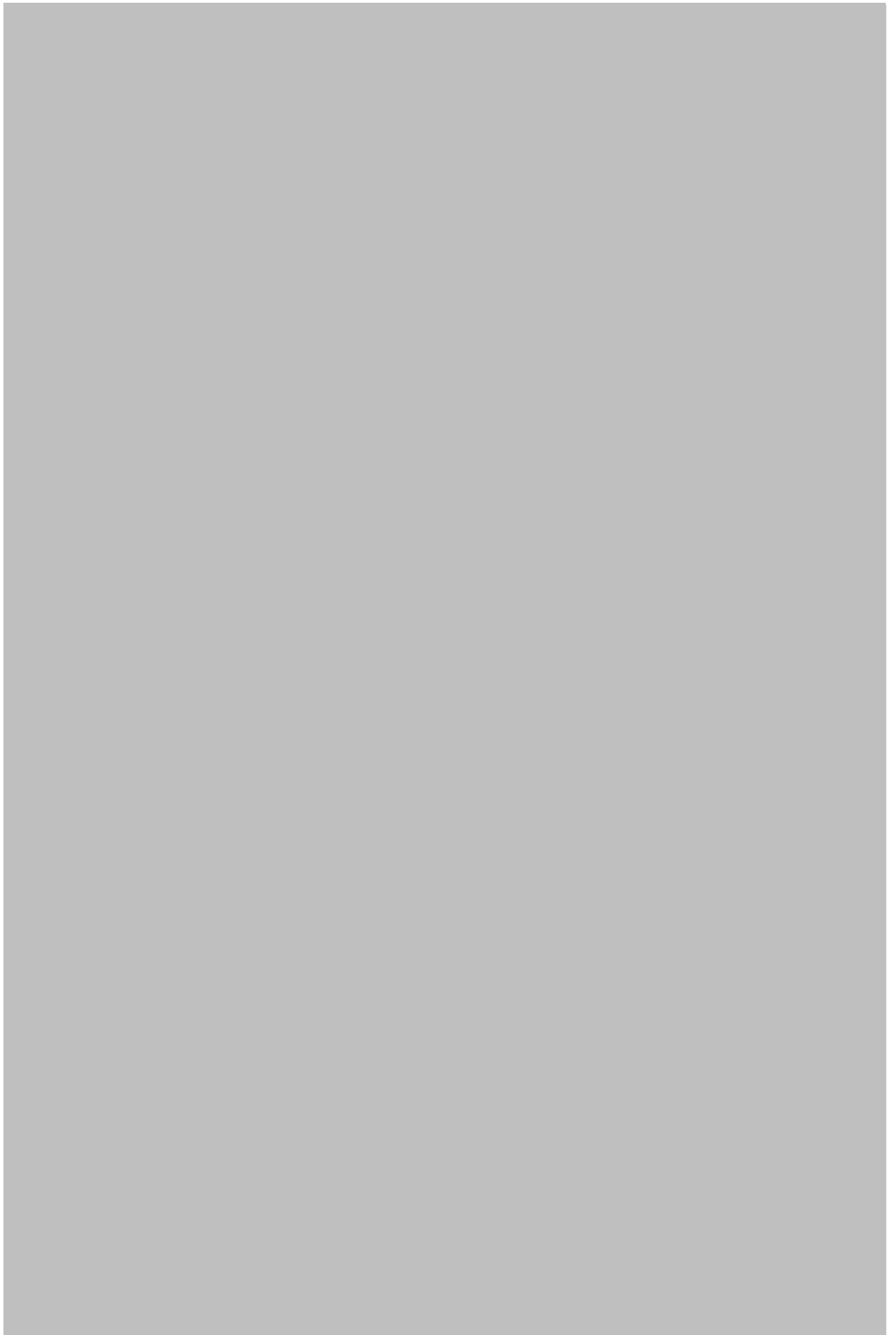
CANBERRA

BRINDABELLA
CHRISTIAN
COLLEGE

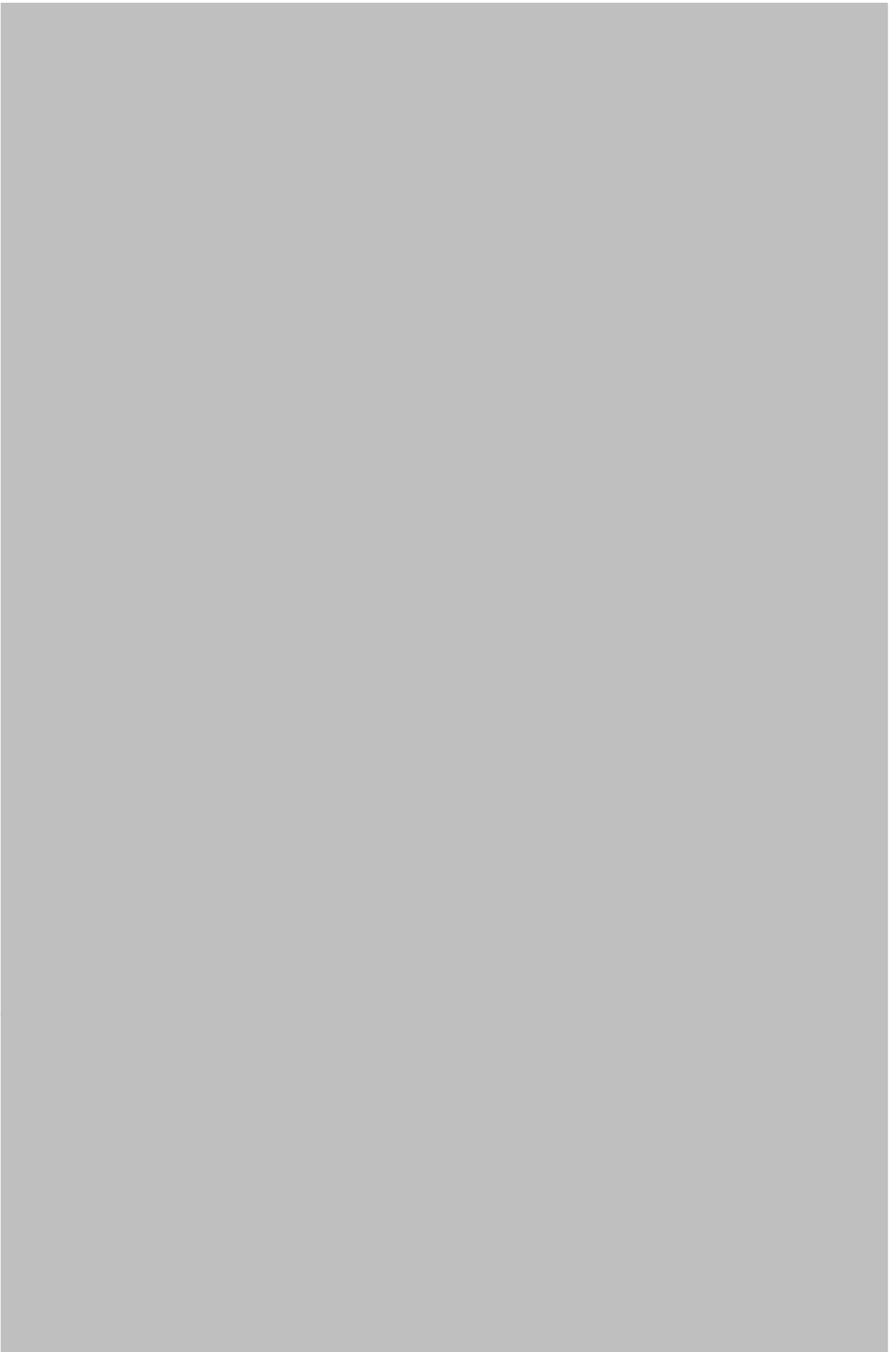
STAFF CODE OF CONDUCT
POLICY

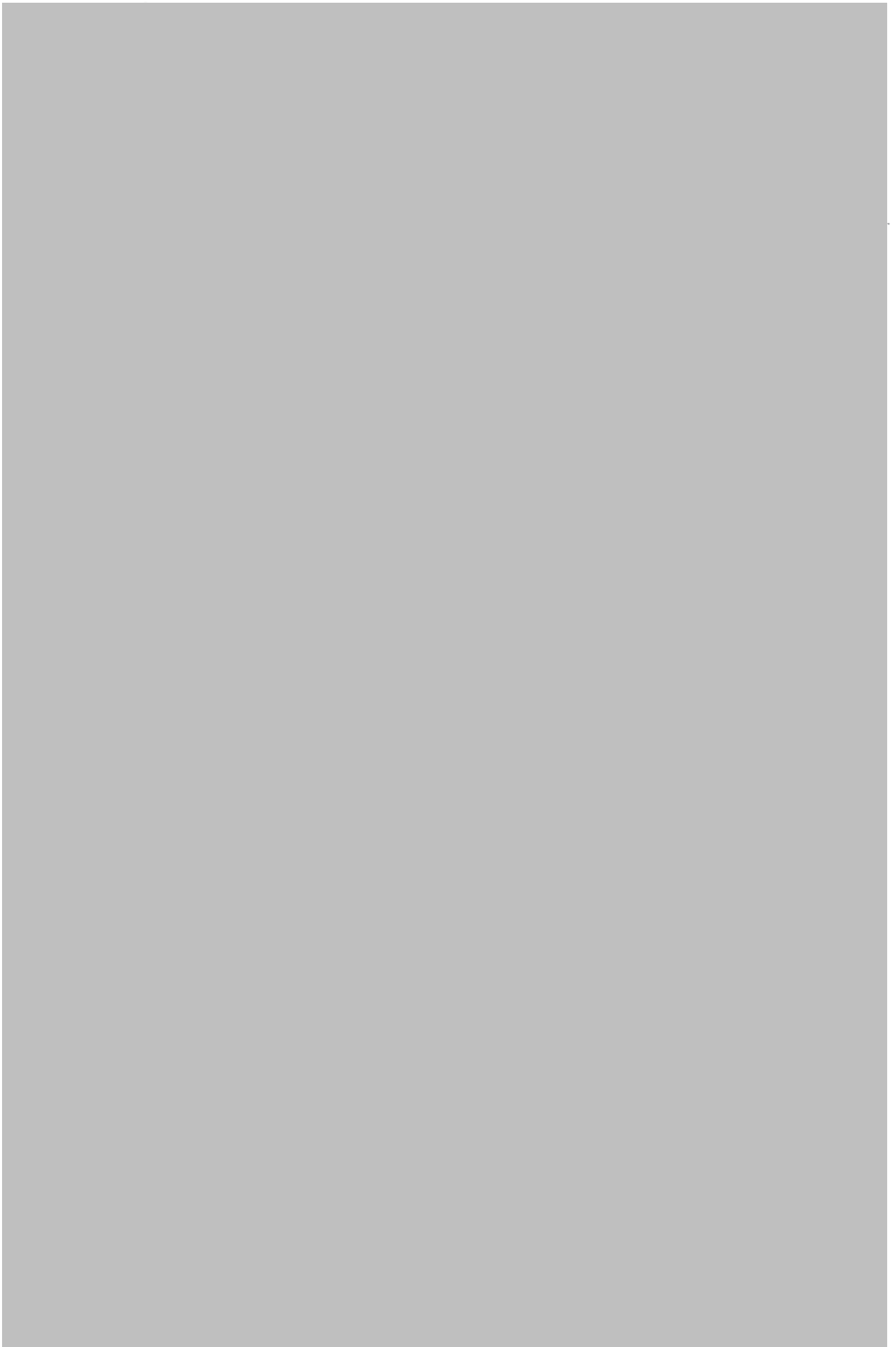
Updated June 2019 | due to be revised August 2021



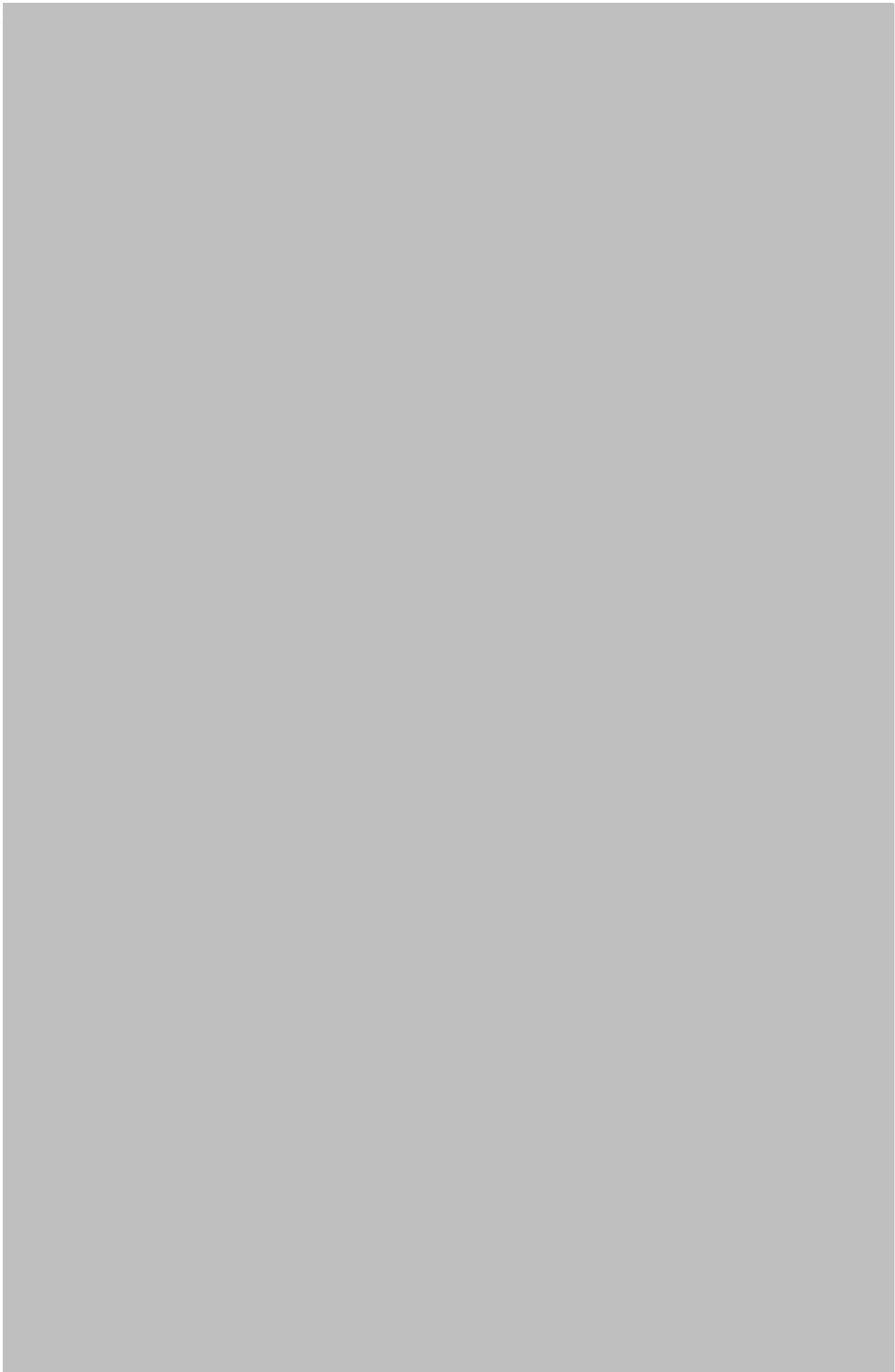


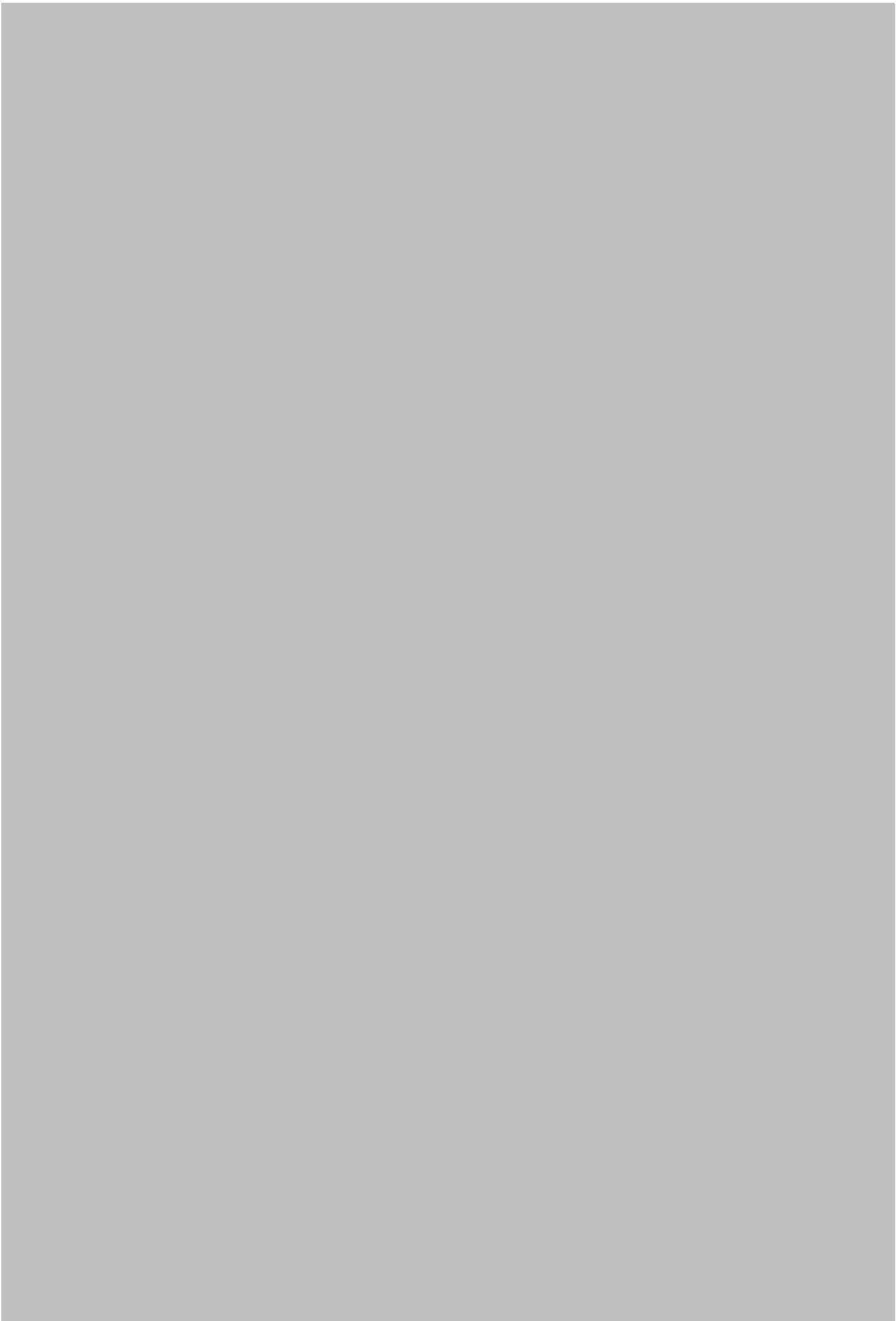


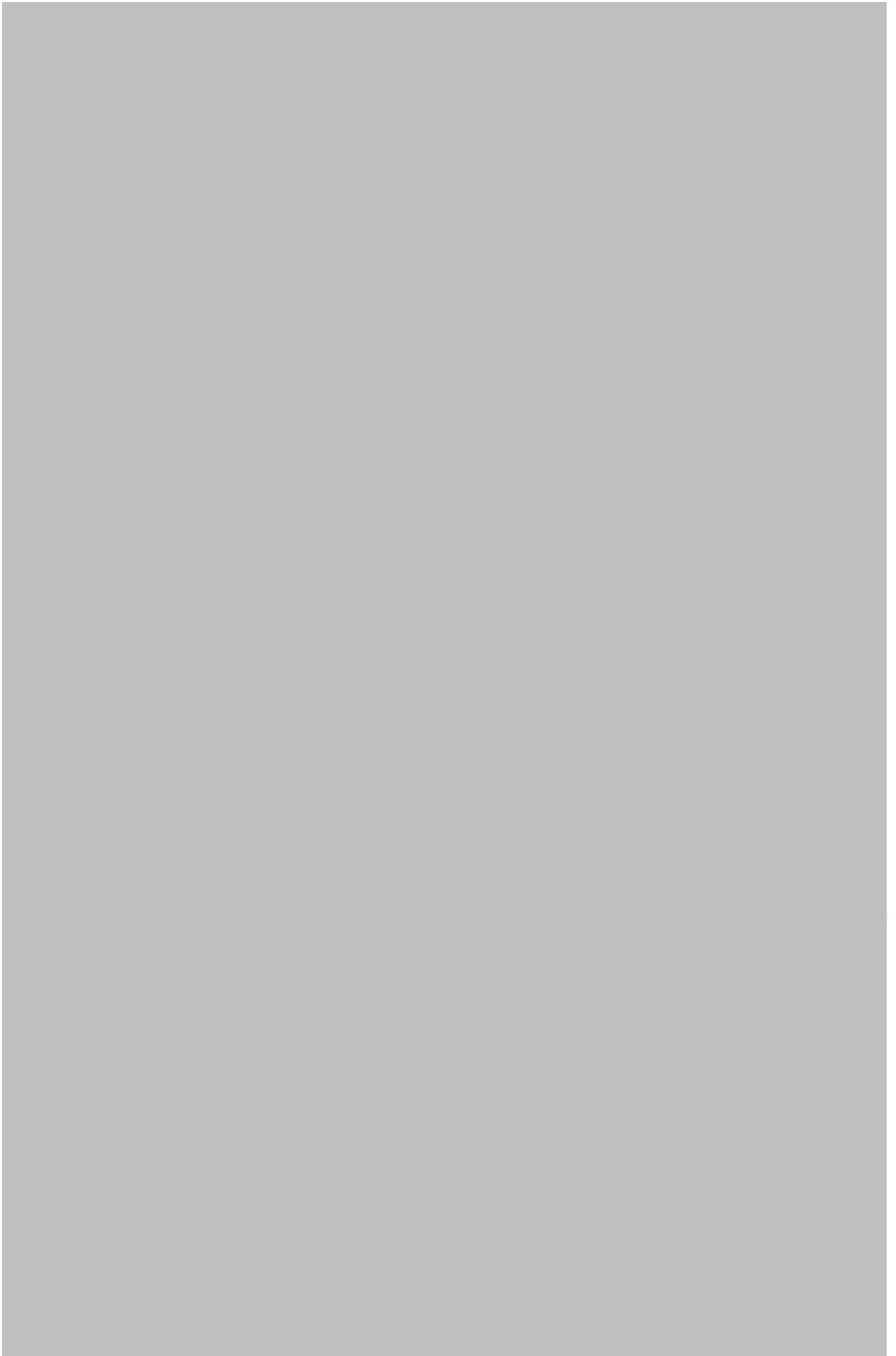




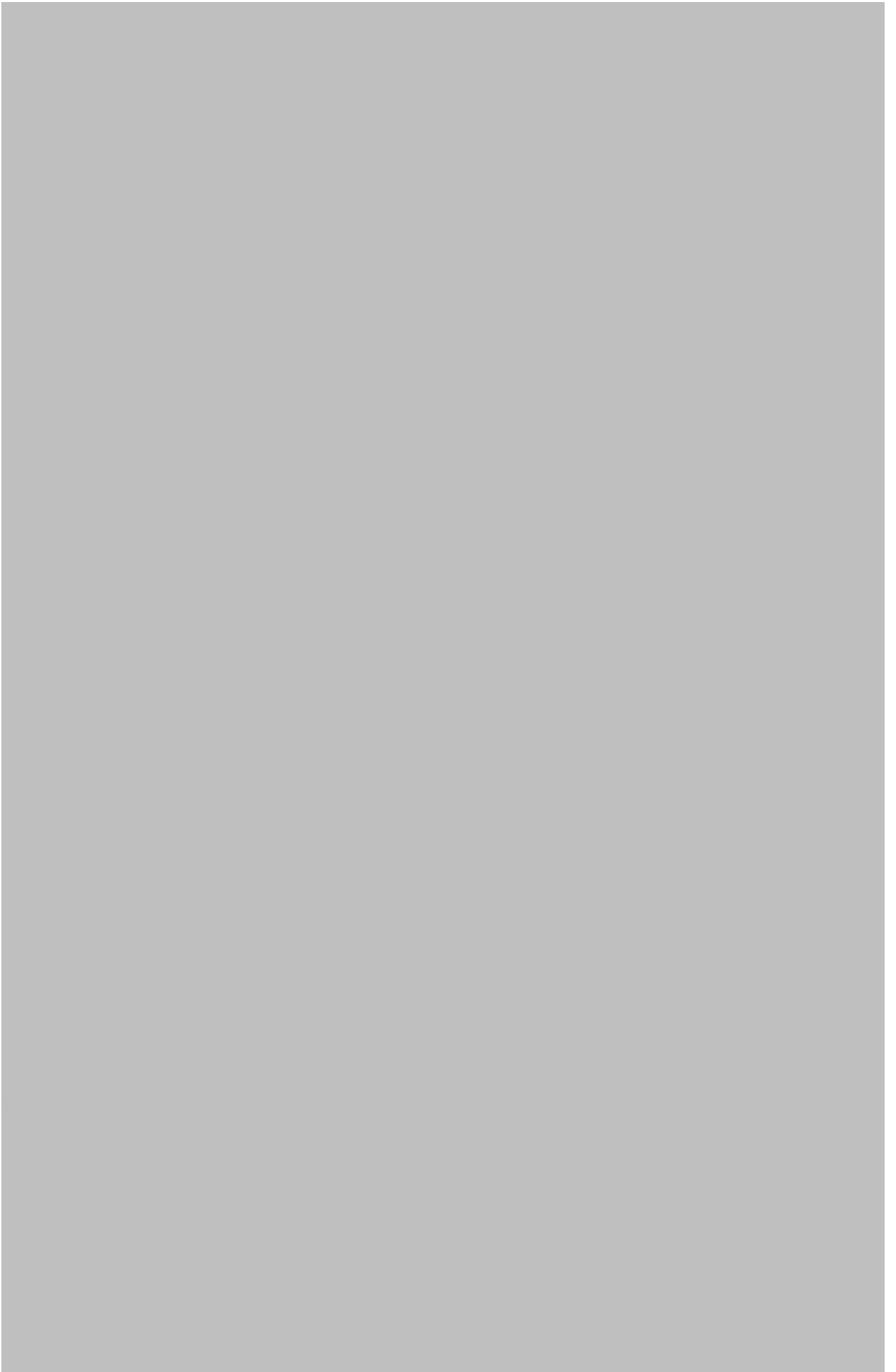












Fairburn, Janine

From: Masterman, Tanya
Sent: Thursday, 1 August 2019 10:10 AM
To: [REDACTED]
Subject: RE: Reply to Proposed compliance action

UNCLASSIFIED

Dear [REDACTED]

Your response to the Show Cause Notice has been received by the Authority. This is a courtesy email to advise that all relevant evidence, including your response, has been listed for consideration by the Case Management Committee on 22 August 2019 and you will be advised of the outcome shortly after that.

In the meantime, if you have any queries please do not hesitate to contact me.

Yours sincerely

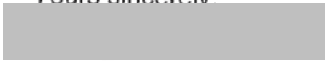
Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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From: [REDACTED]
Sent: Saturday, 27 July 2019 1:51 PM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Subject: Reply to Proposed compliance action

Dear Ms Masterman,

Yours sincerely



Fairburn, Janine

From: Masterman, Tanya
Sent: Thursday, 1 August 2019 10:16 AM
To: [REDACTED]
Subject: RE: Brindabella Christian College ELC - Charnwood - Show Cause Notice from ACT Regulatory Authority

UNCLASSIFIED

Dear [REDACTED]

Your response to the Show Cause Notice has been received by the Authority. This is a courtesy email to advise that all relevant evidence, including your response, has been listed for consideration by the Case Management Committee on 22 August 2019 and you will be advised of the outcome shortly after that.

In the meantime, if you have any queries please do not hesitate to contact me.

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
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From: [REDACTED]
Sent: Wednesday, 31 July 2019 2:04 PM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Subject: Re: Brindabella Christian College ELC - Charnwood - Show Cause Notice from ACT Regulatory Authority

Dear Ms Tanya Masterman

Here is my response to the 2 allegations against my name. I received this via email on the 17th of July, in which I was able to create a response 14 days after the email, meaning by the 31st of July.

Below attached is my response.

If you require anything else please do not hesitate to email me on this email.

Regards,



From: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Sent: Wednesday, July 17, 2019 3:02 PM
To: [Redacted]
Subject: Brindabella Christian College ELC - Charnwood - Show Cause Notice from ACT Regulatory Authority

UNCLASSIFIED

Dear [Redacted]

I am an Authorised Officer under the *Education and Care Services Law (ACT)*. The Regulatory Authority recently received a complaint regarding your conduct towards children at the above service and carried out a formal investigation.

It has been determined by the Authority's Case Management Committee that there is sufficient evidence to warrant a show cause notice being issued to you, to provide you with an opportunity to respond to the allegations made.

The notice is attached, together with a guide to responding to a show cause notice. A hard copy is being sent by registered post today.

You will see that any response you wish to submit is due 14 days from the date of receipt of the notice.

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
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Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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Fairburn, Janine

From: Masterman, Tanya
Sent: Thursday, 1 August 2019 10:17 AM
To: [REDACTED]
Subject: RE: Show Cause Notice [REDACTED]

UNCLASSIFIED

Dear [REDACTED]

Your response to the Show Cause Notice has been received by the Authority. This is a courtesy email to advise that all relevant evidence, including your response, has been listed for consideration by the Case Management Committee on 22 August 2019 and you will be advised of the outcome shortly after that.

In the meantime, if you have any queries please do not hesitate to contact me.

Yours sincerely

Tanya Masterman | Senior Investigator
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
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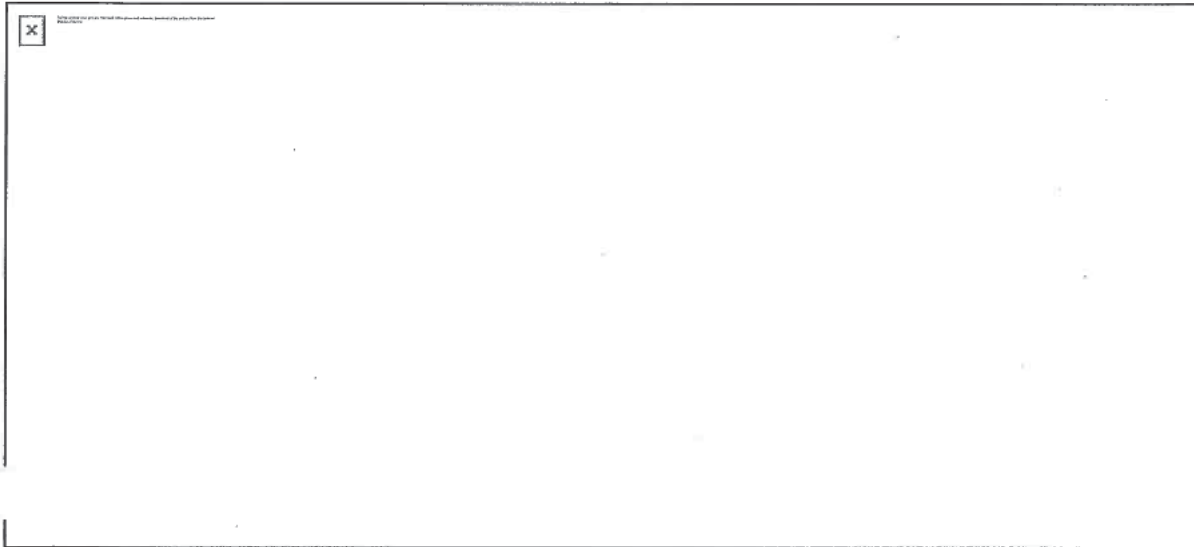
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From: [REDACTED]
Sent: Wednesday, 31 July 2019 5:51 PM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Subject: Show Cause Notice [REDACTED]

Dear Tanya,

Please see attached my Show Cause Response and supporting documentation.
Please do not hesitate to contact me should you require anything further.

Kind Regards



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Fairburn, Janine

From: Masterman, Tanya
Sent: Thursday, 1 August 2019 11:00 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Brindabella Christian College ELC - Charnwood - Show Cause Notice from ACT Regulatory Authority

UNCLASSIFIED

Dear [REDACTED]

Further to previous email correspondence, I am advised that a colleague spoke with [REDACTED] yesterday afternoon and agreed to extend the time for responding to the Show Cause Notice to close of business 2 August 2019.

This email is to formally confirm that extension. Please note [REDACTED] the response should be copied to Janine.fairburn@act.gov.au.

Please also note that records currently indicate the following four persons with management or control of the Provider:

- (a) Yourself
- (b) [REDACTED]
- (c) [REDACTED]
- (d) [REDACTED]

[REDACTED] is not a notified person with management or control, and our current information is that both [REDACTED]

I draw your attention to Section 173(1) of the *Education and Care Services National Law (ACT)*, which creates an offence of failing to notify the Regulatory Authority of any appointment or removal of a person with management or control of an education and care service operated by the approved provider. Regulation 174(2)(b) requires that notification to be made within 7 days of the approved provider becoming aware of the appointment or removal.

Please arrange to make appropriate amendments through the NQA ITS Portal.

Yours sincerely

Tanya Masterman | Senior Investigator
 Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
 Early Childhood Policy and Regulation | Education | ACT Government
 Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
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From: [REDACTED]
Sent: Thursday, 18 July 2019 10:05 PM

To: Masterman, Tanya <Tanya.Masterman@act.gov.au>

Cc: [REDACTED]@bcc.act.edu.au; [REDACTED]@bcc.act.edu.au

Subject: Re: Brindabella Christian College ELC - Charnwood - Show Cause Notice from ACT Regulatory Authority

Dear Tanya,

Electronic copy is totally fine. We will respond accordingly and are preparing the appropriate response, which will see us take most of the available time given there is a significant amount of background data and records around this to be collated and placed in the appropriate timeline for a full and proper response including outlining the protocols and actions taken both before, during and ongoing.



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On 17 Jul 2019, at 3:04 pm, Masterman, Tanya <Tanya.Masterman@act.gov.au> wrote:

UNCLASSIFIED

Dear [REDACTED]

I am an Authorised Officer under the *Education and Care Services Law (ACT)*. The Regulatory Authority recently received a complaint regarding the conduct of educators towards children at the above service and carried out a formal investigation.

It has been determined by the Authority's Case Management Committee that there is sufficient evidence to warrant a show cause notice being issued to the Provider, to afford an opportunity to respond to the allegations made.

The notice is attached, together with a guide to responding to a show cause notice. Please advise if you would like a hard copy sent by post.

You will see that any response the Provider wishes to submit is due 14 days from the date of receipt of the notice.

Yours sincerely

Tanya Masterman | Senior Investigator

Phone 02 6205 2012 | Email tanya.masterman@act.gov.au

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<Show Cause Notice - Provider.pdf>

Fairburn, Janine

From: [REDACTED]
Sent: Thursday, 1 August 2019 12:44 PM
To: Masterman, Tanya; Fairburn, Janine
Cc: [REDACTED]
Subject: Re: Brindabella Christian College ELC - Charnwood - Show Cause Notice from ACT Regulatory Authority
Attachments: NOT-40351697.pdf

Dear Tanya,

We are currently preparing the response to the Show Cause Notice as the Authorised Provider in it's final form by close of business tomorrow. As you would be aware [REDACTED] as the [REDACTED] has responded as per your advice below. We appreciate the extra time as [REDACTED] as of the afternoon of the deadline [REDACTED]

On the issue of removal of the people with respect to Change to Authorised Provider details, [REDACTED] sent the advice on the 23.05.2019, see attached file receipt below. We had organised for the removal of both [REDACTED] via the PA08 Online Notification, and this was due to our Board's decision to separate the day-to-day management controls of our ELC's from that of the College; at the time tentatively set to occur by the 30th of June 2019. This also changes the reporting lines of communication of the ELC's directly to the Board, no longer via the Principal of our two Colleges.

We also notified PRODA at the same time. The deficiency of the ACT Government Receipt, where it does not actually state the actions that have been receipted, left us thinking it had been done. We truly apologise as we had thought this was formally advised.

[REDACTED], one of your investigators Ms Nicola Atherton worked directly for [REDACTED] when [REDACTED] was in the ACT Government I would assume you were indirectly advised of [REDACTED]

[REDACTED] therefore, again we apologise and will now reapply for the changes to remove both [REDACTED]



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From: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Sent: Thursday, 1 August 2019 10:17 AM
To: [REDACTED] <[\[REDACTED\]@bcc.act.edu.au](mailto:[REDACTED]@bcc.act.edu.au)>
Subject: RE: Show Cause Notice [REDACTED]

UNCLASSIFIED

Dear [REDACTED]

Your response to the Show Cause Notice has been received by the Authority. This is a courtesy email to advise that all relevant evidence, including your response, has been listed for consideration by the Case Management Committee on 22 August 2019 and you will be advised of the outcome shortly after that.

In the meantime, if you have any queries please do not hesitate to contact me.

Yours sincerely

Tanya Masterman | Senior Investigator

Phone 02 6205 2012 | Email tanya.masterman@act.gov.au

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On 1 Aug 2019, at 11:00 am, Masterman, Tanya <Tanya.Masterman@act.gov.au> wrote:

UNCLASSIFIED

Dear [REDACTED]

Further to previous email correspondence, I am advised that a colleague spoke with [REDACTED] yesterday afternoon and agreed to extend the time for responding to the Show Cause Notice to close of business 2 August 2019.

This email is to formally confirm that extension. Please note that I am on leave next week and the response should be copied to Janine.fairburn@act.gov.au.

Please also note that records currently indicate the following four persons with management or control of the Provider:

a. Yourself

b. [REDACTED]

c. [REDACTED]

d. [REDACTED]

[REDACTED] is not a notified person with management or control, and our current information is that both [REDACTED]

I draw your attention to Section 173(1) of the *Education and Care Services National Law (ACT)*, which creates an offence of failing to notify the Regulatory Authority of any appointment or removal of a person with management or control of an education and care service operated by the approved provider. Regulation 174(2)(b) requires that notification to be made within 7 days of the approved provider becoming aware of the appointment or removal.

Please arrange to make appropriate amendments through the NQA ITS Portal.

Yours sincerely

Tanya Masterman | Senior Investigator

Phone 02 6205 2012 | Email tanya.masterman@act.gov.au

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From: [REDACTED]

Sent: Thursday, 18 July 2019 10:05 PM

To: Masterman, Tanya <Tanya.Masterman@act.gov.au>

Cc: [REDACTED] <[\[REDACTED\]@bcc.act.edu.au](mailto:[REDACTED]@bcc.act.edu.au)>; [REDACTED]

[REDACTED] <[\[REDACTED\]@bcc.act.edu.au](mailto:[REDACTED]@bcc.act.edu.au)>

Subject: Re: Brindabella Christian College ELC - Charnwood - Show Cause Notice from ACT Regulatory Authority

Dear Tanya,

Electronic copy is totally fine. We will respond accordingly and are preparing the appropriate response, which will see us take most of the available time given there is a significant amount of background data and records around this to be collated and placed in the appropriate timeline for a full and proper response including outlining the protocols and actions taken both before, during and ongoing.

<image002.png>

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On 17 Jul 2019, at 3:04 pm, Masterman, Tanya <Tanya.Masterman@act.gov.au> wrote:

UNCLASSIFIED

Dear [REDACTED]

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It has been determined by the Authority's Case Management Committee that there is sufficient evidence to warrant a show cause notice being issued to the Provider, to afford an opportunity to respond to the allegations made.

The notice is attached, together with a guide to responding to a show cause notice. Please advise if you would like a hard copy sent by post.

You will see that any response the Provider wishes to submit is due 14 days from the date of receipt of the notice.

Yours sincerely

Tanya Masterman | Senior Investigator

Phone 02 6205 2012 | Email tanya.masterman@act.gov.au

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<Show Cause Notice - Provider.pdf>



Notification Number: **NOT-40351697**
Date generated: 23/05/2019

PA08 Notification of Change of information about Approved Provider

Thank you for submitting your notification. Below is a copy of the information provided in your notification. If there are any issues, please contact your Regulatory Authority for assistance.

Notification of Change of Approved Provider Details

Provider

Provider Name	Brindabella Christian Education Ltd
Provider Number	PR-00005809
Provider Approval Status	Approved

Notification Details

The Type of Notification	Change to Approved Provider contact details
New Phone Number	N/A
New Mobile Number	0423533823
New Fax Number	N/A
New Email	elc@bcc.act.edu.au
New Primary Contact Name	[REDACTED]
Change Description	[REDACTED]

Documents

Contact Details

Name	[REDACTED]
Phone Number	0423533823
Email Address	[REDACTED]@bcc.act.edu.au

Fairburn, Janine

From: Fairburn, Janine
Sent: Thursday, 1 August 2019, 1:47 PM
To: [REDACTED]
Cc: Masterman, Tanya
Subject: RE: Brindabella Christian College ELC - Charnwood - Show Cause Notice from ACT Regulatory Authority

UNCLASSIFIED

Dear [REDACTED]

Thank you for your prompt response in relation to application via the NQA ITS Portal to notify the Regulatory Authority of the removal of persons with management or control (PMC) of an education and care service operated by the approved provider, being [REDACTED]. Notification of appointment or removal of a PMC is performed via a PA08 Form. In addition, for an appointment of a PMC, a PA02 Form is also required.

I would like to take this opportunity to clarify some matters that you have raised below.

The assumption that the Regulatory Authority was indirectly advised of [REDACTED] via Ms Atherton is incorrect. [REDACTED] notification of removal as a PMC is due by 25/08/2019, unless of course you wish to remove [REDACTED] as a PMC earlier than this date.

[REDACTED] advised the Regulatory Authority via email on 8/07/2019 that [REDACTED] had recently resigned, effective 19/07/2019. Notification of removal of [REDACTED] as a PMC should have occurred by 26/07/2019.

In regard to the notification of Change to Approved Provider details sent by [REDACTED] on 23/05/2019, and attached to your previous email, I note that this notification was not advising of an appointment or removal of a PMC. That notification was advising of a change to the Approved Provider telephone, email and primary contact details only.

Furthermore, PRODA is a Commonwealth Government system to access child care subsidy, not the state and territory NQA ITS regulatory portal – these systems are not linked, therefore information is not automatically shared.

Please feel free to contact me if you would like to discuss further.

Yours Sincerely

Janine Fairburn | Assistant Director
 Phone 02 6205 4390 | Email : janine.fairburn@act.gov.au
 Early Childhood Policy and Regulation | Education Directorate | ACT Government
 Hedley Beare Centre for Teaching and Learning, Stirling 2611 | PO Box 158, Canberra City 2601
www.act.gov.au

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Fairburn, Janine

From: [redacted]@bcc.act.edu.au>
Sent: Friday, 2 August 2019 12:36 PM
To: Masterman, Tanya
Cc: [redacted]
Subject: Brindabella Christian College Show Cause Response [redacted]
Attachments: [redacted] Show Cause response.pdf; Appendix A [redacted].pdf;
Appendix B [redacted].pdf; [redacted] Show Cause response.pdf

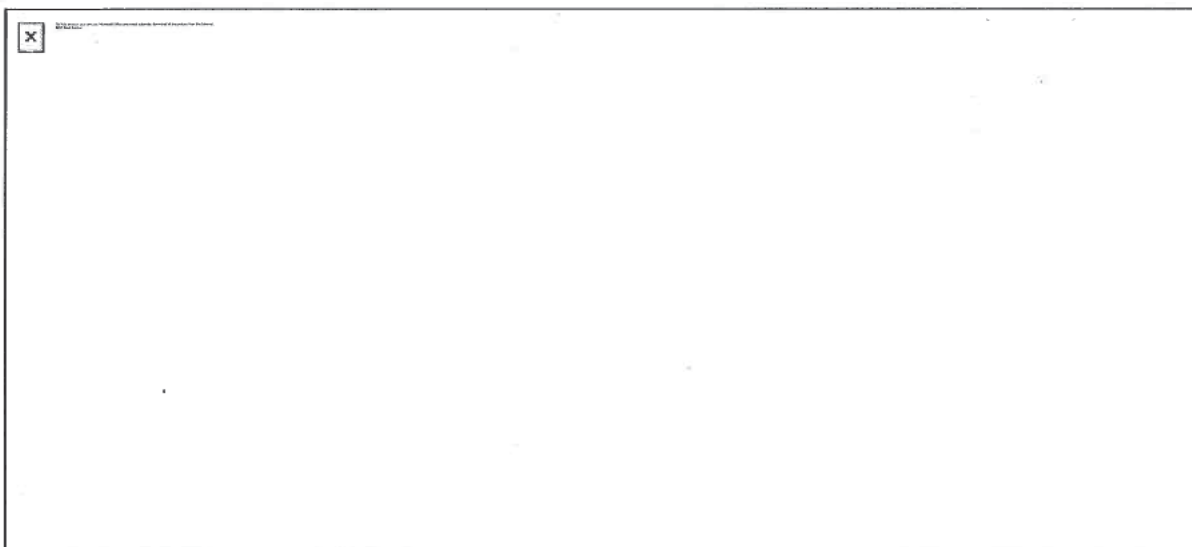
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Tanya,

Please see attached Show Cause Response on behalf of [redacted] along with additional supporting documentation.

Please do not hesitate to contact me should you require anything further.

Kind Regards



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Tanya Masterman
 Senior Investigator
 Children's Education and Care Assurance Early Childhood Regulation
 Education Directorate

2 August 2019

Dear Tanya,

Re: Show Cause Notice – Brindabella Christian College Early Learning Centre – Charnwood

I am writing in response to a letter from Clare Brookes dated 17 July 2019. The opportunity to investigate and respond to the allegations highlighted in your letter has resulted in a review of our policies and procedures and reflections on the checks and balances employed to ensure their consistent application.

Using your dot point four on page one of your letter as a format, my investigations reveal that:

- a. Events interpreted as inappropriate discipline are more accurately characterised as the appropriate implementation of strategies determined by our staff in consultation with parents to provide the best possible care to our children and their families (with a significant dose of misinterpretation of events by a casual observer).
- b. The grounds for allegations of inappropriate interactions amount to an isolated incident that you have characterizing as breaching Section 155 (based upon an interpretation of the use of the word "feral" in relation to a child's behavior) whereas we view the same isolated incident as an opportunity to discuss perceptions of organizational policy.
- c. Actions of our staff on 14th May 2019 described as being in contravention of policy and procedure were in fact examples of our staff being aware of the individual needs of each student and making appropriate adjustments to maximise each child's safety and experience.
- d. The Centre has taken the opportunity to remind all staff of the importance of accurate records, using the issues raised in your report to highlight the issues that can arise.

Formal Response to Breach Allegations

Allegation One

The [REDACTED] at Brindabella, [REDACTED] interviewed the educator [REDACTED] regarding the allegations raised. The contents of the interview clearly show that the actions observed by Witness A were:

- 1) Sanctioned by [REDACTED]



- 2) A response to the specific sleep needs of the child;
- 3) Reflective of daily routines in the Centre.

A copy of the transcript of the conversation is attached as Appendix A. Original sound recordings can be provided if required.

I note that the room in which the events transpired does not have any measurement of length, width or diameter above approximately six metres. It would require a person to very deliberately whisper not to be heard by any other person in the room. Notwithstanding this, [REDACTED] has acknowledged and implemented strategies to adjust the tone and volume of [REDACTED] voice when speaking with children in confined spaces.

Allegation Two

The [REDACTED] at Brindabella [REDACTED] interviewed the educator, [REDACTED] regarding the allegations raised. The contents of the interview clearly show that the actions observed by Witness A were:

1. Sanctioned by [REDACTED]
2. A response to the specific sleep and eating needs of the child;
3. Reflective of daily routines in the Centre.

A copy of the transcript of the conversation is attached as Appendix B. Original sound recordings can be provided if required.

Allegation Three

The [REDACTED] at Brindabella [REDACTED] interviewed the educator [REDACTED] regarding the allegations raised. The contents of the interview clearly show that the actions observed by Witness A were:

4. Sanctioned by [REDACTED]
5. A response to the specific sleep and eating needs of the child;
6. Reflective of daily routines in the Centre.

A copy of the transcript of the conversation is attached as Appendix A. Original sound recordings can be provided if required.

Further information regarding each of these allegations has been provided to Tanya Masterman by [REDACTED]. A copy of [REDACTED] response is shown as Appendix C. In each case the observations of Witness A can be explained. The explanation does not however support evidence of a contravention of Section 166.

Allegation Four

The event described as potentially contravening sections 167 and/or 155 occurred on 14 May 2019 when a [REDACTED] educator told a [REDACTED] year child [REDACTED] behavior had been "a bit feral today". I would argue the following:-

- It is not reasonable for a provider to control every word uttered by staff;
- It is not reasonable for a provider to make a comprehensive list of every word from an evolving language that might be considered as harmful (and therefore the isolated incident cannot be a breach);



- When used as a term describing behavior of students, "feral" might be construed as being no different to words such as "unacceptable" or "inappropriate" (year old children don't understand any of these words);
- When talking to year olds, 'feral' is more likely to be used to communicate information to other colleagues in the room rather than the child who has no idea what it means;
- The incident itself can (and has) provided a focal point to discuss the meaning of sections 167 and 155 with our staff (especially as it inter-relates with our policies) showing that rather than evidencing a breach it evidences the organic nature of our compliance regime.

Allegation Five

Responding to the allegations that we as a service provider have failed to follow the requirements of Regulation 170 is either very simple or very difficult. It is simple if one accepts that each of the witnesses that work in Brindabella Early Learning Centres clearly articulate an understanding of relevant policies. Those who do not work at a Brindabella Early Learning Centre can complicate matters because they report events and observations in accordance with what they think the policy ought to be. I therefore refer you to each of the interviews with staff referred to in witness statements. These clearly show that our employees understand our policies.

I have also attached copies of policies that have recently been amended. You will note that each staff member signs the policy to indicate that they have read and understood the policy. has more to say on staff training etc in response to similar allegations and I refer you to response.

Allegation Six

As a provider of both education and care services, Brindabella Christian Education Ltd is consistently emphasising the importance of sound record keeping by our staff. The three incidents shown in your report are of concern. We are, however, confident that our current practices are fully compliant with regulation 177 and that any punitive action taken in relation to this matter has the potential to be counter-productive. We welcome any opportunity to prove that current systems are fully compliant.

Thank you for drawing these matters to my attention. I look forward to having these allegations resolved as quickly as possible.

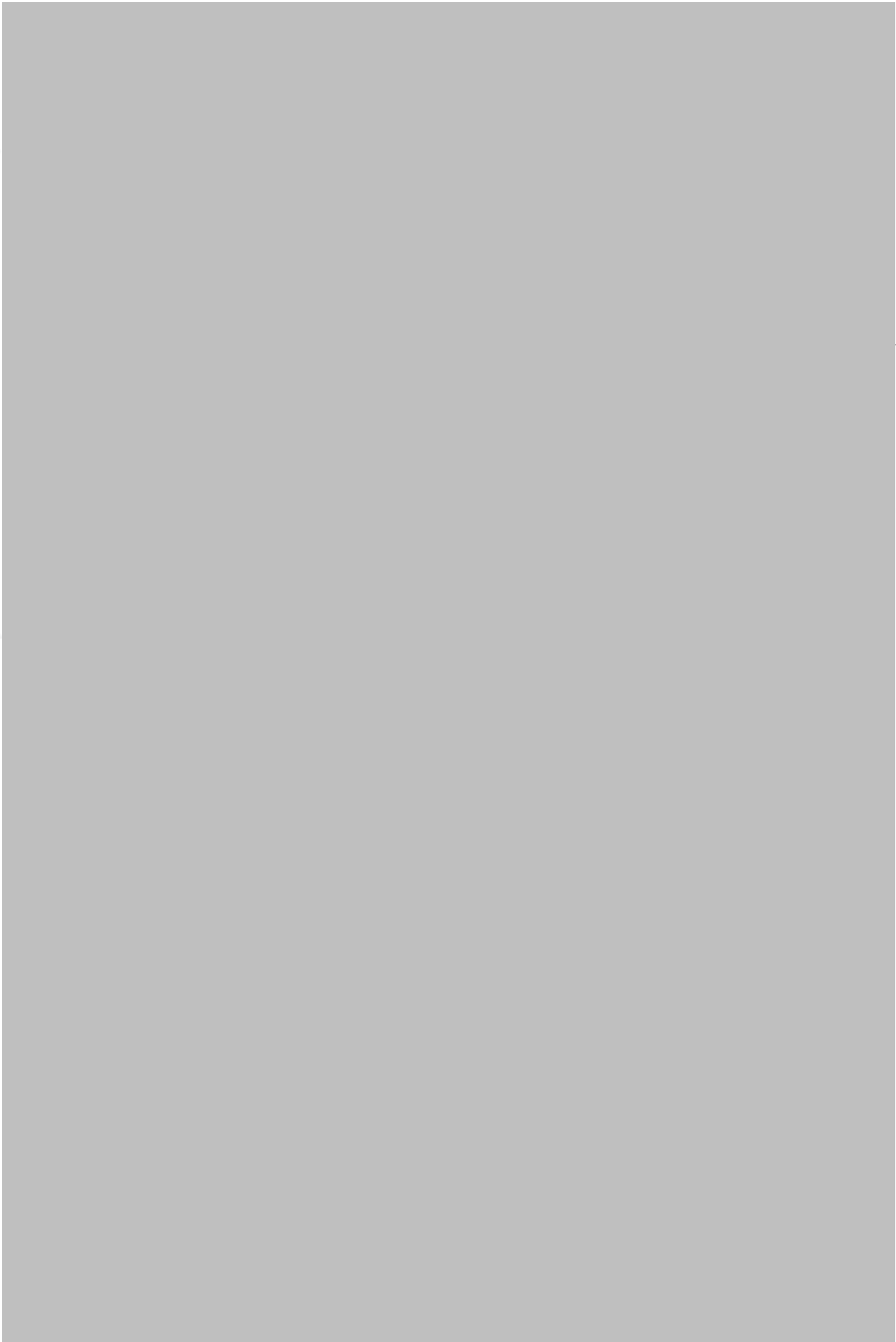
Person with Management or Control Brindabella Christian Education Ltd
T/A Brindabella Christian College Early Learning Centre- Charnwood PO Box 5103
LYNEHAM ACT 2602

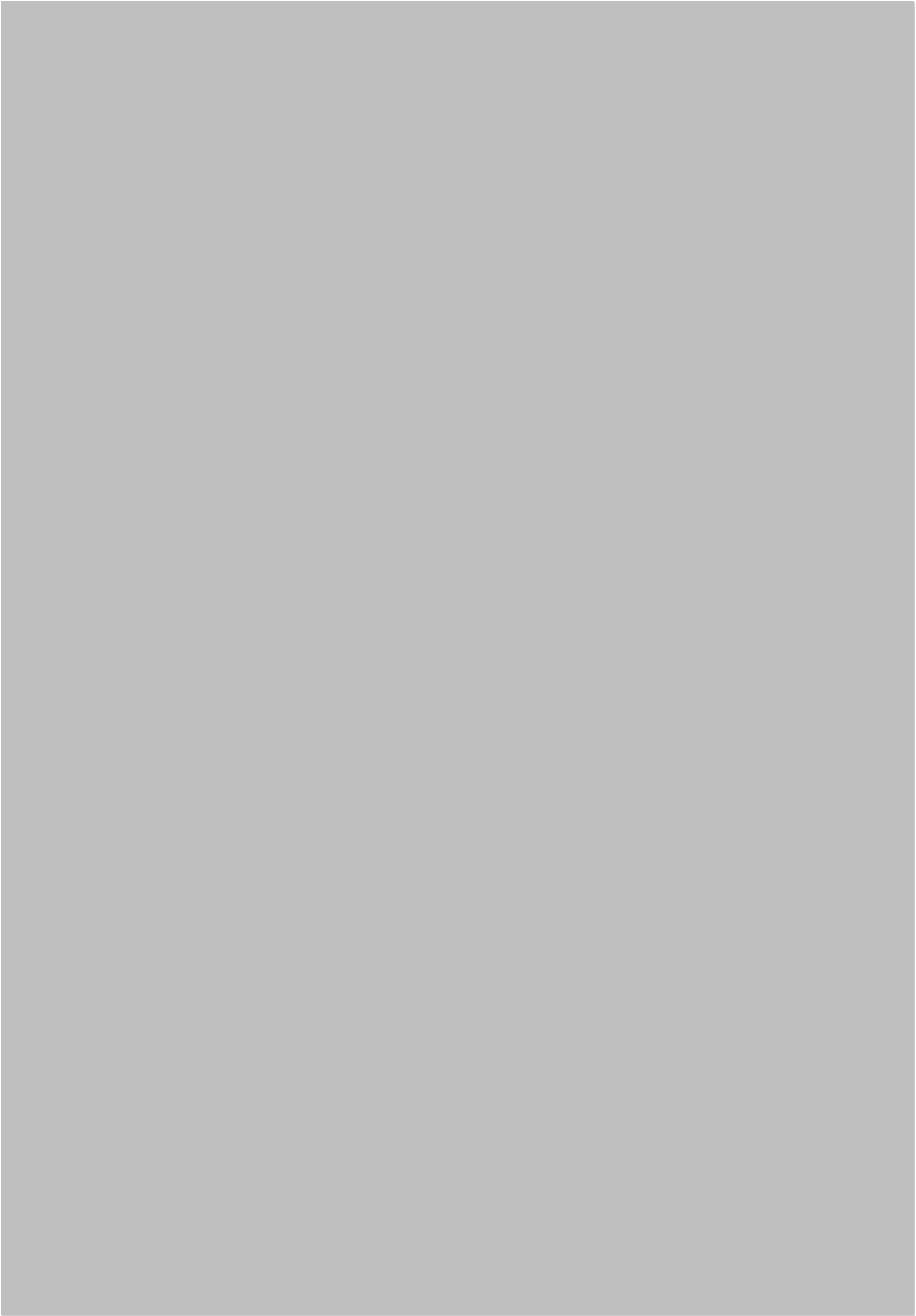
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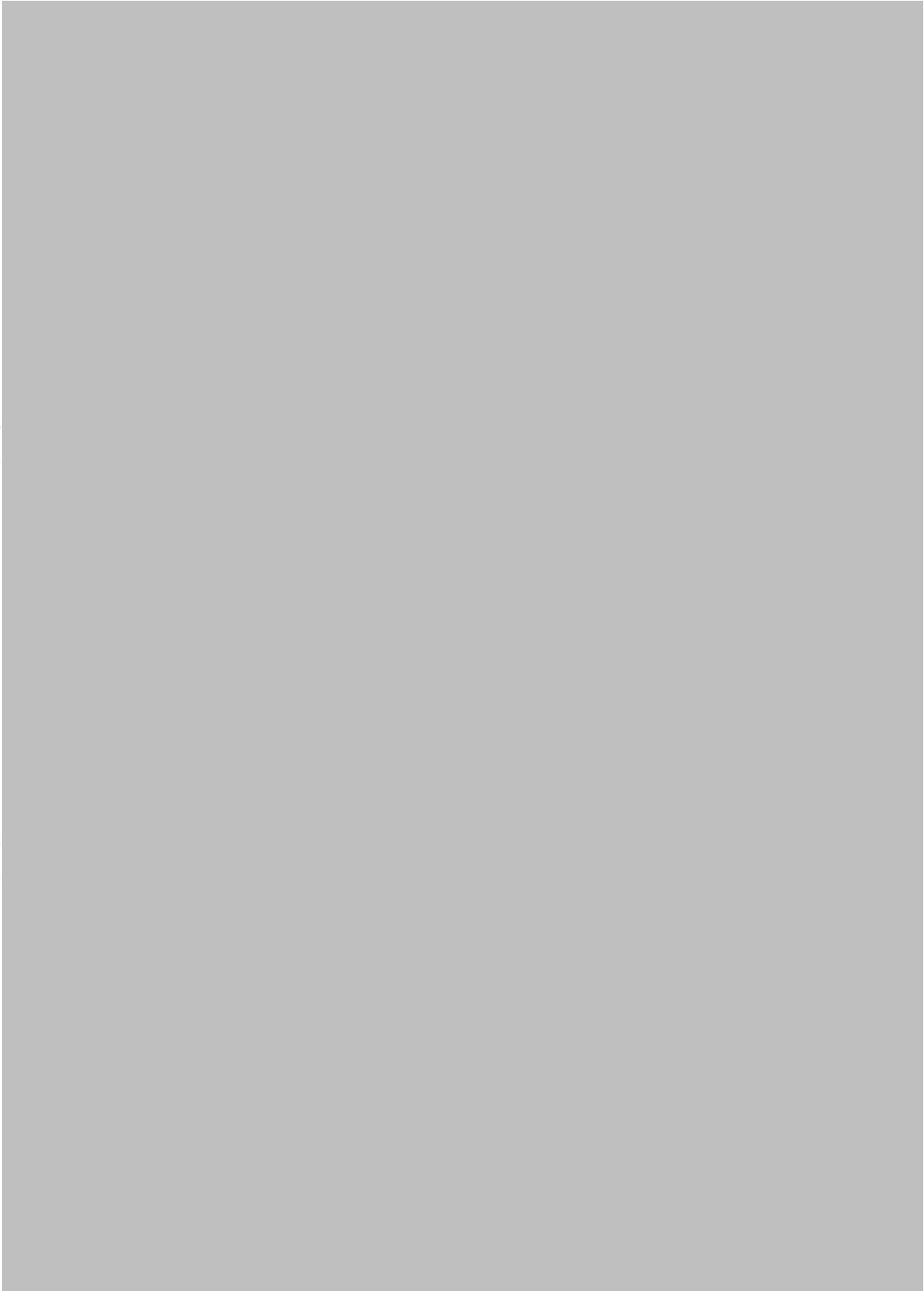
Date: 25 July 2019

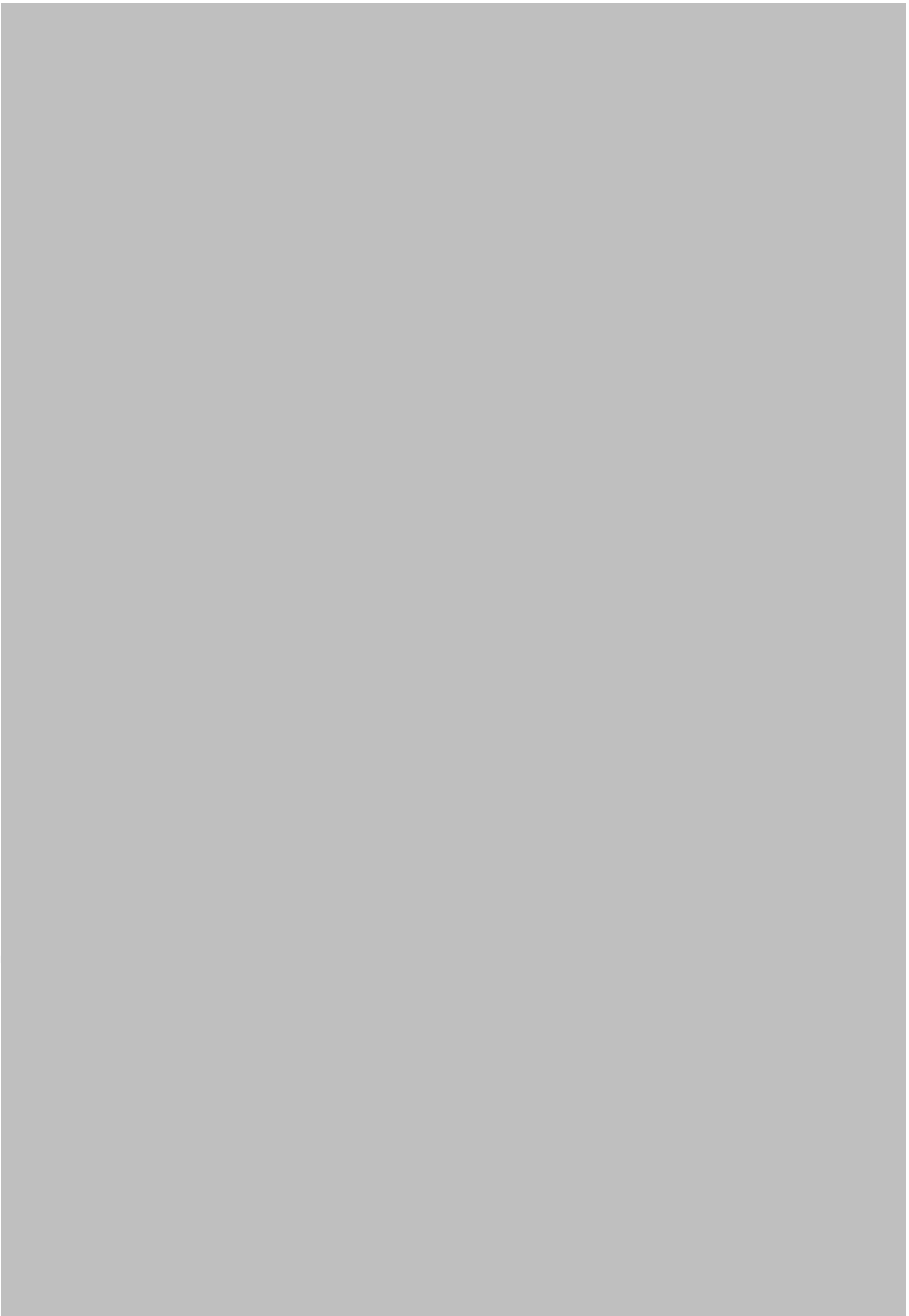
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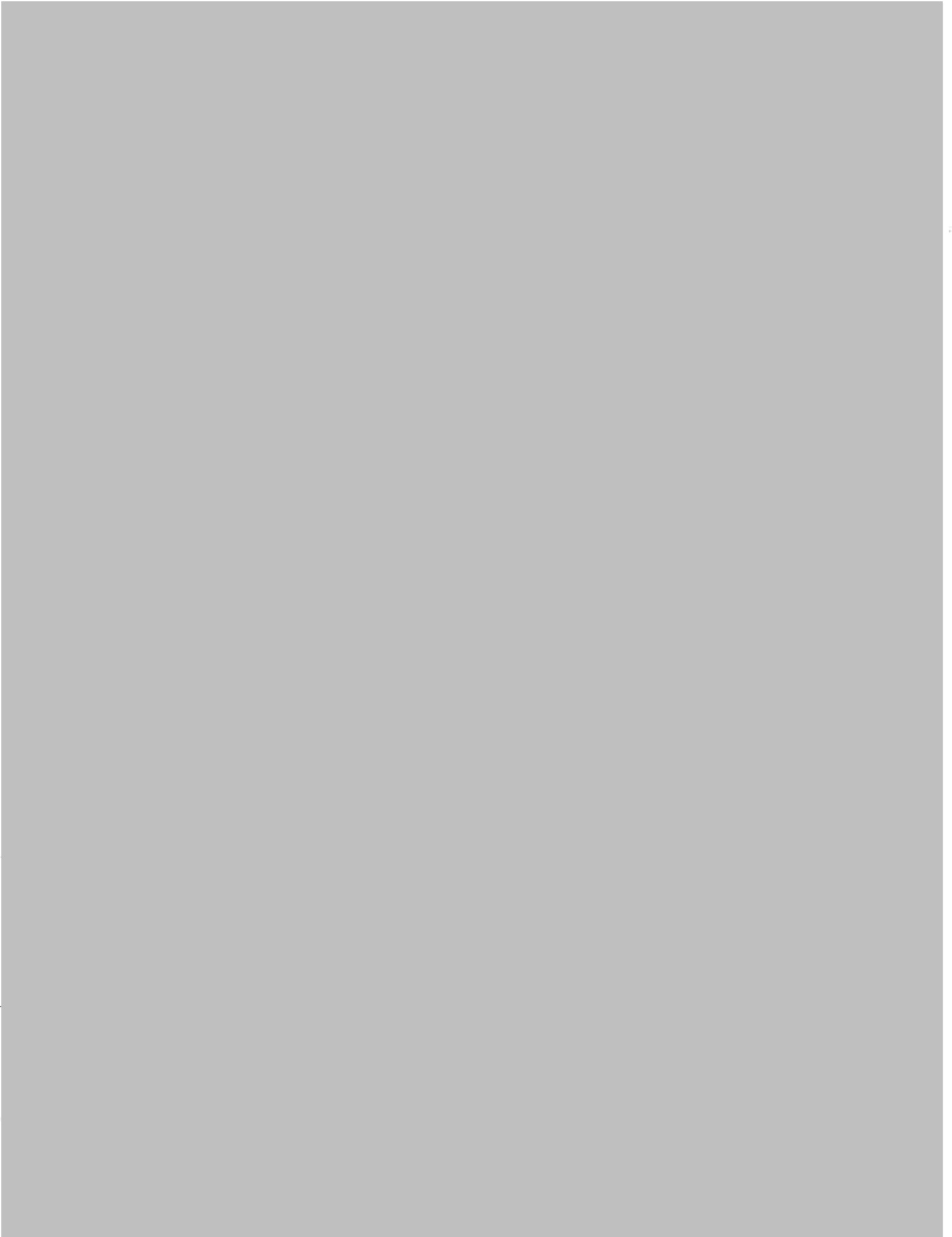














31 July 2019

Tanya Masterman Senior Investigator
 Children's Education and Care Assurance GPO Box 158
 CANBERRA ACT 2601

Dear Tanya,

I am writing to respond to the 'Show Cause Notice' issued by the ACT Regulatory Authority relating to allegations of inappropriate discipline and inappropriate interactions by educators at Brindabella Christian College Early Learning Centre Charnwood SE-00011290 (the Service), operated by Brindabella Christian Education Ltd PR-00005809 (the Provider).

I can confirm that at the relevant time [REDACTED] and [REDACTED] were the [REDACTED] for Brindabella Christian Education Ltd.

Allegation One

It is alleged that, on 14 May 2019, [REDACTED] told a child [REDACTED]

- a. words to the effect of "*if you don't stop being naughty I'll send you somewhere else and you won't be able to come back here or see your mummy or daddy again*"; and
- b. words to the effect of "*if you don't go to sleep right now, I'll call your mummy and daddy and tell them to not come and get you today*"

Response

Both myself and my colleague [REDACTED] conducted an interview with [REDACTED] on 25 July 2019 [REDACTED]. I have attached a copy of the transcript from that conversation and can provide an audio copy should you require.

As transcribed in that meeting, when asked, [REDACTED] explained [REDACTED] response. Please see Appendix A, [REDACTED] [0:01:47.8] and continuing.

[REDACTED] also explained the nature of the language used with [REDACTED] (eg; Burrito and icecream) as key words that help [REDACTED] to determine how [REDACTED] wanted to rest at that time. Please see Appendix A, [REDACTED] [0:04:50.4]

[REDACTED] discussed that there are key words that [REDACTED] responds to based on the information provided by [REDACTED] family. It had been disclosed that it was a practice requested by the parents to contact them if [REDACTED] did not sleep.

[REDACTED] explained that they were working with the children to develop their self expression by identifying their feelings and did confirm that [REDACTED] stated "[REDACTED] would have to call [REDACTED] mummy and daddy, as per parent request if [REDACTED] did not sleep.



Allegation Two

It is alleged that, on 14 May 2019, when lunch was being served in the [redacted] room and [redacted] had put [redacted] to bed, [redacted]

- c. Removed [redacted] from [redacted] bed and pulled [redacted] by the arm to the table, while [redacted] was crying and yelling that [redacted] wanted to go to bed; and
- d. When [redacted] went back to [redacted] bed, [redacted] again removed [redacted] from [redacted] bed and dragged [redacted] to the table, while [redacted] was crying and yelling that [redacted] wanted to go to bed.

Response

Both [redacted] conducted an interview with [redacted] on 25 July 2019. I have attached a copy of the transcript from that conversation and can provide an audio copy should you require.

As transcribed in that meeting, when asked, [redacted] explained [redacted] response. Please see Appendix B, [redacted] [0:02:04.0].

During this interview it was established that [redacted] often struggled during meal time and that in consultation with the family a strategy was developed to encourage [redacted] to sit at the table and try the meal provided. [redacted] also explained that [redacted] displayed a repetitive behavior of going back and forth to [redacted] mat. [redacted] also described in [redacted] statement that [redacted] did not want to get upset with [redacted] so [redacted] implemented the procedure of "Tapping Out" as is practice in the Centre.

As transcribed in that meeting, when asked, [redacted] explained [redacted] response. Please see Appendix B, [redacted] [0:04:25.6] and [redacted] [0:04:50.1].

Allegation Three

It is alleged that, on 14 May 2019, when [redacted] was at the lunch table and crying about wanting to go to bed, [redacted]

[redacted] took a spoonful of [redacted] lunch and put it in [redacted] mouth when [redacted] was yelling, held [redacted] chin to close [redacted] mouth and held [redacted] arms down when [redacted] tried to push [redacted] hands away.

Response

[redacted] conducted an interview with [redacted] on 25 July 2019 [redacted]. I have attached a copy of the transcript from that conversation and can provide an audio copy should you require.

As transcribed in that meeting, when asked, [redacted] explained [redacted] response. Please see Appendix A, [redacted] [0:12:04.1]



explained that [redacted] vividly remembered that day as [redacted]. [redacted] explains that [redacted] is a fussy eater and that there had been strategies discussed and developed with the parents and the team in [redacted] as to how they would encourage [redacted] to eat.

[redacted] explained the steps [redacted] took to calm [redacted] down including going to [redacted] located in [redacted] for support, the explanation [redacted] gave in response to the allegation of [redacted] holding [redacted] chin closed has been explained as [redacted] placing [redacted] hand under [redacted] chin to catch the food as [redacted] did not want [redacted] clothes to get messy. In addition to this [redacted] has explained in Appendix A [redacted] [0:15:01.4] that [redacted] was having an emotional day and was missing [redacted]. [redacted] has also described their focus with the children about learning to express their emotions and how to communicate.

Follow up

[redacted]
[redacted]
[redacted] The leadership Team [redacted] will work closely with [redacted] to ensure [redacted] is given the appropriate mentoring and Support to extend [redacted] skills and knowledge [redacted]. At the service I will ensure that our key focus areas with [redacted] and [redacted] development is around interactions with children and behaviour guidance strategies. Pending the outcome [redacted] will be placed under direct supervision and an Early childhood Teacher, in a room that can closely support and monitor [redacted] interactions and work with Children. Another Strategy that has been put in place in light of this is Within the change of the leadership team and support structure at Charnwood ELC. From this change we will also be able to have regular check in sessions with [redacted]. [redacted] to ensure this type of issue does not arise again.

With relation to our support plan and changes with the allegations against [redacted] We are currently recruiting for a Lead Educator either Diploma or Degree Qualified in our [redacted] room to work with [redacted] and supervise and support further development of [redacted] skillset as a Lead Educator.

The leadership team Structure Change explained in the above statement is outlined as follows:

- The position of Assistant Director is being advertised as Assistant Director/Nominated Supervisor Non-Teaching, with this change we will ensure that each of our Sites have a Nominated Supervisor allocated to each Centre to support [redacted] in the role.
- [redacted] has now been appointed in a [redacted] across both campuses to ensure that staff are adequately supported with regards to curriculum, practice, policy and procedure. This role will also allow for more one on one mentoring and the ability to focus on set goals for individual educators.

Please be aware that we have been actively working with the staff in the development of their skills and have provided a multitude of training and support over the past 6 months also With relation to



all allegations in the Show Cause notice/the services notice of a 215 request there have been a number of actions taken to ensure all staff are aware of best practice we have also had a major review of policy and procure during the last few months and this is now reflective in our management please see the following attachments for your reference:

- Appendix A [redacted] interview voice recording
- Appendix E [redacted] Interview voice recording
- Staff meeting is taking place on Monday 12 August. During this meeting we will be revisiting policy and procedure relating to interactions with children as well as the Behaviour Buster workshop. [redacted] attached a copy of our planned agenda, see Appendix C
- On 9 January 2019 All staff participated in Protective Behaviors Training and mandated reporting training, see Appendix D
- On 13 and 14 February 2019 [redacted] met with [redacted] to discuss their development and support plans for 2019, see Appendix E
- On 15 February 2019 an email was sent to all staff in relation to encouraging children to eat and interactions, see Appendix F
- 25 February email relating to [redacted] joint Belief statements in response to staff meeting, see Appendix G
- 29 April 2019 Minutes from staff meeting, Appendix H
- 14 May 2019 Email communication from [redacted] Appendix I`
- 29 May 2019 Communication Record with [redacted] Appendix J
- 18 June 2019 Communication record, all Charnwood staff individually with [redacted] Appendix K
- 1 July Staff meeting agenda and SIDS training, Appendix L
- Appendix M; signed policy's reviewed

Also provided:

- Voice recordings of interviews (Can be provided upon request, see appendix A and Appendix B for transcribed notes.)
- *Appendix C Agenda for August Staff Meeting*
- *Staff Handbook*
- *Staff code of conduct*
- *Behaviour Buster with [redacted] s being scheduled for August to conduct in house training with all staff.*
- Staff will be given additional time to complete modules on ECA Learning Hub



This information and supporting documents have been provided, in response to the 'Show Cause Notice' issued by the ACT Regulatory Authority relating to allegations of inappropriate discipline and inappropriate interactions by educators at Brindabella Christian College Early Learning Centre Charnwood SE-00011290 (the Service), operated by Brindabella Christian Education Ltd PR-00005809 (the Provider). Should you require any further information, please do not hesitate to contact me.

Regards





Show Cause Response Report - Case Management

Name of Provider: Brindabella Christian Education Ltd PR-00005809	
Name of service: Brindabella Christian College Early Learning Centre Charnwood SE-00011290	
Case Number: ING-0006781/CA-23908	
Investigator: Tanya Masterman	Risk Rating: High
Date of report: 19 August 2019	

Show Cause Response

1. *Initial Case Management Report on 27 June 2019*
2. *A Show Cause Notice was issued to the Provider on 17 July 2019 for three s 166 offences, one s 167 (reg 155) offence, one Reg 170 offence and one Reg 177 offence, with a response due within 14 days, being 31 July 2019.*
3. *On 31 July 2019, the Provider telephoned and spoke to AO Leah Partridge, to request an extension, which was granted until 2 August 2019.*
4. *On 1 August 2019, the extension was formally confirmed and advising of the need for notification of change of PMCs. Refer email Masterman to Provider*
5. *On 1 August 2019, the Provider emailed regarding PMCs and was responded to by AO Janine Fairburn. Refer email exchange Fairburn and Provider*
6. *On 2 August 2019, the Provider emailed a Response to Show Cause.*

Key Points for Deliberation

1. Allegation One that on 14 May 2019, [REDACTED] used threatening language towards a child [REDACTED] on two occasions.
2. Evidence: one witness statement and documents proving attendance of educator and child
3. *Provider Response*



- a. Relied on interview with [REDACTED]
 - b. Actions sanctioned by parents, a response to the specific sleep needs of the child and reflective of daily routines.
 - c. [REDACTED] has acknowledged and implemented strategies regarding vocal tone.
4. Allegation Two that on two occasions on 14 May 2019, [REDACTED] dragged [REDACTED] from [REDACTED] bed and pulled [REDACTED] to the table, while [REDACTED] was crying and yelling [REDACTED] wanted to go to bed.
5. Evidence: one witness statement and documents proving attendance of educator and child
6. *Provider Response*
 - a. Relied on interview with [REDACTED]
 - b. Actions sanctioned by parents, a response to the specific sleep and eating needs of the child and reflective of daily routines.
7. Allegation Three that [REDACTED] forced and restrained [REDACTED] when [REDACTED] was at the lunch table and crying about wanting to go to bed.
8. Evidence: one witness statement and documents proving attendance of educator and child.
9. *Provider response:*
 - a. Relied on interview with [REDACTED]
 - b. Actions sanctioned by parents, a response to the specific sleep and eating needs of the child and reflective of daily routines
10. *Provider relies on Nominated Supervisor Responses for each allegation*
11. Allegation Four that on 14 May 2019 [REDACTED] told [REDACTED] "you've been feral today".
12. Evidence: two witness statements and documents proving attendance of educator and child.
13. *Provider Response*
 - a. Not reasonable for Provider to control every word uttered by staff
 - b. Not reasonable for provider to make list of every word that might be considered harmful
 - c. "feral" could be construed as no different to words like "unacceptable" or "inappropriate"
 - d. "feral" is more likely to be used to communicate information to other colleagues



rather than the child who doesn't know what it means

e. The incident has provided a focal point to discuss Reg 155.

14. Allegation Five that the Provider failed to take reasonable steps to ensure staff members followed Sleep and Rest Policy and Interactions with children policy.

15. Evidence: two witness statements, documents proving attendance of educators and children, copies of policies and procedures.

16. *Provider Response*

a. Refers to Nominated Supervisor's response about training, amendment of policies and signing off on policies

17. Allegation Six that WDWC records were inaccurate.

18. Evidence: WDWC records, email from NS.

19. *Provider Response*

a. Consistently emphasizing the importance of record keeping by staff, concerned by inaccurate records, confident that current practices are fully compliant and welcome any opportunity to prove current systems are fully compliance.

20. *Provider Response – General*

a. Events interpreted as inappropriate discipline were appropriate implementation of strategies determined by staff and parents (with a significant dose of misinterpretation of events by a casual observer)

b. Calling a child "feral" is an opportunity to discuss perceptions of organizational policy;

c. Actions described as contravening policy and procedure were examples of staff being aware of individual needs and making adjustments to maximise safety and experience

d. Centre has reminded staff of importance of accurate records.

21. *Nominated Supervisor Response – General Strategies*

a. [REDACTED] will be given appropriate mentoring and support, around interactions and behavior guidance strategies. Will be placed under direct supervision of an ECT

b. Recruiting for lead educator to work with [REDACTED] to supervise and support skillset

c. Position of Assistant Director is being advertised as Assistant Director/Nominated



Supervisor Non-Teaching – each site will have an NS;

- d. [REDACTED]
to allow more one-on-one mentoring
- e. *Provided a lot of training and support over 6 months*
- f. *Minutes of 1 July staff meeting – discussion of interactions with children*
- g. *Staff meeting Agenda provided for August meeting*
- h. *Signed reviewed policies*
- i. *Further education scheduled – Behaviour Buster with [REDACTED]*

Case Management Committee

Case Management Recommendation:

All Allegations substantiated.

Date:

Reasons for recommendation:

Allegations One to Three

Section 166(3) allegations all substantiated, 166(1) are offences of strict liability

Allegation Four

“Feral”- Provider’s response demonstrated lack of understanding of children’s rights, drawing an analogy with “inappropriate” or “unacceptable” and that children would not understand. Whilst a provider cannot control every word, the fact that the provider feels there is nothing wrong with calling a child “feral” indicates a problem with appropriate interactions.

Allegation Five

Provider stated that parents had given instructions that were being followed. That is not an adequate response, as parents do on occasion give instructions that breach policy or best practice guidelines.

Allegation Six

Admitted records were inaccurate.

Nominated Supervisor response relied upon.

Provider’s response raised concerns of adequacy of understanding of children’s rights, their



obligations as a provider and whether the PMCs were fit and proper to be involved in provision of education and care.

Recommended Compliance Action

Compliance notice –

- demonstrate strategies in place that are in NS response – recruitment, evidence of educator training etc.
- PMCs, NS and Educators to receive training on rights of the child.
- Four weeks to provide evidence of such training being arranged.
- Letter to mention that after that training and within three months of the letter, all PMCs are to undergo assessment with CECA to assess understanding and fitness.

COMPLIANCE ACTION: CA-00025878

Committee Members:

CB, SS, JF, JW, LP, TM



Show Cause Response Report - Case Management

Name of Provider: Brindabella Christian Education Ltd PR-00005809	
Name of service: Brindabella Christian College Early Learning Centre Charnwood SE-00011290	
Case Number: ING-0006781/CA-23911	Name of Educator: Nicole Hepworth
Investigator: Tanya Masterman	Risk Rating: High
Date of report: 19 August 2019	

Show Cause Response

1. *Initial Case Management Report on 27 June 2019*
2. *A Show Cause Notice was issued to [REDACTED] for one s 166 offence with a response due within 14 days, being 31 July 2019.*
3. *On 27 July 2019, [REDACTED] emailed a Response to Show Cause.*
4. *On 1 August 2019, [REDACTED] was advised of case management date, as a courtesy.*

Key Points for Deliberation

1. Allegation that on 14 May 2019, when lunch was being served, [REDACTED] removed [REDACTED] from [REDACTED] bed and pulled [REDACTED] by the arm to the table while [REDACTED] was crying and yelling that [REDACTED] wanted to go to bed, then when [REDACTED] got up and returned to [REDACTED] bed [REDACTED] went and got [REDACTED] out of bed again and dragged [REDACTED] to the table while [REDACTED] was crying and yelling that [REDACTED] wanted to go to bed.
2. Evidence: one witness statement and documents proving attendance of child and educator.
3. *Educator Response*

[REDACTED]



Case Management Committee

Case Management Recommendation:

Allegation substantiated

Date: 22 August 2019

Reasons for recommendation:

Credibility of initial witness – fresh complaint [redacted] making complaint shortly after witnessing incidents, much of what [redacted] stated was corroborated by POI, just small details were different.

Recommended Compliance Action

Caution letter. Main problem seems to be with Provider's lack of understanding and appreciation of their obligations, probable lack of support and training in appropriate behaviour support techniques.

COMPLIANCE ACTION CA-00025870

Committee Members:

CB, SS, JF, JW, LP, TM



Show Cause Response Report - Case Management

Name of Provider: Brindabella Christian Education Ltd PR-00005809	
Name of service: Brindabella Christian College Early Learning Centre Charnwood SE-00011290	
Case Number: ING-0006781/CA-23911	Name of Educator: [REDACTED]
Investigator: Tanya Masterman	Risk Rating: High
Date of report: 19 August 2019	

Show Cause Response

1. *Initial Case Management Report on 27 June 2019*
2. *A Show Cause Notice was issued to [REDACTED] for two s 166 offences with a response due within 14 days, being 31 July 2019.*
3. *On 31 July 2019, [REDACTED] emailed a Response to Show Cause.*
4. *On 1 August 2019, [REDACTED] was advised of case management date, as a courtesy.*

Key Points for Deliberation

1. **Allegation One** that on 14 May 2019, [REDACTED] used threatening language towards a child [REDACTED] on two occasions.
2. Evidence: one witness statement and documents proving attendance of educator and child
3. **Educator Response**





4. **Allegation Two** that [redacted] forced and restrained [redacted] when [redacted] was at the lunch table and crying about wanting to go to bed.

5. **Evidence:** one witness statement and documents proving attendance of educator and child.

6. **Educator Response**



Case Management Committee

**Case Management Recommendation:**

Allegations One and Two substantiated

Date: 22 August 2019

Reasons for recommendation:

Credibility of initial witness – fresh complaint, [REDACTED] making complaint shortly after witnessing incidents, “feral” comment was corroborated by [REDACTED] much of what [REDACTED] stated was corroborated by POI, just small details were different.

Recommended Compliance Action

Caution letter. Main problem seems to be with Provider’s lack of understanding and appreciation of their obligations, probable lack of support and training in appropriate behaviour support techniques.

Caution Letter: [REDACTED]

Committee Members:

CB, SS, JF, JW, LP, TM



Show Cause Response Report - Case Management

Name of Provider: Brindabella Christian Education Ltd PR-00005809	
Name of service: Brindabella Christian College Early Learning Centre Charnwood SE-00011290	
Case Number: ING-0006781/CA-23909	Name of Nominated Supervisor: Tammy Brown
Investigator: Tanya Masterman	Risk Rating: High
Date of report: 19 August 2019	

Show Cause Response

1. *Initial Case Management Report on 27 June 2019*
2. *A Show Cause Notice was issued to [REDACTED] for three s 166 offences with a response due within 14 days, being 31 July 2019.*
3. *On 31 July 2019, [REDACTED] emailed a Response to Show Cause.*
4. *On 1 August 2019, [REDACTED] was advised of case management date, as a courtesy.*

Key Points for Deliberation

1. Allegation One that on 14 May 2019 [REDACTED] used threatening language towards a child [REDACTED] on two occasions.
2. Evidence: one witness statement and documents proving attendance of educator and child
3. *Nominated Supervisor Response*
 - a. *Interviewed [REDACTED] - working with children to develop self-expression by identifying feelings, did say she would have to call [REDACTED] parents - practice requested by parents to contact them if did not sleep*
4. Allegation Two that on two occasions on 14 May 2019, [REDACTED] dragged [REDACTED] from [REDACTED] bed and pulled [REDACTED] to the table, while [REDACTED] was crying and yelling [REDACTED] wanted to go to bed.



5. Evidence: one witness statement and documents proving attendance of educator and child

6. *Nominated Supervisor Response*

- a. *Interviewed [REDACTED]*
- b. *Strategy developed with parents to encourage [REDACTED] to sit at table and try the meal*
- c. *Repetitive behavior of going back and forth to [REDACTED] mat*
- d. *[REDACTED] did not want to get upset with [REDACTED], so tapped out.*

7. Allegation Three that [REDACTED] forced and restrained [REDACTED] when [REDACTED] was at the lunch table and crying about wanting to go to bed.

8. Evidence: one witness statement and documents proving attendance of educator and child.

9. *Nominated Supervisor Response*

- a. *Interviewed [REDACTED]*
- b. *[REDACTED] vividly remembered that day as [REDACTED] had [REDACTED]*
- c. *Explained [REDACTED] is a fussy eater and there had been strategies discussed as to how they would encourage [REDACTED] to eat*
- d. *Explained allegation of holding [REDACTED] mouth closed as putting [REDACTED] hand under [REDACTED] chin to catch the food*
- e. *[REDACTED] was having an emotional day and [REDACTED]*

10. *Nominated Supervisor Response – General Strategies*

- a. *[REDACTED] will be given appropriate mentoring and support, around interactions and behavior guidance strategies. Will be placed under direct supervision of an ECT*
- b. *Recruiting for lead educator to work with [REDACTED] to supervise and support skillset*
- c. *[REDACTED] - each site will have an NS;*
- d. *[REDACTED] to allow more one-on-one mentoring*
- e. *Provided a lot of training and support over 6 months*
- f. *Minutes of 1 July staff meeting – discussion of interactions with children*
- g. *Staff meeting Agenda provided for August meeting*



h. Signed reviewed policies

i. Further education scheduled – Behaviour Buster with [REDACTED]

Case Management Committee

Case Management Recommendation:

Allegations One, Two and Three substantiated.

Date: 22 August 2019

Reasons for recommendation:

Noting that response includes various strategies to support educators in future [REDACTED] recruiting for lead ECT to work with [REDACTED] recruiting for [REDACTED], each site will have NS, behaviour support education scheduled with [REDACTED]

Recommended Compliance Action

Caution letter, including emphasis on obligations as [REDACTED] and advising that further incidents may result in prohibition from acting as [REDACTED]

COMPLIANCE ACTION CA-00025875

Committee Members:

CB, SS< JF, JW, LP, TM.



Notification Number: [REDACTED]
Date generated: 05/09/2019

I01 Notification of Incident

Thank you for submitting your notification. Below is a copy of the information provided in your notification. If there are any issues, please contact your Regulatory Authority for assistance.

Notification of Incident

Provider

Provider Name	Brindabella Christian Education Ltd
Provider Number	PR-00005809
Provider Approval Status	Approved

Service

Service Legal Entity Name	
Service Trading Name	Brindabella Christian College Early Learning Centre Charnwood
Service Approval Number	SE-00011290
Service Approval Status	Approved

Incident Details

Incident Type	Reg 12-Any circumstance where a child being educated and cared for by an education and care service is mistakenly locked in or locked out of the education and care service premises or any part of the premises
Incident Date	5/09/2019
Incident Time	04:00 PM
Location	Outdoors
Sub Location	Play Space/Classroom
Duration Locked in/out	Less than 10 mins
Did Emergency Services attend	No

Further Details of the Incident

At 4:11pm notification from responsible person [REDACTED] onsite at our [REDACTED] alerted me to an incident that [REDACTED] found a child Named: [REDACTED] from our [REDACTED] room in the ELC [REDACTED] playground un-attended hiding in a cubby house at 4:05pm. [REDACTED] explained that the last time [REDACTED] had seen staff in that space was at 4:00pm, and that no one was visually present on [REDACTED] finding the child [REDACTED] explained [REDACTED] then took the child into the ELC preschool playground (through one pool gate) to see where the educators and children from the [REDACTED] room had gone. There [REDACTED] was met by the [REDACTED] staff and they explained that they did not know where they went. [REDACTED] then proceeded to the room where the rooms combine at the end of day [REDACTED] carried/escorted [REDACTED] into the [REDACTED] space and explained to the educators that they had left [REDACTED] outside in [REDACTED] yard.

Submitted By [REDACTED]



ACT
Government
Education

Notification Number [REDACTED]
Date generated: 05/09/2019

Child's Name	[REDACTED]
Child's Date of Birth	[REDACTED]
Child's Gender	[REDACTED]
Details of Action Taken (e.g. First Aid)	On reciving notice I then proceeded to call All staff on site at time of incident and asked to write statment and send in by close of business 5/9/2019.
Please detail what steps were taken to ensure parents were notified as soon as practicable, including time, date and nature of notification	Phone call made to paren [REDACTED] at 5:06pm after investigaiton with all staff on site.
Name of parent or guardian notified	[REDACTED]
Email of parent or guardian notified	[REDACTED]
Phone number of parent or guardian notified	[REDACTED]
Name of Witness to the incident	[REDACTED]
Please detail what steps were taken or will be taken to prevent or minimise this type of incident in the future	Head check sysytem is already in place ensure all staff are fully aware of how to utalise the sytem. aA new room leader in the [REDACTED] room is set to start on monday the 9-9-2019. At monthly staff meeting re train all staff on how to use the head check kiosk system.
Photos and Evidentiary Documents	
Report [REDACTED] re incident 5-9-2019 Charnwood ELC.docx	staff report re incident
report [REDACTED] re incident 5-9-2019 Charnwood ELC.docx	staff report re incident

Contact Details

Name	[REDACTED]
Phone Number	0423533823
Email Address	[REDACTED]

Dear [REDACTED]

Here is my statement in regards to this afternoons incident.

[REDACTED]

Kindest Regards

[REDACTED]

Report for unattended child found in the slide in [redacted] yard at around 04:00pm.



Date reported: Thursday, 05th September 2019

Reported by: [redacted] at 5:31pm.

Witness: [redacted]

Fairburn, Janine

From: Fairburn, Janine
Sent: Friday, 6 September 2019 9:33 AM
To: [REDACTED]
Subject: Notification of Serious Incident (NOT-40377831) RE Brindabella Christian College ELC Charnwood

Importance: High

UNCLASSIFIED

Dear [REDACTED]

Thank you for submitting the Notification of Serious Incident (NOT-40377831) RE a child locked out/ unaccounted for at Brindabella Christian College ELC Charnwood on 5/09/2019.

order to complete an initial assessment of this matter, can you please provide the following:

- 1) Working Directly with Children records for the Service for 5/09/2019;
- 2) Child Attendance records for the Service for 5/09/2019;
- 3) Records of head counts performed on 5/09/2019;
- 4) A mud map of location of child in outdoor area when found and location of educators who were responsible for the child's supervision; and
- 5) All records of communication to the child's parents, and all records of communication/ statements with educators in relation to the incident.

Can you please forward the requested information by COB today.

Kind Regards,

Janine Fairburn | Assistant Director
Phone 02 6205 4390 | Email : janine.fairburn@act.gov.au
Early Childhood Policy and Regulation | Education Directorate | ACT Government
Hedley Beare Centre for Teaching and Learning, Stirling 2611 | PO Box 158, Canberra City 2601
www.act.gov.au

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BEFORE PRINTING THIS E-MAIL
please consider the environment

Fairburn, Janine

From: [REDACTED]@bcc.act.edu.au>
Sent: Friday, 6 September 2019 4:24 PM
To: Fairburn, Janine
Subject: Notice of Serious Incident (NOT-40377831) Brindabella Christian College
Attachments: Charnwood 5.9.19.zip

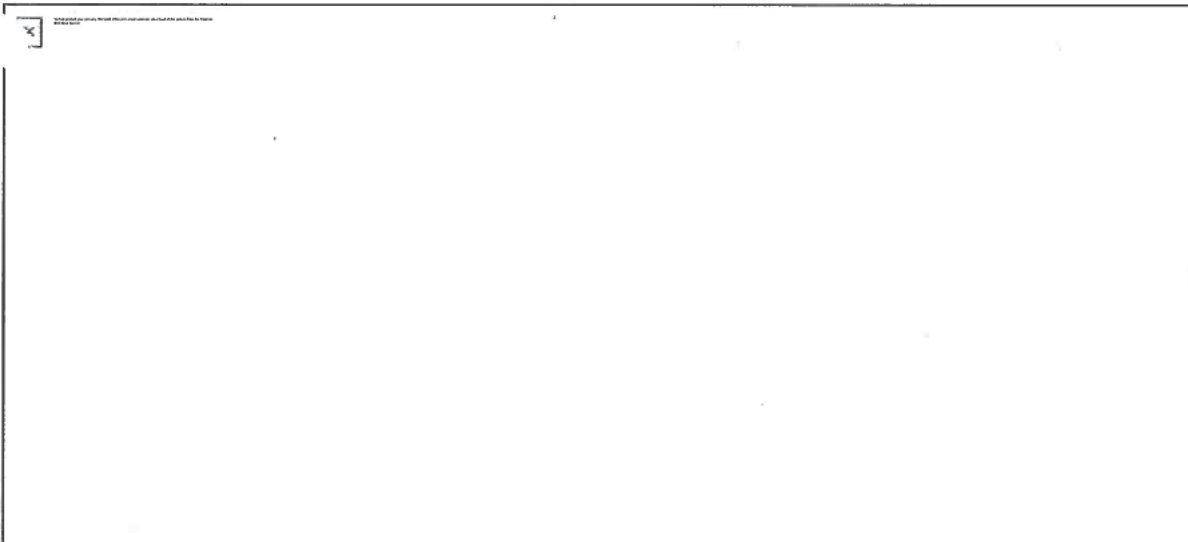
Importance: High

Hi Janine,

Please see attached documentation as requested. Please note that [REDACTED]

Please let me know if you require anything further.

Regards



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Brindabella Christian College Early Learning Centre Charnwood

5/09/2019 - 5/09/2019

A/C	Child's Name	Fee Name	Time In	Sign In	Time Out	Sign Out	Signed Abs	Abs Time
5/09/2019		Normal	03:02 PM		04:59 PM			
5/09/2019		Standard Absence						5/09/2019 3:05:00 PM
5/09/2019		Standard Absence						5/09/2019 3:05:00 PM
5/09/2019		Normal	03:01 PM		05:19 PM			
5/09/2019		Normal	04:55 PM		05:03 PM			
5/09/2019		Normal	03:01 PM		05:42 PM			
5/09/2019		Normal	04:56 PM		05:47 PM			
5/09/2019		Normal	04:56 PM		05:47 PM			
5/09/2019		Normal	04:55 PM		05:33 PM			
5/09/2019		Normal	03:01 PM		05:27 PM			
5/09/2019		Normal	03:01 PM		05:49 PM			
5/09/2019		Normal	03:01 PM		05:05 PM			
5/09/2019		Normal	03:01 PM		05:43 PM			
5/09/2019		Normal	04:55 PM		05:49 PM			
5/09/2019		Normal	03:01 PM		05:47 PM			

Brindabella Christian College Early Learning Centre Charnwood

5/09/2019 - 5/09/2019

	A/C	Child's Name	Fee Name	Time In	Sign In	Time Out	Sign Out	Signed Abs	Abs Time
5/09/2019			Normal	07:38 AM		08:19 AM			
5/09/2019			Normal	07:32 AM		08:19 AM			

A/C	Child's Name	Fee Name	Time In	Sign In	Time Out	Sign Out	Signed Abs	Abs Time
Thurs, Fr								
5/09/2019		Normal	08:10 AM		02:57 PM			
5/09/2019		Normal	08:51 AM		03:51 PM			
5/09/2019		Standard Absence						5/09/2019 1:11:00 PM
5/09/2019		Normal	07:38 AM		05:02 PM			
5/09/2019		Normal	07:32 AM		05:27 PM			
5/09/2019		Standard Absence						5/09/2019 1:11:00 PM
5/09/2019		Standard Absence						5/09/2019 7:57:00 AM
5/09/2019		Normal	08:48 AM		03:13 PM			
5/09/2019		Normal	09:38 AM		04:41 PM			
5/09/2019		Normal	08:57 AM		05:40 PM			

A/C	Child's Name	Fee Name	Time In	Sign In	Time Out	Sign Out	Signed Abs	Abs Time
Thurs, Fri								
5/09/2019		Normal	08:40 AM		04:45 PM			
5/09/2019		Normal	07:33 AM		04:44 PM			
5/09/2019		Normal	07:35 AM		05:23 PM			
5/09/2019		Normal	08:35 AM		05:28 PM			
5/09/2019		Normal	08:09 AM		05:36 PM			
5/09/2019		Normal	10:52 AM		06:05 PM			
5/09/2019		Standard Absence						5/09/2019 7:57:00 AM
5/09/2019		Normal	07:45 AM		03:43 PM			
5/09/2019		Normal	08:33 AM		05:15 PM			
5/09/2019		Normal	08:11 AM		05:49 PM			
5/09/2019		Normal	09:25 AM		05:47 PM			
5/09/2019		Normal	08:57 AM		05:40 PM			

Brindabella Christian College Early Learning Centre Charnwood

5/09/2019 - 5/09/2019

	A/C	Child's Name	Fee Name	Time In	Sign In	Time Out	Sign Out	Signed Abs	Abs Time
Thurs, Fri									
5/09/2019			Normal	07:41 AM		04:53 PM			
5/09/2019			Normal	09:14 AM		03:19 PM			
5/09/2019			Normal	07:55 AM		05:09 PM			
5/09/2019			Standard Absence						5/09/2019 7:55:00 AM
5/09/2019			Normal	08:42 AM		04:52 PM			
5/09/2019			Normal	07:40 AM		04:38 PM			
5/09/2019			Normal	08:33 AM		05:15 PM			
5/09/2019			Normal	08:48 AM		03:13 PM			

Brindabella Christian College Early Learning Centre Charnwood

5/09/2019 - 5/09/2019

	A/C	Child's Name	Fee Name	Time In	Sign In	Time Out	Sign Out	Signed Abs	Abs Time
Thurs, Fri									
5/09/2019			Normal	08:42 AM		04:14 PM			
5/09/2019			Normal	07:38 AM		03:37 PM			
5/09/2019			Normal	08:35 AM		05:28 PM			
5/09/2019			Normal	08:44 AM		05:02 PM			
5/09/2019			Normal	08:16 AM		04:44 PM			
5/09/2019			Normal	09:29 AM		03:46 PM			
5/09/2019			Normal	07:40 AM		04:38 PM			
5/09/2019			Normal	07:45 AM		03:43 PM			



Date: . . .
Page: -

Today's Date: 6/09/2019



Lined writing area consisting of approximately 20 horizontal lines for text entry.

06-09-19

EMP L NAM	EMP F NAM	EMP #	DATE	IN	OUT	TOTAL	NICKNAME	DEPARTMENT	NOTES	IN LOC	OUT LOC
			05/09/2019	9:27 AM	6:09 PM	8:42					
			05/09/2019	7:15 AM	3:57 PM	8:42					
			05/09/2019	8:32 AM	5:16 PM	8:44					
			05/09/2019	10:02 AM	6:09 PM	8:07					
			05/09/2019	7:27 AM	4:00 PM	8:33					
			05/09/2019	9:59 AM	6:01 PM	8:02					
			05/09/2019	8:59 AM	5:02 PM	8:03					
			05/09/2019	8:38 AM	6:10 PM	9:32					
			05/09/2019	7:15 AM	11:17 AM	4:02					
			05/09/2019	2:20 PM	6:01 PM	3:41					
			05/09/2019	9:39 AM	2:15 PM	4:36					
			05/09/2019	2:45 PM	5:45 PM	3:00					
			05/09/2019	7:45 AM	3:45 PM	8:00					
			05/09/2019	9:00 AM	5:00 PM	8:00					
			05/09/2019	8:45 AM	4:15 PM	7:50					
			05/09/2019	10:00 AM	6:01 PM	8:01					



Communication Record

Date:	5/9/19
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Child's Name:	[REDACTED]
Parent/guardian	[REDACTED]
Staff Present and Position:	[REDACTED]
Centre:	Charnwood

Issue/ Incident Raised:

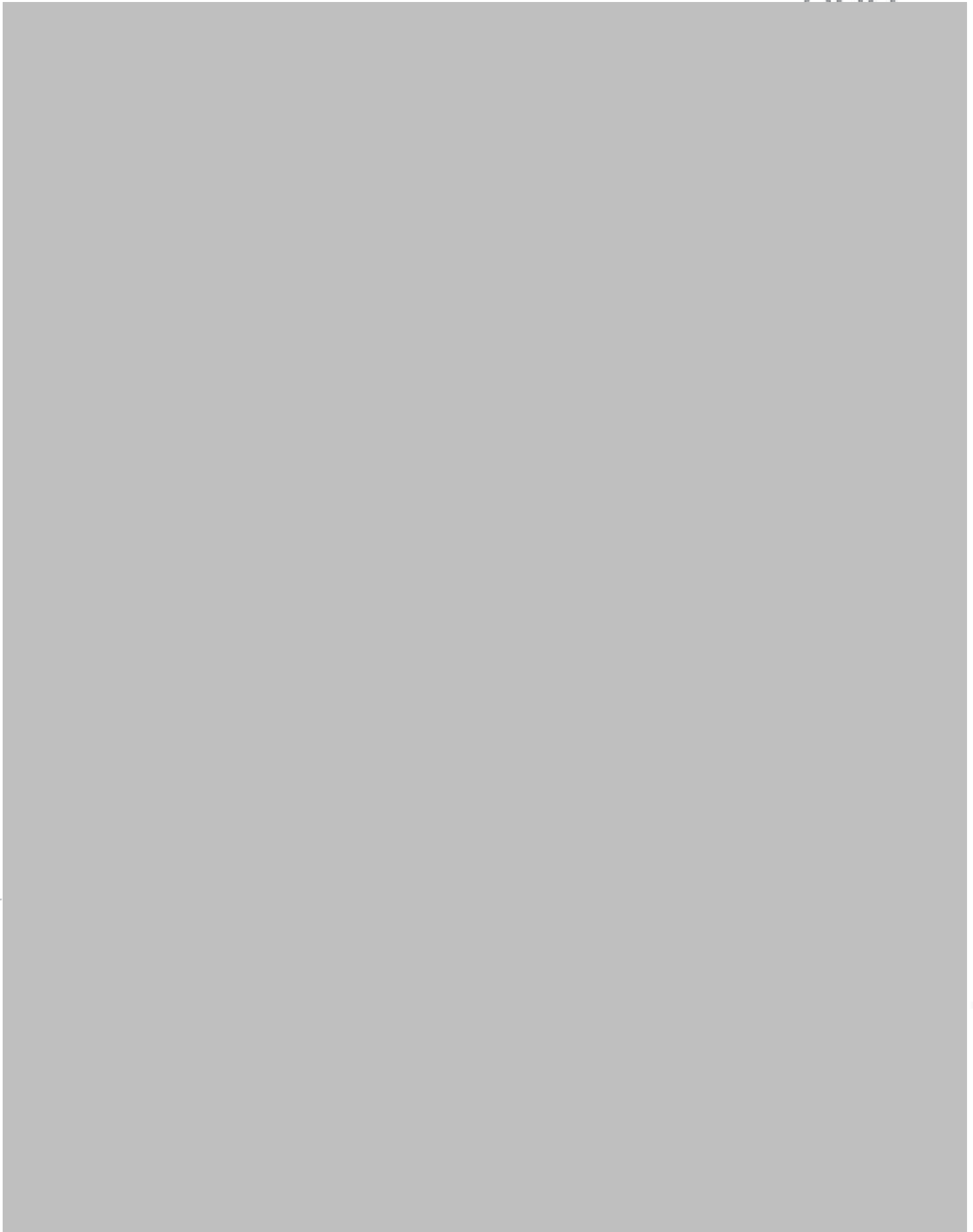
<ul style="list-style-type: none"> ➤ Who ➤ When ➤ Where ➤ What 	<p>The communication record is in response to the following concerns:</p> <p>It was determined whilst speaking to staff between 4:11pm (time [REDACTED] notified [REDACTED] and 5:06pm (time that [REDACTED] was called) that [REDACTED] parents had not been notified of the situation. [REDACTED] attempted to contact [REDACTED] via mobile at 5:06pm. [REDACTED] was unable to contact [REDACTED] returned our call at 5:14pm. I advised [REDACTED] that [REDACTED] had been found by our [REDACTED] to be in the playground in the [REDACTED] space and was taken to the [REDACTED] room. I explained that staff had informed us that [REDACTED] was hiding in the cubby [REDACTED] response was that [REDACTED] [REDACTED] I apologised for the occurrence of the situation and explained the steps that we were putting in place and that I would be making a report to CECA.</p> <p>2. Response:</p> <p>[REDACTED]</p> <p>Completed by [REDACTED]</p>
--	--

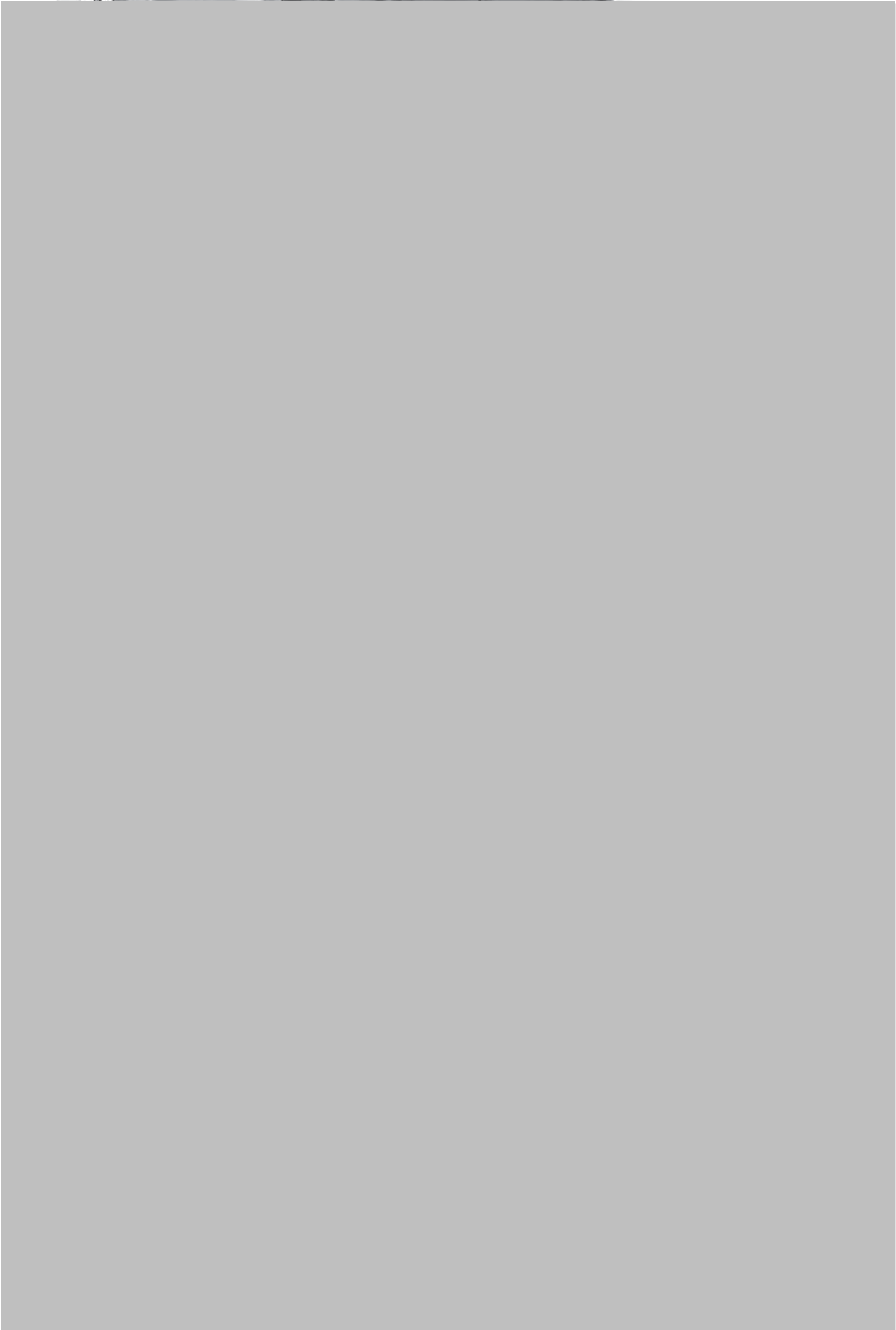


Educator's Name: Position:	Signature:
Parent/guardian Name: Position:	Signature:
Centre Director's Name:	Signature:

1. *Original to be given to Parent/guardian (if requested)*
2. *Copy to be placed on child's file*
3. *If applicable copy to be sent to Human Resources*

VACUATION DIAGRAM





Fairburn, Janine

From: [Redacted]
Sent: Friday, 6 September 2019 2:52 PM
To: [Redacted]

Subject: Important update re head checks and room transitions.

Importance: High

To all Educators,

In light of an incident yesterday we have updated all educators access to Qikkids Kiosk, so that everyone has access to login and perform head checks which are a regulatory requirement. We need to now update the procedure around head checks to change how often they are occurring. **We need to do these every half an hour and after transitions from inside to outside, outside to inside and any room transitions.** We will be monitoring this Daily via Qi kids system to ensure they are being done.

*If you are still unable to login please call [Redacted] to update your phone number/password pin on the kiosk, everyone must have access.

As always if you require any further information please call or reply email to the details below.









6/9/2019

Arrangement Layout People Pane Window ^

Reply Reply All Forward

[Redacted]

11:20 AM

▼

Dear [Redacted]

Here is the statement for yesterday's incident.

[Redacted]

Dear [REDACTED]

Here is the statement for yesterday's incident.







Report for unattended child found in the slide in yard at around 04:00pm.



Date reported: Thursday, 05th September 2019

Reported by: [redacted] at 5:31pm.

Witness [redacted]

Dear [REDACTED]

Here is my statement in regards to this afternoons incident.



Fairburn, Janine

From: [REDACTED] <bccelc@icloud.com>
Sent: Friday, 6 September 2019 12:48 PM
To: [REDACTED]
Subject: Screenshot 2019-09-06 at 12.47.51 pm

12:47

< Recents



Australia



message



call



FaceTi



Hey [REDACTED]

Here is my recount to what happened yesterday.

[REDACTED]

Fairburn, Janine

From: [REDACTED]
Sent: Friday, 6 September 2019 2:14 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Updating Qikkids Staff Access for head check

Hi [REDACTED]

In light of the incident yesterday I have updated all educators access to Qikkids Kiosk so that everyone has access to login and perform head checks. We need to now update the procedure around head checks to change how often they are occurring. We need to do these every half an hour and after transitions from inside to outside, outside to inside and any room transitions. Shane will send out an email to all educators informing them of this change.

Kind regards





Charnwood ELC Team Room Sign In/Out

Room: [Redacted] Week Start: 2/19 Week End: 2/19



Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	7:45	9:50	10:10	12:00	
Tuesday	7:45	10:10	10:25	12:00	
Wednesday	7:45	10:20	10:30	12:10	
Thursday	7:45	10:15	10:30	12:30	
Friday	7:45	9:30	10:50	11:10	

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	8:45	10:30	10:45	1:00	
Tuesday	8:45	10:30	10:45	1:00	
Wednesday	9:00	10:30	10:50	12:45	
Thursday	8:45	10:30	10:45	12:30	
Friday	8:45	11:15	11:30	2:15	Whole room for 10/12 out 3:55

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	9:00	10:10	10:25	11:24	
Tuesday					
Wednesday					
Thursday					
Friday					

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	3:30	6:00			
Tuesday					
Wednesday					
Thursday	12:00	12:15			
Friday					

Charnwood ELC Team Room Sign In/Out

Room: _____ Week Start: _____ Week End: _____



Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday	10:00	11:45	12:00	2:45	
Wednesday					
Thursday					
Friday					

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday					
Wednesday	10:23	11:57	12:12	2:47	
Thursday	9:56	11:30	11:45	2:45	
Friday					

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday					
Wednesday					
Thursday	8:20	12:30	12:08	4:00	
Friday					

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday					
Wednesday					
Thursday					
Friday	2:30	11:05	11:20	2:15	

Charnwood ELC Team Room Sign In/Out

Room: [Redacted] Week Start: 2/9 Week End: 6/9



Name:	Qualifications:				Signature:	
	In	Out	In	Out	In	Out
Monday	9:50	12:30	1:30	3:55	[Redacted]	[Redacted]
Tuesday	9:10	11:10	12:00	1:30	[Redacted]	[Redacted]
Wednesday	9:00	10:50	1:30	3:47	[Redacted]	[Redacted]
Thursday	9:10	10:00	1:15	3:50	[Redacted]	[Redacted]
Friday	9:15	10:25	1:15	3:00	3:40	[Redacted]

Name:	Qualifications:				Signature:	
	In	Out	In	Out	In	Out
Monday	9:40	11:15	2:00	5:45	[Redacted]	[Redacted]
Tuesday	9:49	11:15	2:30	5:45	[Redacted]	[Redacted]
Wednesday	9:42	11:05	2:30	5:45	[Redacted]	[Redacted]
Thursday	9:41	11:11	2:45	5:45	[Redacted]	[Redacted]
Friday	9:45	11:30	2:00	5:45	[Redacted]	[Redacted]

Name:	Qualifications:				Signature:	
	In	Out	In	Out	In	Out
Monday	9:10	10:30	01:30	02:00	[Redacted]	[Redacted]
Tuesday	10:15				[Redacted]	[Redacted]
Wednesday					[Redacted]	[Redacted]
Thursday					[Redacted]	[Redacted]
Friday					[Redacted]	[Redacted]

Name:	Qualifications:				Signature:	
	In	Out	In	Out	In	Out
Monday					[Redacted]	[Redacted]
Tuesday	11:13	12:00			[Redacted]	[Redacted]
Wednesday					[Redacted]	[Redacted]
Thursday					[Redacted]	[Redacted]
Friday					[Redacted]	[Redacted]

Charnwood ELC Team Room Sign In/Out

Room: [Redacted] Week Start: 02/09 Week End: 06/29



Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday		4:15			
Tuesday		4:15			
Wednesday		4:15			
Thursday		3:55			
Friday		4:15			

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday	12:30	2:05			
Wednesday	12:35	2:10			Cover
Thursday					
Friday					

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday	9:00	11:15	11:30	2:35	
Wednesday	9:00	10:15	10:30	12:30	
Thursday	9:00	10:30	10:45	12:45	
Friday	9:00	10:25	10:40	15:15	

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					

Charnwood ELC Team Room Sign In/Out

Room: [Redacted] Week Start: 2/9/19 Week End: 6/9/19



Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	8:30	10:48	11:10	2:30	
Tuesday	8:25	10:00	11:05	1:05	3:00
Wednesday	8:15	10:00	1:15	4:45	
Thursday	8:35	10:20	1:00	3:00	Outside ELC Yard
Friday	8:25	10:30	1:20	5:20	

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	7:15	9:10			
Tuesday	7:15	9:10			
Wednesday	7:15	9:00			
Thursday	7:15	9:10			
Friday	7:15	9:15			

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	7:45	9:00			
Tuesday	7:45	8:45			
Wednesday	7:45	8:45			
Thursday	7:45	8:30			
Friday	7:45	8:30			

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	8:00				
Tuesday					
Wednesday					
Thursday					
Friday					

Tuesday 3 Sep 10:15 11:06
 01:00

Charnwood ELC Team Room Sign In/Out

Room: [Redacted] Week Start: 2/9/19 Week End: 6/9/19



Name:	Qualifications:		Signature:	Out	Comments
	In	Out			
Monday	7:15	9:00	[Redacted]		
Tuesday	7:15	9:00	[Redacted]		
Wednesday	7:15	9:00	[Redacted]		
Thursday	7:15	11:15	[Redacted]		
Friday	7:15		[Redacted]		

Name:	Qualifications:		Signature:	Out	Comments
	In	Out			
Monday	8:50	9:10	[Redacted]		
Tuesday			[Redacted]		
Wednesday			[Redacted]		
Thursday			[Redacted]		
Friday	8:00	8:30	[Redacted]		

Name:	Qualifications:		Signature:	Out	Comments
	In	Out			
Monday	9:30	10:00	[Redacted]		
Tuesday			[Redacted]		
Wednesday			[Redacted]		
Thursday	9:30	9:45	[Redacted]		
Friday	9:30	9:57	[Redacted]		

Name:	Qualifications:		Signature:	Out	Comments
	In	Out			
Monday	8:30	9:35	[Redacted]		
Tuesday	8:30	9:00	[Redacted]		
Wednesday	8:30	9:40	[Redacted]		
Thursday	8:30	10:14	[Redacted]		
Friday	8:30	9:55	[Redacted]	12:10	1:25

Charnwood ELC Team Room Sign In/Out

Room: [Redacted]

Week Start: 2/ September

Week End: 6th September



Name:	Qualifications:		Signature:	
	In	Out	In	Out
Monday	9:35	11:30	[Redacted]	[Redacted]
Tuesday	9:00	9:55	10:20	2:00
Wednesday	9:40	9:55	12:35	4:00
Thursday	10:14	10:30	4:00	
Friday	9:55	10:25	11:40	4:00

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	9:15	11:30	2:35	5:55	
Tuesday	9:20	10:52	3:05	5:50	
Wednesday	9:26	11:00	3:10	5:50	
Thursday	9:30	11:20	2:06	6:00	
Friday	9:30	11:00	1:30		Big yard

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	8:45	11:00	2:35	5:50	
Tuesday	8:30	11:00	3:05	5:50	
Wednesday	8:50	11:30	3:00	5:50	
Thursday	8:45	10:45	2:06	6:00	
Friday	8:45	10:40	2:30		

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	2:30	3:05			
Tuesday		3:05			
Wednesday		3:05			
Thursday					
Friday					

Charnwood ELC Team Room Sign In/Out

Room: [Redacted] Week Start: 2/19/19 Week End: [Redacted]



Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday					
Wednesday	10:00	10:23			
Thursday					
Friday					

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday	2:30	4:30			
Tuesday	3:00	4:50			
Wednesday	4:00 4:00	4:45			
Thursday	4:30	5:20			
Friday					

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday	2:00	2:30			
Wednesday					
Thursday					
Friday					

Name:	Qualifications:		Signature:		Comments
	In	Out	In	Out	
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					

Triage Assessment Record

Background:

Triage meeting date:	16 September 2019
Triage team members present at assessment:	CB, JW, JM, TM, NO
Provider (Name and Number):	Brindabella Christian Education Ltd PR-00005809
Service (Name and Number):	Brindabella Christian College Early Learning Centre Charnwood SE-00011290
Risk Level of Service:	Very High
Date of incident/ receipt of complaint:	5/9/19
Source of Information:	Notification of Incident
NQA ITS Reference:	CAS-50008818

Statement of Allegation or Incident: [REDACTED] child left outside in play area when educators and other children left space – child locked out of service.
Do we suspect an offence has or may be committed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Offence that may have been engaged and information relied on to determine: Section 165 and 167 – Offence in relation to inadequate supervision and failure to take reasonable precautions to protect children from harm and hazards

Considerations:

Next Compliance audit	Due 1/9/19
Date of last visit and type	28/8/18 Compliance Visit
Current A&R rating (date)	Meeting NQS

Action required:

Action	Yes/No	Factors considered in deciding action and key points for enquiries.
Risk Audit	No	
Investigation	No	
Quality	No	
Other	Yes	Admin letter to Provider reminding them of obligations under sections 165 and 167.

Referral to other agencies: N/A

	CYPS		AFP		WWVP	
Factors considered in referral						

Assessment of risk:

Risk Rating	High		Medium		Low	X
Factors considered in determining the risk rating	Matter appropriately managed by Provider/Service					

Risk Factors:

Risk Factors	Harms	X	Hazards		Governance	X
	Educator (individual) – intentional neglect, harm or incompetence	X	Health, safety and wellbeing -health -hygiene -risk assessment and management		Policies and procedures	X
	Supervision	X	Safe premises and equipment -maintenance -Access to chemicals and medication		Recruitment and induction processes Staff management	X
	Staffing levels/ ratios		Incident, injury, trauma and illness -notification to parents -Record		Maintain Documentation -Child assessment -Incident, injury and trauma -Medication -child attendance -Child enrolment	
	Staffing qualifications/ first aid		Fencing and security		Risk assessment/ Management	

Allocated to Authorised Officer (Risk/ Quality): _____

Investigation use only:

Allocated to Lead Investigator:	
Lead Investigator's acceptance including reasonable suspicion that offence may have been or may be being committed against the Law to enable investigation powers.	(Note acceptance and information relied on to form suspicion)

Fairburn, Janine

From: Masterman, Tanya
Sent: Friday, 20 September 2019 1:57 PM
To: [REDACTED]
Subject: ACT Regulatory Authority - Caution Letter
Attachments: Caution - [REDACTED].pdf

UNCLASSIFIED

Dear [REDACTED]

Please find attached the ACT Regulatory Authority's decision letter resulting from the recent investigation.

It is important that you fully understand the attached letter, so please do not hesitate to contact me if you have any queries.

Yours sincerely

Tanya Masterman | A/g Assistant Director
Phone 02 6205 2012 | Email tanya.masterman@act.gov.au
Early Childhood Policy and Regulation | Education | ACT Government
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive, Stirling 2611
GPO Box 158 Canberra ACT 2601
www.education.act.gov.au | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#) | [CECA Facebook](#)

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- please notify the sender and delete all copies of this transmission along with any attachments immediately.
- you should not copy or use it for any purpose, nor disclose its contents to any other person.



Dear [REDACTED]

Decision to issue Caution Letter

1. Authorised Officers from the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently investigated a suspected contravention of the *Education and Care Services National Law Act 2010*¹ (the Law), occurring at Brindabella Christian College Early Learning Centre – Charnwood SE-00011290 (the Service), operated by Brindabella Christian Education Ltd PR-00005809, (the Provider) on 14 May 2019
2. Electronic links to the Law and the *Education and Care Services National Regulations* (the Regulations) are provided for your convenience at the end of this letter.

Facts

3. On 14 May 2019, a direct complaint was received by the Authority regarding your conduct towards a child, known to be [REDACTED] at the Service earlier that day.
4. Due to the high risk to children when inappropriately disciplined, the Authority conducted an investigation. As part of the investigation, the Authority obtained documentation and conducted formal interviews with witnesses..
5. The Authority determined that there was sufficient evidence to support an allegation of inappropriate discipline under section 166(3) of the Law. Accordingly, a Show Cause Notice (the Notice) was issued to you on 17 July 2019. Refer Attachment A.
6. Your response to the Notice was received by the Authority on 29 July 2019. Refer Attachment B.
7. It was alleged that, on 14 May 2019, when lunch was being served in the [REDACTED] room and [REDACTED] was laying in [REDACTED] bed, you:
 - a. Removed [REDACTED] from [REDACTED] bed and pulled [REDACTED] by the arm to the table, while [REDACTED] was crying and yelling that [REDACTED] wanted to go to bed; and
 - b. When [REDACTED] went back to [REDACTED] bed, you again removed [REDACTED] from [REDACTED] bed and dragged [REDACTED] to the table, while [REDACTED] was crying and yelling that [REDACTED] wanted to go to bed.
8. In your response to the show cause notice, you stated that:



¹ Adopted in the ACT by the *Education and Care Services National Law Act (ACT) 2011*

Law

9. Evidence obtained during the investigation engages section 166(3) of *the Law*, which provides as follows:

Section 166 of the *Law*- Offence to use inappropriate discipline

- (3) A staff member of, or a volunteer at, an education and care service must not subject any child being educated and cared for by the service to:
- (a) any form of corporal punishment; or
 - (b) any discipline that is unreasonable in the circumstances.

Reasons

10. The Authority is satisfied, on the balance of probabilities, that you have contravened section 166(3) of *the Law*, as your actions on 14 May 2019 can be described as discipline that is unreasonable in the circumstances. Although, in your response, you attempted to explain your actions within a context, the actual conduct alleged was not denied and the context provided does not mean that the conduct was reasonable. The Authority accepts the evidence of Witness A.
11. The Authority has been advised of steps taken by the Provider and/or Nominated Supervisor in response to the allegation, including:
- a. Recruitment of a lead educator to work with you and supervise and support your development;
 - b. Upcoming training in behaviour support.
12. The Authority has the flexibility to choose the most appropriate action to support you to achieve compliance and improve outcomes for children. On this occasion, the Authority has taken into account the actions being taken by the Provider and/or Nominated Supervisor to address your conduct and has decided not to take statutory compliance action, but to issue you with a Caution Letter.
13. This Caution Letter serves to remind you of your obligations, as an educator, to ensure that your actions in no way compromise the safety, health and well-being of children being educated and cared for by yourself.
14. Unreasonable discipline includes physical punishment or any behaviour management strategy likely to cause physical and/or psychological harm to a child. Smacking, pulling, yelling and threatening a child are the most common forms of conduct viewed as inappropriate discipline.

15. However, inappropriate discipline can be more subtle and include other forms of physical or psychological forms of coercion. Rough handling of children is a disciplinary issue when it is in a context that is intended to shape a child's behaviour. Likewise, harmful physical or psychological techniques to shape children's responses are also inappropriate discipline.
16. It should be noted that physically moving a child contrary to their wishes constitutes a restrictive practice. It is also contrary to the Provider's Sleep and Rest policy to prevent a child from sleeping.
17. It is important to bear in mind that your obligations towards children as an educator may not always coincide with parents' requests. For example, if a parent requests some form of discipline that is unreasonable (such as isolation), it is your responsibility as an educator to educate and care for the child in an appropriate way, rather than engaging in inappropriate conduct towards a child (even when requested by parents). This is reflected in, eg the Sleep and Rest Policy, which states that:

Conversations with families may be necessary to remind families that children will neither be forced to sleep nor prevented from sleeping.

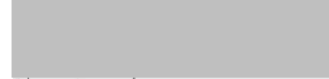
18. It is the role of the Nominated Supervisor and Provider to support you in engaging in those conversations with families where you have been requested to use disciplinary measures which are not appropriate or not in accordance with the Service's policy and procedures.
19. You are encouraged to seek further training to improve your skills in supporting children who exhibit challenging behaviours and how to address the reasons for those behaviours.
20. It is also noted that, in your discussions with the Nominated Supervisor, you explained the reason for placing "logs" on [redacted] when [redacted] is sleeping by stating that [redacted] 'needs to have that solid weight on [redacted] and you came up with the strategy of placing the logs on [redacted] and then removing them when [redacted] was asleep.
21. In order to depart from accepted safe sleep practices, it is important to have supporting evidence, for your own protection as well as that of the child. For example, a report from an Occupational Therapist recommending proprioceptive input through weight to encourage sleep. If the "logs" are used to encourage the child to believe [redacted] is unable to move, they constitute a restrictive practice.

Legislation

22. The Law applies to you as an educator employed within the early education and care sector.
23. The Law is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011*
<http://www.legislation.act.gov.au/a/2011-42/default.asp>.
24. The Law and Regulations can be viewed at: <http://www.acecqa.gov.au/national-law,> and
<http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>

25. If you have any questions in relation to this letter, please contact Authorised Officer Tanya Masterman on (02) 6205 2012 or by email at tanya.masterman@act.gov.au.

Yours sincerely



Clare Brookes
Senior Director
Early Childhood Policy and Regulation
ACT Education Directorate

20 September 2019



Email



Dear



Show Cause Notice – Proposed Compliance Action

1. Authorised Officers from the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, have recently investigated an allegation that you inappropriately disciplined a child on 14 May 2019 at Brindabella Christian College Early Learning Centre Charnwood SE-00011290 (the Service), operated by Brindabella Christian Education Ltd PR-00005809 (the Provider).
2. Electronic links to the *Education and Care Services National Law (the Law)*; and the *Education and Care Services National Regulations (the Regulations)* are provided for your convenience at the end of this notice.
3. I am considering compliance action based on a suspected contravention of the *Law* indicated by evidence gathered during the investigation. Potential compliance actions include, but are not limited to, an Enforceable Undertaking or a Prohibition Notice, pursuant to sections 179A or 182 of the *Law* respectively.
4. The grounds for issuing this show cause notice arise from a direct complaint received by the Authority and subsequent investigation regarding your conduct on 14 May 2019 whilst employed at the Service.
5. I consider that your alleged conduct, if substantiated on the balance of probabilities, may pose an acceptable risk of harm to children, as you have been described as subjecting a child in your care to inappropriate discipline. "Discipline" is any strategy employed by an educator with the intention of changing a child's behaviour. Discipline which is inappropriate within the meaning of the *Law* includes any form of physical punishment or any behaviour management strategy likely to cause emotional or physical harm to a child such as yelling, using threatening or humiliating language, isolating or shaming children.

Background

6. On 14 May 2019, a direct complaint was received by the Authority regarding your conduct towards a child [redacted] at the Service that day.

7. Evidence gathered supports an allegation of inappropriate discipline which engages an offence provision under the *Law*.

Allegation of Inappropriate Discipline

8. It is alleged that, on 14 May 2019, lunch was being served in the [redacted] room and [redacted] was laying in [redacted] bed, you:
- a. Removed [redacted] from [redacted] bed and pulled [redacted] by the arm to the table, while [redacted] was crying and yelling that [redacted] wanted to go to bed; and
 - b. When [redacted] went back to [redacted] bed, you again removed [redacted] from [redacted] bed and dragged [redacted] to the table, while [redacted] was crying and yelling that [redacted] wanted to go to bed.

Evidence relevant to Allegation

9. On 23 May 2019, a notice allowable under section 215 of the *Law* was sent to the Provider to obtain relevant documents. Documents obtained identified that:
- a. You were an educator employed by the Provider working at the Service on 14 May 2019;
 - b. You were working directly with children in the [redacted] room on 14 May 2019 from 7:10-10:00am, from 10:15am to 12:30pm, and from 1:30 to 3:45pm;
 - c. [redacted] was a child enrolled in the [redacted] room and present on 14 May 2019 from 7:37am to 5:12pm.
 - d. The Sleeping and Rest Requirements Policy states that educators will:
 - i. *Ensure that those children who do wish to sleep are allowed to do so, without being disrupted. If a child requests a rest, or if they are showing clear signs of tiredness, regardless of the time of day, there should be a comfortable, safe area available for them to rest (if required);*
 - ii. *Respond to children's individual cues for sleep (yawning, rubbing eyes, disengagement from activities, crying etc).*

Refer Attachment A – Sleeping and Rest Requirements Policy

10. During the process of investigating the complaints, the Authority obtained statements from witnesses, relevant excerpts from which are included below.
11. Relevant excerpts from Witness A's statement (obtained 24 May 2019) are:





Contravention Supported by Allegation

12. The evidence obtained by the Authority supports a contravention of the following section of the *Law*:

Section 166 – Offence to Use Inappropriate Discipline

- (3) A staff member of, or a volunteer at, an education and care service must not subject any child being educated and cared for by the service to-
- (a) any form of corporal punishment; or
 - (b) any discipline that is unreasonable in the circumstances.

Potential Compliance Actions

13. Should the allegation be substantiated, the statutory compliance actions available to the Authority to consider are a Prohibition Notice or Enforceable Undertaking, as set out below:

Section 182 of the Law – Grounds for issuing prohibition notice

- (1) The Regulatory Authority may give a prohibition notice to a person who is in any way involved in the provision of an education and care service if it considers that there may be an unacceptable risk of harm to a child or children if the person were allowed-
- a) To remain on the education the education and care service premises; or
 - b) To provide education and care to children.

Section 179A of the Law – Enforceable undertaking

- (1) This section applies-

- a) if a person has contravened, or if the Regulatory Authority alleges a person has contravened, a provision of this Law; or
 - b) in the circumstances set out in section 27(a), 72(a) or 184(3).
- (2) If subsection (1) (a) applies the Regulatory Authority may accept a written undertaking from the person under which the person undertakes to take certain actions, or refrain from taking certain actions, to comply with this Law.
- (4) If subsection (1)(b) applies in relation to a person other than the approved provider of an education and care service, the Regulatory Authority may accept a written undertaking from the person, under which the person undertakes to take certain actions, or refrain from taking certain actions in relation to an education and care service.

Effect of a Prohibition Notice

14. Should a decision be made to issue a Prohibition Notice, pursuant to section 182 of the Law, you would be immediately prohibited from doing any of the following:
- a. providing education and care to children for an education and care service;
 - b. being engaged as a supervisor, educator, family day care educator, employee, contractor or staff member of, or being a volunteer at, an education and care service; or
 - c. carrying out any other activity relating to education and care services.

Effect of an Enforceable Undertaking

15. Should a decision be made to offer you an enforceable undertaking, under section 179A of the Law, and you accept the undertaking, failure to comply with any of its terms after acceptance allows the Authority to apply to the relevant tribunal or court for an order under section 181(2) of the Law to enforce the undertaking.

Right of response

16. You have a right to respond to the allegations set out in this notice. You may, within 14 days of receiving this letter, make a written submission for the Authority's consideration in deciding if a compliance action should be taken.
17. At Attachment B to this Notice is a '4 Step Guide to Responding to a Show Cause Notice' to assist in the development of your submission.
18. Please direct your written submission via email to Senior Investigator Tanya Masterman at tanya.masterman@act.gov.au or by post to:

Tanya Masterman
 Senior Investigator
 Children's Education and Care Assurance
 GPO Box 158
 CANBERRA ACT 2601


Caution

19. Please be aware that it is an offence under section 295 of the *Law* to provide the Authority with false or misleading information or documents.

Legislation

20. The *Education and Care Services National Law Act 2010* (the *Law*) applies to you as an educator and to any service you may be employed at.
21. The *Law* is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011*
<http://www.legislation.act.gov.au/a/2011-42/default.asp>.
22. The *Law* is made up of an Act and Regulations which can be viewed at:
<http://www.acecqa.gov.au/national-law, and>
<http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>
23. Should you have any questions about this Show Cause Notice please contact Tanya Masterman by telephone on (02) 6205 2012 or email to tanya.masterman@act.gov.au.

Yours sincerely,


Clare Brookes
Senior Director
Children's Education and Care Assurance
Early Childhood Regulation
Education Directorate

17 July 2019



BRINDABELLA CHRISTIAN COLLEGE

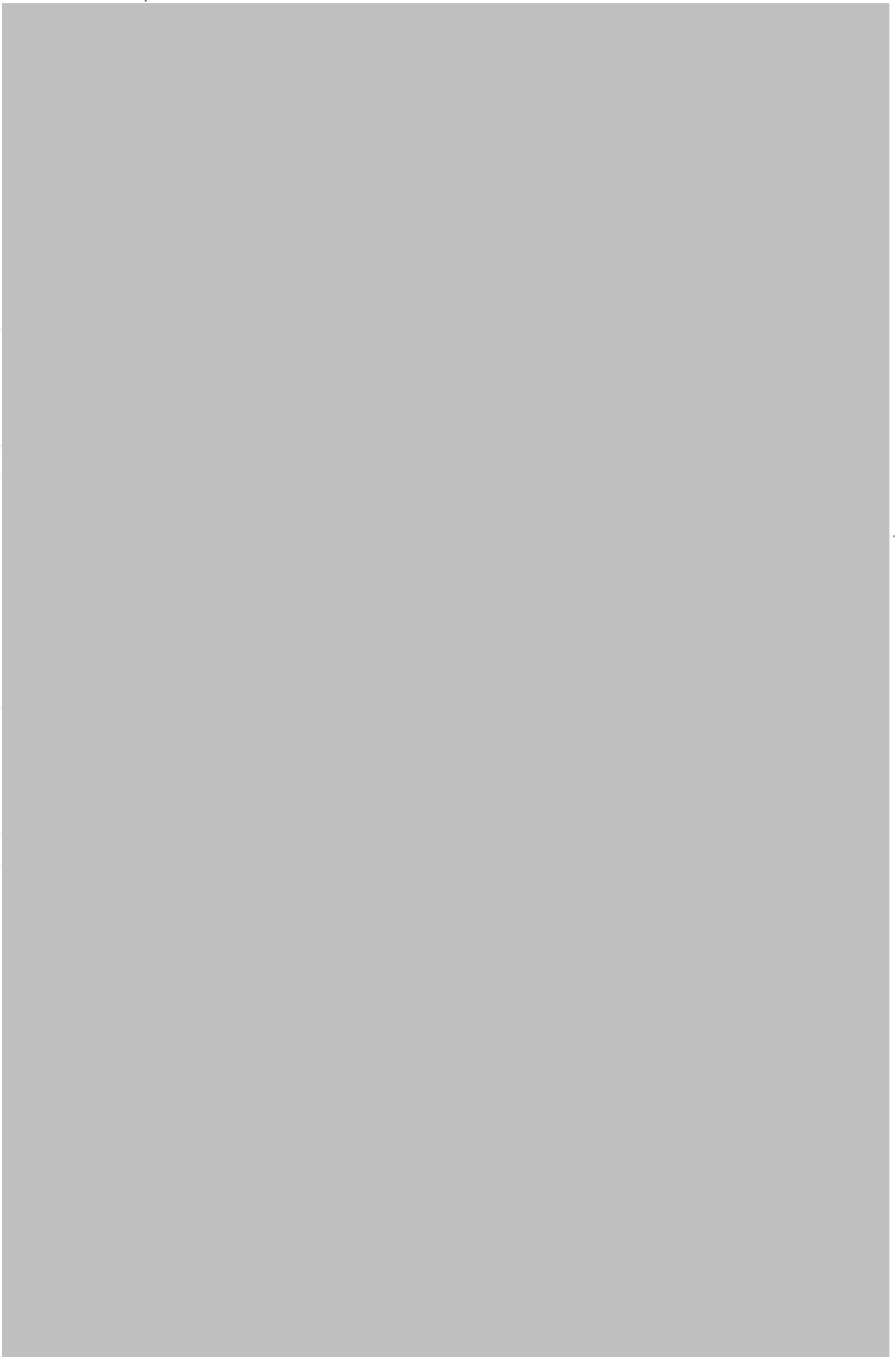
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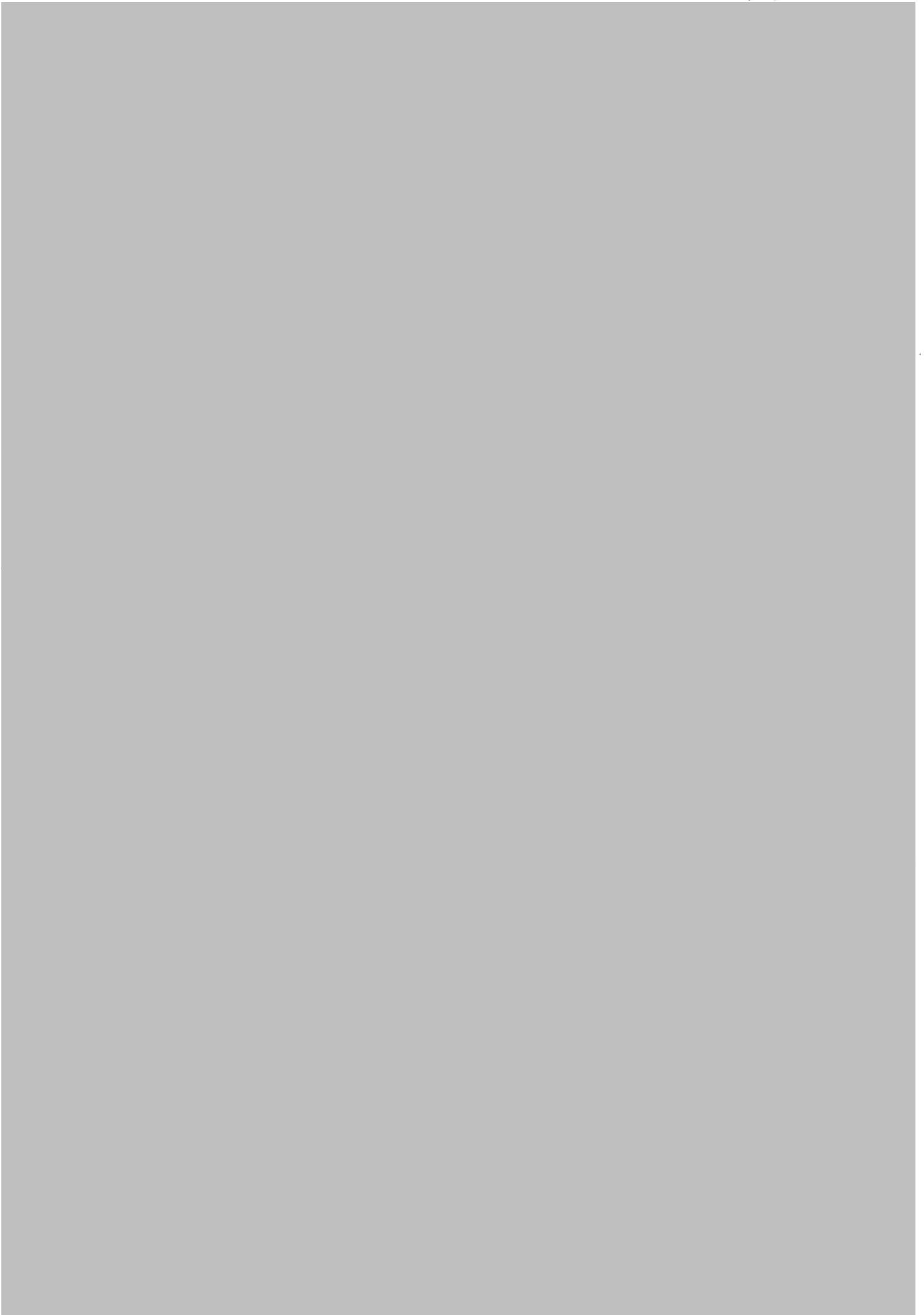
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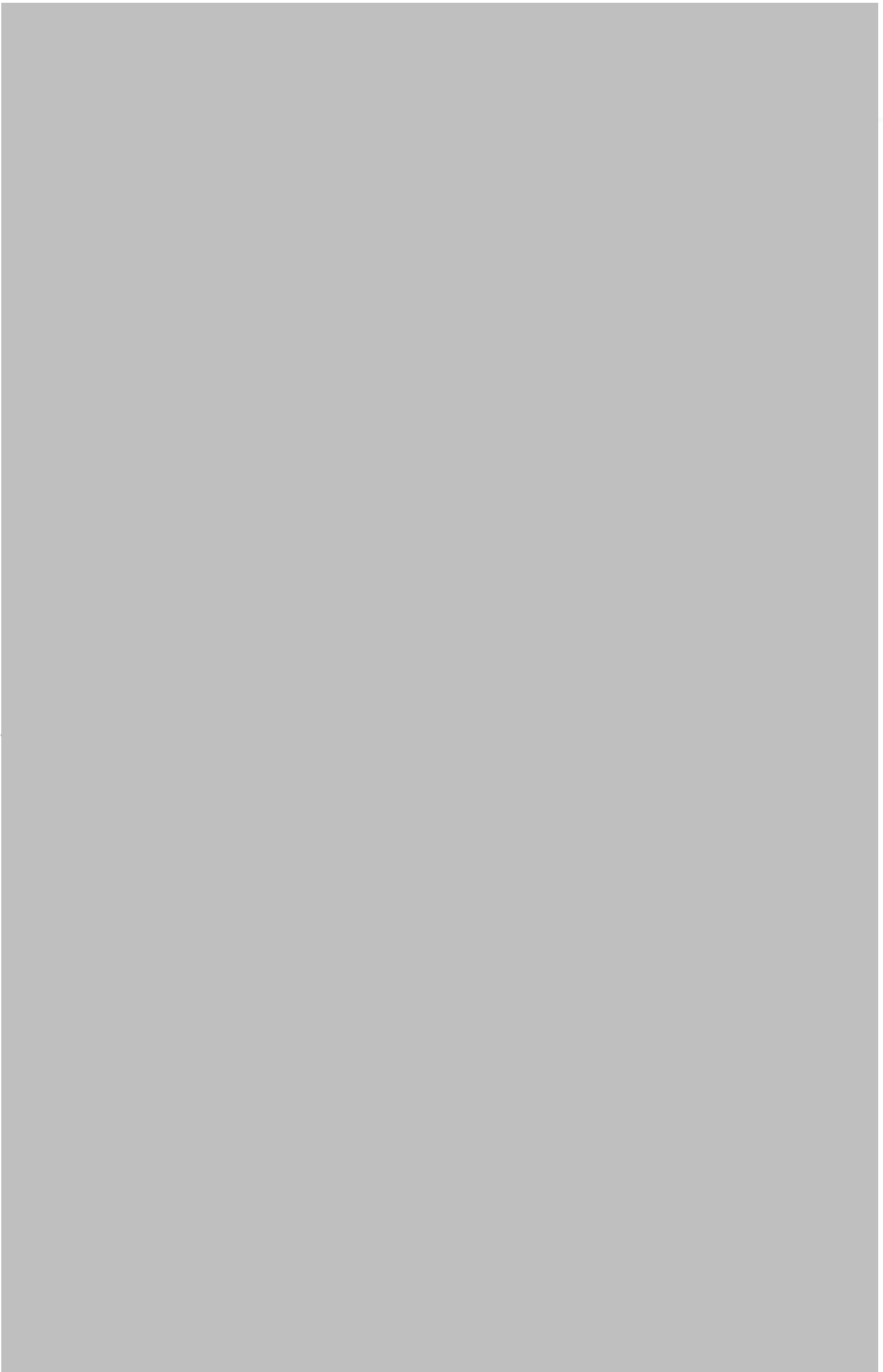
Sleeping and Rest Requirements Policy

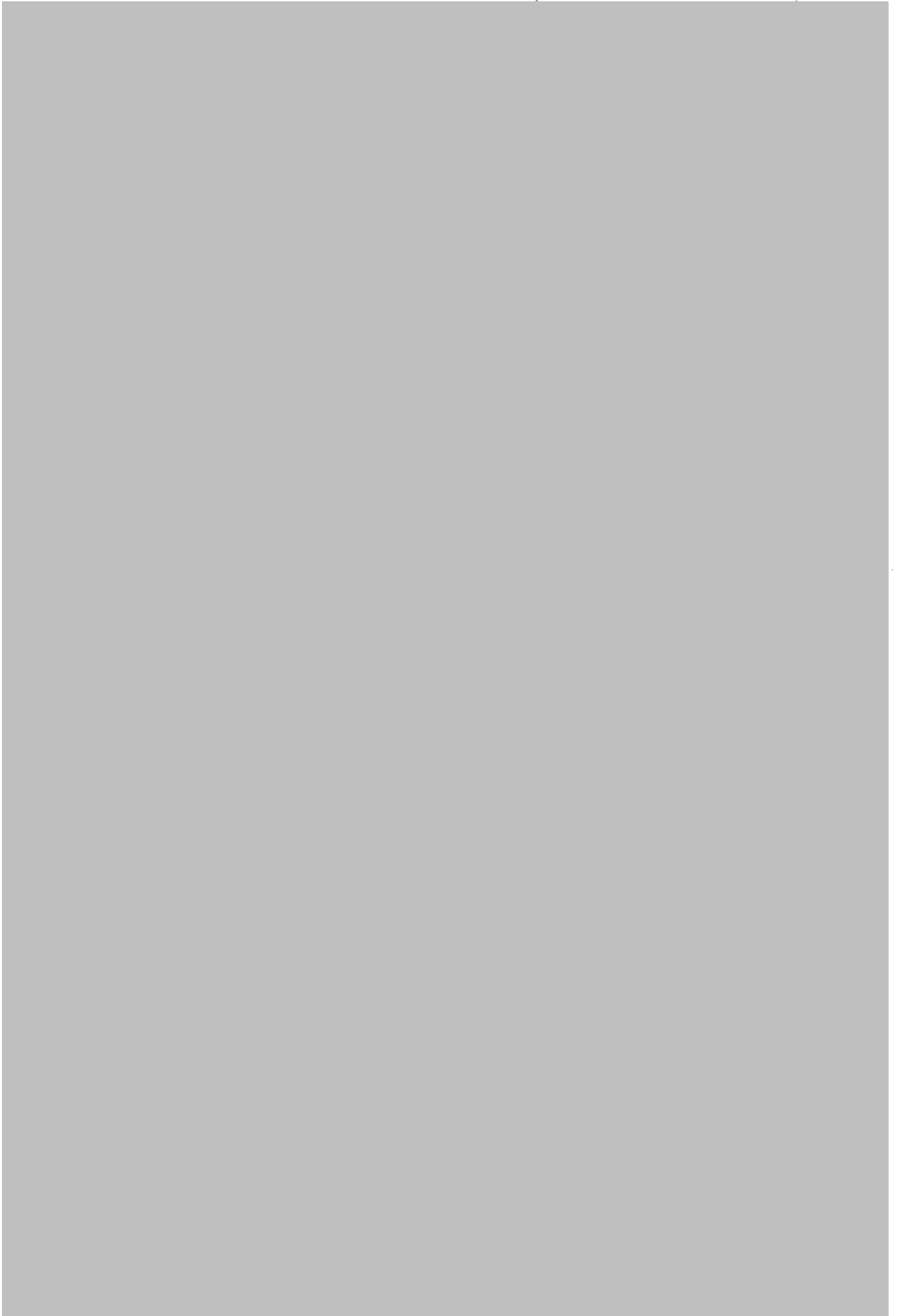
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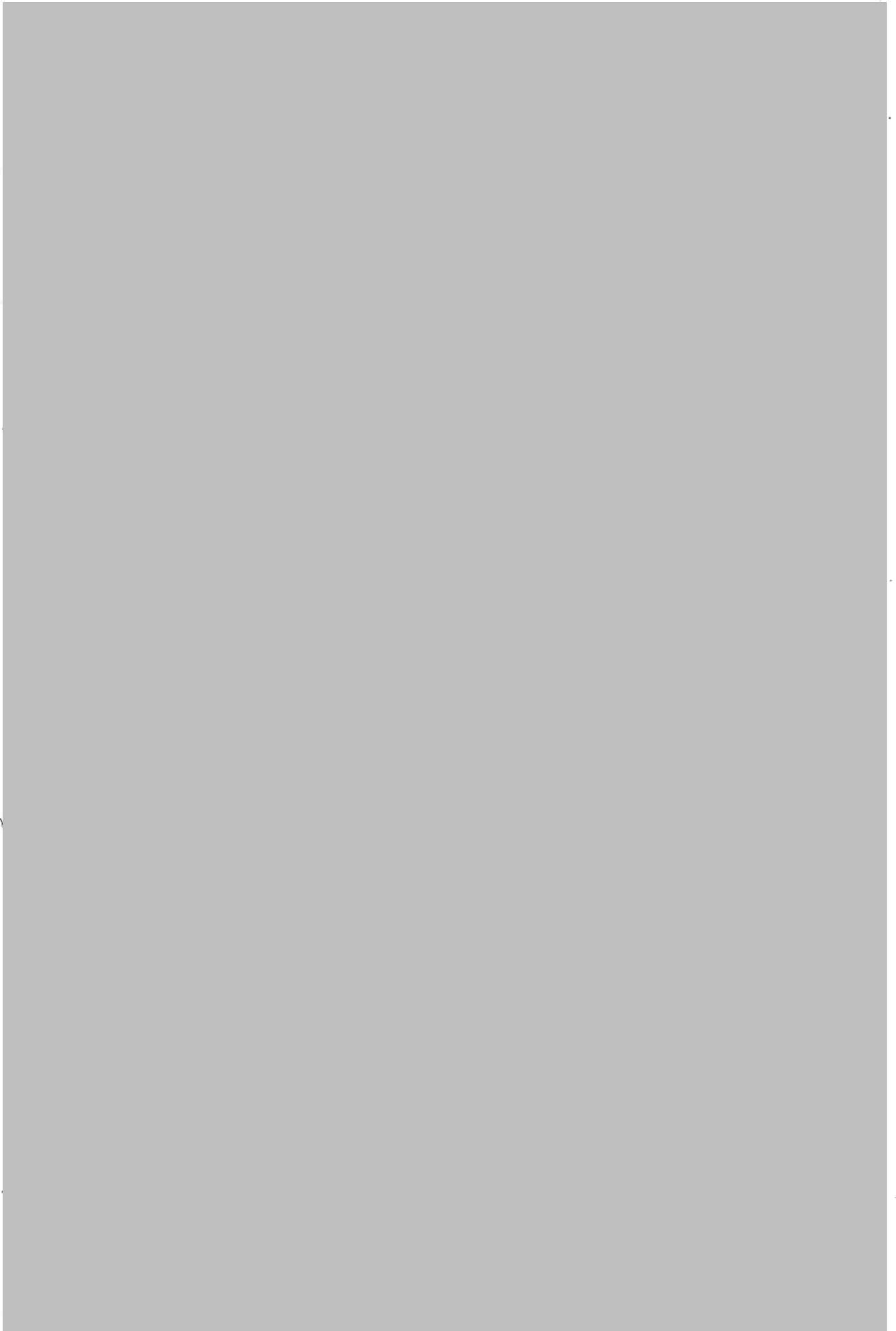


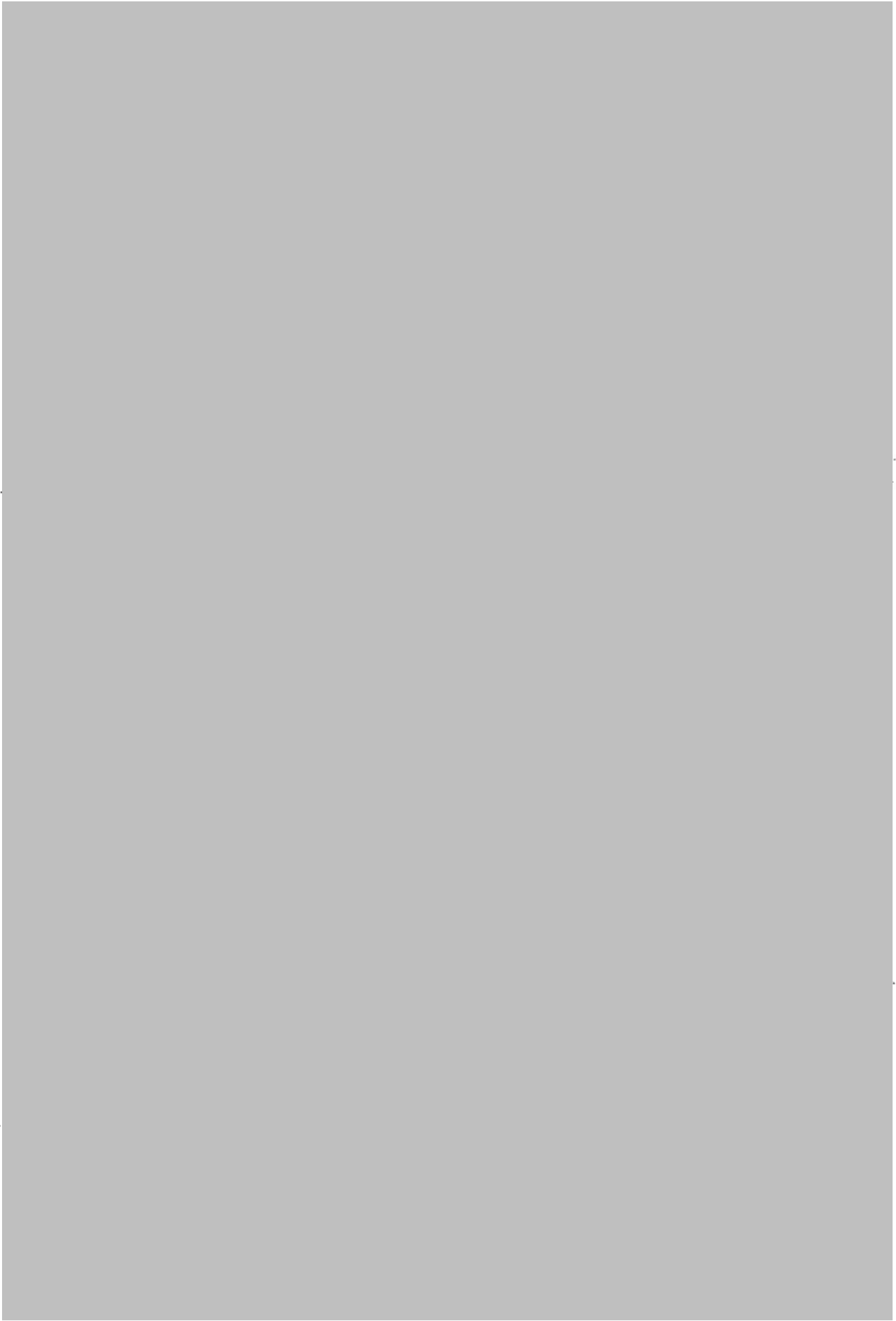














4 Step Guide to Responding to a Show Cause Notice

This resource has been developed to assist you in responding to a Show Cause Notice.

Step 1: Read your Show Cause Notice and Identify the reasons that you have been required to show cause

The ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, has a function to monitor and enforce compliance in respect to Education and Care Services operating in the ACT. You can access the complete *Education and Care Services National Law Act (ACT) 2011* (the Law) and the *Education and Care Services National Regulation* (the Regulation) at <http://www.acecqa.gov.au/national-law>.

If you are sent a Show Cause Notice, it is your opportunity to formally respond to the Authority to the allegations discussed in the notice. If you don't respond to the notice at all, or within the allowed timeframe, the Authority can only take into account what it already knows when deciding if any compliance action should be taken.

You should read your Show Cause Notice carefully, make note of the prescribed timeframe to respond (generally within 14 days) and the specific alleged contraventions of *Law* or *Regulation* that has resulted in you receiving a Show Cause Notice.

You may choose to consult a legal practitioner to assist you to understand your rights and responsibilities. Legal Aid ACT helps people in the ACT with their legal problems. You can call the Legal Aid Helpline on 1300654314 or visit <http://www.legalaidact.org.au/>

Step 2: Commence drafting your show cause response

It is important to note that:

- Your show cause response should be formal and formatted as an official business letter.
- Your show cause response must address each allegation set out in the notice.
- If your response is refuting allegations of non-compliance, then your response must clearly explain how, and why, the allegations are incorrect. Include any evidence to support your explanation.
- If your response is agreeing to non-compliance, then your response could explain the context within which the non-compliance occurred including what has led to the non-compliance.
- Your response could also set out any steps you have taken, or will take, and the strategies you have implemented to ensure future compliance.
- It is strongly recommended that you include any documentation or evidence supporting your response. Supporting documentation will be used as evidence by the Authority in

considering an outcome. Depending on your circumstances, your supporting documentation may differ. Some examples of supporting documentation include employment records, attendance rosters, policy and procedure, photographs, records of communication and incident reports.

- Please note that it is a criminal offence to supply false and misleading information. Any documents, or evidence, must be genuine.

Step 3: Analyse and reflect on your show cause response

Remember, responding to a show cause notice is your opportunity to address allegations put to you in relation to a specific incident or circumstance.

Generally Part 6 of the *Law* sets out the majority of the specific offences related to operating an education and care service. Read through your response to the Show Cause Notice and confirm that all allegations have been addressed. Each separate alleged offence will be clearly outlined in the Show Cause Notice under a bold heading starting with the relevant section of *Law* or *Regulation*. Your response should also address allegations in the same way with clear references given for any attachment of supportive documentation/evidence.

Part 7 sets out the majority of the compliance actions that may be taken by the Authority in circumstances where offences have been found with the Law. The Show Cause Notice will indicate if the range of actions or a specific action is being considered by the Authority. In circumstances where your response is agreeing to any non-compliances, you may wish to suggest a compliance action that you feel is fair and appropriate in the circumstances.

Have you attached all relevant supportive evidence? Ensure that documentation you attach to your response is evidence to support any claims or statements you have made in regard to your compliance.

If you feel you haven't been afforded enough time to respond, contact the Authorised Officer identified in the Show Cause Notice as soon as you identify that you may need more time – extension for response is allowable dependant on the circumstances.

You can also contact an Authorised Officer if you have any questions about the Show Cause Notice or need some clarity in regards to specific requirements for response. Be aware that an Authorised Officer will not be able to assist you in how to word your response.

Step 4: Submit your show cause response

It is suggested that you should always make two copies of your show cause response and ensure you obtain proof of your submission.

If sending your response by email, request a read receipt. If sending by post, send via registered post to confirm receipt or request that the Authorised Officer who receives your submission notify you.

Masterman, Tanya

From: [REDACTED]
Sent: Saturday, 27 July 2019 1:51 PM
To: Masterman, Tanya
Subject: Reply to Proposed compliance action

Dear Ms Masterman,

