



Notification Number: **NOT-40450167**
Date generated: 26/06/2020

C01 Notification of Complaint

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 Complaints

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
Service Approval Number	SE-00009753
Service Approval Status	Approved

Complaint Details

Please select the relevant notification and provide/attach the information required

Complaint alleging that a serious incident has occurred or is occurring

Please supply the following information:

- Complainant name and contact details

Please supply the following information:

- Name of child/children, gender and date of birth to whom complaint relates (if relevant)

Please supply the following information:

- Date complaint received
- Copy of written complaint (or written summary) and any other relevant documentation (including correspondence, photographs, statements, etc)
- Steps taken/actions planned by approved provider in response to the complaint

Please upload any relevant documentation

Date complaint received: 25/6/2020
All supporting documents attached in appendices.

Please note: There is NO record anywhere in [redacted] Enrolment form of a medical condition. No verbal communication has ever been given to any management team or educator in regards to this.

Submitted By: [redacted]



ACT
Government
Education

Notification Number: **NOT-40450167**
Date generated: 26/06/2020

[Redacted] Statement.pdf	Statement from [Redacted]
[Redacted] Complaint.pdf	[Redacted] Complaint
[Redacted] Statement By [Redacted].pdf	Statement from [Redacted]
[Redacted] Statement.pdf	Statement from [Redacted]
Incident Report 25.6.2020.pdf	Incident Report [Redacted]
[Redacted] Statement 26th June 2020.pdf	[Redacted] Statement 26th June 2020
[Redacted] Statement 26th June 2020.pdf	[Redacted] Statement 26/6/2020
Phone conversation with [Redacted] 26.6.2020.pdf	Phone conversation with [Redacted]

Contact Details

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



Notification Number: **NOT-40468374**
Date generated: 01/09/2020

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	Appointment or removal of a person with management or control of the service (within 14 days)
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PMC Details

Name	Date Of Birth	Place Of Birth	Action	Declaration Documents
[Redacted]	[Redacted]	[Redacted]	Removed	As listed
Primary Contact	[Redacted]			
Change Description	[Redacted]			

Documents

Contact Details

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

Submitted By: [Redacted]



RECORD of COMPLIANCE AUDIT

Service Approval Number	SE-00011290
Service Name	Brindabella Christian College Early Learning Centre Charnwood
Service Address	46 Lhotsky St, CHARNWOOD, 2615
Service Type	Centre-Based Care
Approved provider	Brindabella Christian Education Ltd
Provider Approval Number	PR-00005809
Nominated Supervisor	[REDACTED]
Maximum Number of Places	112
Most Recent Visit	<p>Compliance Visit - Compliance Audit</p> <p>Non-compliances identified during the audit, there was a new Nominated supervisor at the service. There were a few issues mostly in relation to governance and not having policies, procedures and templates without all the prescribed information.</p> <p>Visit start date: 24 October 2019</p>
Previous Compliance Action	<p>Compliance notice issued</p> <p>Compliance Notice issued for 3 substantiated s 166(1) offences, s 167 and Reg 155, Reg 170 and Reg 177(2). Initial response due 14 days (received) Further response due 3 months (received) Reassessment of PMCs to take place by 19 January 2020. NOTE: Initial reassessment scheduled 17/1/20, postponed on 16/1/20 due to one PMC being unable to attend due to bushfire activity.</p> <p>Date issued: 20 September 2019</p>

Date of Audit	15/9/2020		
Time of Audit	Arrival: 10:00 am	Departure: 1:00 pm	
Type of Audit	Announced		
Risk Factors Engaged	Harms	Hazards	Governance

Risk Factors

Harms	Hazards	Governance
Educator (Individuals): Intentional / Negligent harm or incompetence Supervision Movement of Children (Transitions) Staffing Levels Staffing Qualifications / First Aid	Access to: Chemicals, Poisons, Medication Health Management Fencing and Security SIDS Triggers Equipment Safety	Policies and Procedures Management (Supervision Control) Culture / Leadership Continuity Risk Management

Governance	Observation and Discussion
Policies and procedures available r170 Health and safety r171 (nutrition, food and beverages, dietary requirements, sun protection, water safety, the administration of first aid) r172 Sleep and rest for children (r81)	<p>Policies and procedures</p> <p>The team worked on the policies to ensure all of the compulsory policies and procedures from regulation 168 have all been addressed. [REDACTED] has signed acknowledgements about being aware of [REDACTED] responsibilities to know the policies and procedures. This process is followed with all educators and new employees. Sighted on sample files.</p>



RECORD of COMPLIANCE AUDIT

Incident, injury, trauma and illness (r85)
 Infectious diseases (r88)
 Medical conditions (r90)
 Emergency and evacuation (97)
 Delivery of children (r99)
 Excursions (100 to 102)
 Child safe environment
 Staffing
 (code of conduct, determining the responsible person, participation of students and volunteers)
 Interactions (155 and 156)
 Enrolment and orientation
 Governance including confidentiality
 Acceptance and refusal of authorisations
 Payment of fees
 Dealing with complaints

To be followed

The Teams application is used to communicate and facilitate staff meetings and discussions. During the COVID-19 lock down period, they had two teams, one working from home the other with the children. PD and professional conversations within teams were held, reflective practice developed.

Staff sign on reading and understanding key policies and procedures. Individual action plan, mentoring meetings were set up for educators with the aim to improve practices.

Mobile phone policies, uniforms discussed as needed.

Induction of new staff -

To be kept available

Folder in front of the entrance to the ELD. Digitally to all staff and parents can ask for them too.

Notification of change to families

Email, discussions in staff meetings are used to discuss changes in policies. Kindy hub online application is used to communicate it to parents.

Behaviour guidance is currently being reviewed, email sighted. Inviting comments from staff and parents. Want to include pedagogical theorists.

Note: Changes to governance in the last year:

The NS informed that the service has been allowed by the new school Principal to build a leadership team for the ELC, which now supports the running of the program adequately. In addition, the team has been enabled to make decision in the best interest of the ELC program.

Administrative and educational support staff are available to the ELC teams.

The management aims at improving and keeping their staff and for continuous improvement.

Law and Regulations available

r185

Law from Feb 2018 available in a folder in front of entrance to ELC. Regulations in the folder were from January 2020.

emailed the changes coming on 1 October 2020 to executive team.

AO suggested printing the updated copy of the Law and Regulations after 1/10 when more changes are expected – transportation of children.

Other ways of how to make the service compliant in this area were discussed. Displaying a sign with a link to the ACECQA website where the up to date documents can be found is one of the options.

Responsible person on premises
Person in day to day charge

s 162
r117A

Photos with staff names and roles were displayed at front of the ELC.

Educators change the arrow to point to their name as they sign in and out as the responsible person on premises. Evidence sighted.



RECORD of COMPLIANCE AUDIT

<p>Staff record</p> <p>Nominated Supervisor (r146)</p> <p>Staff members (r147)</p> <p>Educational Leader (r148)</p> <p>Volunteers / Students (r149)</p> <p>Responsible person (r150)</p> <p>Educators working directly with children (r151)</p> <p>Access to ECT (r152)</p>	<p>r 145-154</p>	<p>Nominated supervisor</p> <p>are the NS. Documentation on file.</p> <p>Staff members</p> <p>Files contain staff file checklist as a summary of documents on the file. Well organized, checked recently to include copies of qualifications. Electronic records are also available at the school.</p> <p>Educational Leader</p> <p>Volunteers/students</p> <p>No students at present. The NS were aware of records to keep. Sign in and out for students. WWVP cards checked.</p> <p>Responsible person</p> <p>Acceptance letters done every year. Sighted on file.</p> <p>Educators working directly with children</p> <p>Logs in each room. Filed after completed. checks them and files them away cross checks with the quick kids sign in function.</p> <p>Access to ECT –</p>
<p>Current P/L insurance</p>	<p>r 180</p>	<p>Exp 1/11/20. Copy sighted.</p>
<p>Documentation available</p> <p>Child assessments</p> <p>Incident, injury trauma and illness records</p> <p>Medication record</p> <p>Staff record</p> <p>Child attendance records</p> <p>Child enrolment records</p> <p>Record of compliance (service approvals, amendments, compliance notices etc)</p> <p>Confidentiality of documents</p>	<p>r177-8</p> <p>s 175</p> <p>r 167</p> <p>r 181-183</p>	<p>Child assessments</p> <p>Documentation planning cycle. Obs, learning group and individual, intentional learning plans go to families daily.</p> <p>Monthly audit of documentation by EL. Action plans to support educators</p> <p>Incident, injury trauma and illness records</p> <p>Completed copies sighted. Filled out well, form is compliant.</p> <p>Medication record</p> <p>Digital at enrolments office. Then kept as hard copies. Not many completed this year. Blank copy compliant.</p> <p>Staff record</p> <p>Files hard copies and summaries kept</p> <p>Child attendance records</p> <p>Quick Kids</p> <p>Child enrolment records</p> <p>Record of compliance (service approvals, amendments, compliance notices etc)</p> <p>Confidentiality of documents</p>
<p>Information to be Displayed</p> <p>Provider approval</p> <p>Service approval</p>	<p>r 173</p> <p>s 172</p> <p>s161-162</p>	<p>The following information was displayed at the entrance of the ELC:</p> <p>Provider approval</p>



RECORD of COMPLIANCE AUDIT

<p>Waiver (if applicable) Nominated Supervisor Responsible person NQS rating Service information / operation hours Educational leader CECA contact details Contact for complaints (Service) Notice of anaphylaxis *a child attending the service *attending the residence Notice of infectious disease *a child attending the service *a child attending the residence or venue Weekly menu</p>	<p>r 80</p>	<p>Service approval Nominated Supervisor Responsible person NQS rating Service information / operation hours Educational leader CECA contact details Contact for complaints (Service) Notice of anaphylaxis – not child with anaphylaxis currently attends the service *a child attending the service Notice of infectious disease *a child attending the service * Weekly menu – four week rotating menu. Arrow shows which week is being followed</p>
<p>Educational Program</p>	<p>r 73-76</p>	<p>Monthly plan was displayed in all rooms. EL chats with the Educators responsible for programming monthly about their documentation and implementation of the programs. EL suggests observations models planning for individual children. Online Kindy Hub system used to record programming in addition to the displayed information. All educators can add to it. Parents use it to communicate, have input. Request for involvement function is used. EYLF is followed. EL has done more training recently passes on to educators. The program brings up the Learning Outcomes as well as the Principles and Practices. Summary of learning based on the learning outcomes is completed twice a year. Philosophy is linked to the EYLF, service uses the United Nations rights of a child and pedagogical theorists. Staff meetings used to discuss theorists, interactions with children. They are more like mini workshops, not just housekeeping. Staff appraisals completed regularly. PD recommended to individual educators as per need. Room leaders get at least 2 hours programming time per week.</p>
<p>Documenting child assessments</p>	<p>s168 r74</p>	<p>Kindy Hub used by all families. Parents' wishes are respected in terms of who doesn't want photos of their child to be taken. Summative summaries done 6 monthly based on LO of EYLF, and Love language – Christian philosophy. Parent teacher interviews are also offered. End of year summary is personalised not so much a checklist.</p>
<p>Quality Improvement Plan</p>	<p>r 55</p>	<p>Broken into quality areas. The service has completed a mock A & R to know where they are up to and to continue to improve.</p>



RECORD of COMPLIANCE AUDIT

		<p>QIP records showed it has been reviewed in May 2020 and updates are ongoing. Available on educators' laptops.</p> <p>██████████ has weekly meetings with educators to check and discuss tasks they are working on.</p> <p>Meetings are also held together with the Lyneham campus to be consistent. Educators are trained to be familiar with the Lyneham campus as well, so that they can work there if necessary, to fill in for someone.</p> <p>██████████ informed that all staff are now familiar and able to work at both services.</p> <p>Action plans developed based on the mock A and R</p>
Notifications made	r174-176A,s173	All NS have access to the Portal and aware to notify.

Hazards s167

<p>Emergency and evacuation procedures r97</p>	<p>Risk assessment of potential emergencies</p>	<p>Covid -19 policy and procedure has been developed. Updated infectious disease policy.</p> <p>Evacuation plan has been developed for if the school has to be evacuated due to COVID-19 case.</p> <p>Bush fires and smoke – draft policy being developed. To be completed.</p> <p>The service has a number of individual procedures rather than a summary. They have been developed based on a risk assessment of the location.</p>
	<p>Emergency and evacuation procedures rehearsed every 3 months</p>	<p>Once a month alternating. Emergency medical one preparing. Records sighted.</p>
	<p>Emergency and evacuation instructions and floor map displayed at each exit</p>	<p>Yes.</p>
	<p>Type: Emergency /Evacuation</p>	<p>Date last rehearsed: 20/9/20</p>
	<p>Type: Lock Down</p>	<p>Date last rehearsed: 23/7/20</p>

<p>Health, safety and wellbeing</p> <p>Health and hygiene practices (r77)</p> <p>Safe food handling practices (r77)</p> <p>Food and beverages (r78 and 79)</p> <p>Sleep and rest (r81)</p> <p>Tobacco and drug free environment (r82)</p>	<p>r 77-83</p>	<p><u>Health and hygiene practices</u></p> <p>Desinfectants at each door. Temperature taken of visitors. Emphasising hand washing. NS registered less sickness this year after the lock down which could be contributed to the enhanced hygiene practices.</p> <p><u>Safe food handling practices</u></p> <p>Qualified chef starting in two weeks replacing ██████████ and other educators take turns to cook meals until then.</p> <p><u>Food and beverages</u></p> <p>██████████ cooking for two weeks. They have completed the Food Alert course about food safety, an online course.</p> <p>Water was available in rooms at child's level. Treys with cups were taken outside when children were playing outside.</p>
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RECORD of COMPLIANCE AUDIT

		<p><u>Sleep and rest</u></p> <p>Most educators completed SIDS training, casuals and new educators read sleep and relaxation policy.</p> <p>████████████████████ PD ██████████ This will be used to complete SIDS training.</p> <p>E talk to parents about child's needs, E recommend what the best practice is. Sleep bags from home used. Linnen is washed at centre but bags sent home to keep scent.</p> <p>Older children who need sleep similar. Quiet activities in preschool rooms. Story time, pillows available. Mats available if child wants one. Educators know their children. Individual cushions. If educator knows a child needs sleep they will set up the bed. Child inspired and reflective.</p> <p>Soft music on smart board- fire burning scene shown during rest times in winter.</p>
<p>Awareness of child protection law</p>	<p>r84</p>	<p><u>Tobacco and drug free environment</u></p> <p>Smoke policy, code of conduct, lifestyle agreement, observing educators. Educators report on each other if they would notice any changes in behaviour that could mean that the educator is unable or unsafe to work with children.</p> <p>Yearly mandatory reporting training for all educators.</p> <p>██████████ explained the procedure. They were aware to submit a report to CYPs ██████████ would access and follow the child protection policy and procedure. Procedure includes CYPs Mandated reporters phone number and address.</p> <p>New and casual educators are informed about their obligation during their induction.</p> <p>A question in relation to mandatory reporting is included in the interview when recruiting. Scenario is given.</p>
<p>Incidents, injury, trauma and illness</p> <p>Policy (r85)</p> <p>Notification to parents (r86)</p> <p>Incident, injury, trauma and illness record (r87)</p> <p>Infectious diseases (r88)</p>	<p>r 85-88</p>	<p>The completed forms sighted were compliant.</p>
<p>First aid kits</p>	<p>r 89</p>	<p>First aid kits sighted were up to date. ██████████ the administrative officer checks them regularly and organizes that items are replenish and expired items replaced.</p>
<p>Medical Conditions</p> <p>Medical conditions policy includes:</p> <ul style="list-style-type: none"> • Medical management plan • Risk minimisation plan • Communication plan 	<p>r 90</p>	<p>Folder in office and in each room. Communication log. The plans are in the rooms</p> <p>Parent communication log kept by ██████████ in ██████████ office.</p>
<p>Medical condition policy provided to parents of child with medical condition</p>	<p>r91</p>	
<p>Administration of medication</p> <p>Medication record (r92)</p> <p>Administration of medication (r93)</p> <p>Exception to authorisations (r94)</p>	<p>r 92-96</p>	<p>The blank medication form sighted was compliant.</p> <p>██████████ informed that children have been healthy this year and they haven't had to administer medication for a long time.</p>

RECORD of COMPLIANCE AUDIT

Procedure to administer (r95) Self-administration (96)		
Safe premises and equipment Maintenance Access to chemicals / medication	r 103	[redacted] organises all maintenance for the ELC. Regular maintenance [redacted] is contacted. Maintenance jobs are log online. Record of ongoing maintenance is kept - sighted. Building related jobs organised [redacted] [redacted] Church is the owner of the building. The church business manager communicates with [redacted] effectively and they have been responding to issues promptly. Lyneham campus maintenance team can also be used. Preferred contractors are used. The ELC Work Safety Officers meet twice a term, check the premises and follow up on issues. Chemicals and cleaning products were stored out of children's reach in the toddler toilet / nappy change area. They were stored on a high shelf.
Furniture and equipment	r105	Work safety officers check all furniture and equipment during their 6 monthly checks. Educators complete safety checks, record on laminated form, photo taken and filed.
Fencing	r 104	High pool style fencing all around the playgrounds. They were in good condition.
Hygiene Laundry/bathroom Nappy changing facilities	r 106 r109 r112	Nappy change procedures were displayed in the bathroom as well as a hand washing procedure with pictures and words. Hand sanitisers were at each entrance to the classrooms and at the front entrance. Strict hygiene procedures were adhered to. At end of school a staff member stood at the gate and offered hand sanitizer to people coming in an leaving the school.
Space requirement Indoor 3.25m2 per child (r107) Outdoor 7m2 per child (r108) Ventilation and light (r110) Administrative space (r111) Natural environment (r113) Shade (114) Supervision facilitated (r115)	r107-115 (r107-111 n/a FDC)	No changes to physical environments. The service is not operating to its full capacity. One of the rooms is used for small group work by one of the preschool rooms. [redacted] the school was allowing new enrolments during the COVID lock down. Some children have left after the free childcare ceased. The centre is slowly filling up again.

Harms s167		
Collection of children Authorisations	r 99	Authorisations are completed on enrolment forms, email requested from parents if other adults are to collect a child. In emergency situations when unknown adult needs to collect, ID is checked, parent was phoned, authorisation was sent to parents to complete the authorisation for this person after. Written permission is requested for any last minute pick up arrangements.

RECORD of COMPLIANCE AUDIT

<p>Excursions Risk assessments Authorisations</p>	<p>r 100-102</p>	<p>Local walk done to the church recently. Annual authorisation for local walks was completed and compliant.</p> <p>Risk assessment plan sighted for an excursion in February 2020 - compliant. Last excursion was conducted in February 2020.</p> <p>An excursion to the Hoyts Cinema to see a film is planned for next school holidays. The proposed excursion authorisation form was missing some of the prescribed information. The information was provided in the risk assessment, however, that was not given to parents with the authorization form. The form has not been sent to families yet.</p> <p>The requirement of regulation 102 (4) was discussed in detail [redacted] obtained a copy of an authorization from the Lyneham campus and it was correct [redacted]</p> <p>[redacted] approves all documentation before excursions are booked. Children from the school attend the ELC during school holidays.</p>
<p>Supervision of children</p>	<p>r 115 s 165</p>	<p>Review of the supervision policy is underway. Hot spot map – for outdoors was displayed. Educators involved in the development of the map.</p> <p>Active supervision is one of the first thing covered during the induction process. Educators are required to read and sign on the policy. Discussed in staff meetings.</p>
<p>Educator to child ratios</p>	<p>r 121-124 s 169</p>	<p>A copy of this week's staffing roster was provided. Some details were missing or out of date. I spoke to [redacted] on 17/9 to clarify staff qualifications and the practicalities around before school care.</p> <p>[redacted] there are [redacted] children attending the before school care, so, the service is allowing the children to be together with the PK group with the existing educators. There was 17 children in the morning altogether.</p> <p>The child to educator ratio was compliant at the time of the visit and from what the weekly roster shows.</p>
<p>Qualifications General qualifications ECT qualifications First aid Educator approvals (SAC)</p>	<p>r 126 r127-128 r 130-135 r 136</p>	<p>Individual staff files were well organised with a checklist at the front. Samples of qualifications were sighted.</p>
<p>Interactions with children</p>	<p>r 155-156 s166</p>	<p>Interactions with children observed during the audit were warm and respectful.</p>
<p>Attendance records</p>	<p>r 158-159</p>	<p>A Quick Kids kiosk is used to sign children and educators in and out. Email is sent by parents to [redacted] about any absences.</p> <p>Additional bookings are also emailed.</p> <p>Head checks done by educators in the rooms and they sign children in if parents forgot to do so.</p> <p>At end of day, procedure followed to ensure all children are accounted for.</p>
<p>Enrolment records Prescribed information</p>	<p>r160-162</p>	<p>Educator have access to the electronic enrolment forms if they need to access them. Paper forms were available in the NS' office.</p>



RECORD of COMPLIANCE AUDIT

<p>Authorisations Health information</p>	<p>Parents are reminded to update any details on the enrolment forms as they change. Email is sent to parents asking them to update the Quick Kids system themselves.</p> <p>Kindy Hub is also used to communicate with parents about updating their details. At least yearly. November / December. Including medical information. Parents are unable to complete enrolment form unless they fill out all compulsory information.</p> <p>Any reminders that are done electronically by parents come to [REDACTED], as an email notification and [REDACTED] can double check.</p> <p>Enrolment form data base is linked to a medical action plan, if the child has one.</p>
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Children's grouping at the time of the audit					
Group	Age of children	Number of children	Number of educators	Required Ratio	Current Ratio
1. BABIES	9M-2 Y	[REDACTED]	[REDACTED]	1:4	1:4
2.	A copy of this weeks staffing roster has been taken and placed on service file. Copy is also on the service G drive. Staffing was compliant.				
3.					
4.					

CENTRE-BASED - Staffing at the time of the audit (Working directly with children)								
Group	Educator	Qualification / Institution	WT	Progress	WVVP	First aid	Anaphylaxis	Asthma
[REDACTED]								



RECORD of COMPLIANCE AUDIT

[Redacted]

Non-contact staff

[Redacted]

RECORD of COMPLIANCE AUDIT

Detail of non-compliance identified			
Law / Reg	Details	Action required	Timeframe
Reg 185 Law and Regulations to be accessible on the service premises	Law from Feb 2018 was available in a folder in front of entrance to ELC. Regulations in the folder were from January 2020.	Recent and upcoming changes to the Law and Regulations documents were discussed. Authorised Officer suggested printing the updated copies of the Law and Regulations after 1/10 when more changes are expected. Other ways of complying with this regulation would be to display a sign with a link to the ACECQA website where the Law and Regulations are located. Provide evidence of how the Law and Regulations have been made accessible from the service premises at all times for use by nominated supervisors, staff members, volunteers, parents of children enrolled at the service and any person seeking to make use of the service.	Provide evidence by 2 October 2020

Recommendations – Quality practices		
Law / Reg	Details	Recommendations
Reg 102 (4) Authorisation for excursion	The proposed authorisation form for the planned excursion to Hoyts Cinemas in late September 2020 was missing some of the prescribed information from Regulation 102 (4). The information was provided in the risk assessment, however, that is not a part of the authorisation form. The form has not been sent to families yet. The authorisation form was changed and updated during the visit and a copy provided to the Authorised Officer before leaving the service. The form was compliant.	Ensure that regulation 102 (4) is followed every time an excursion is planned to ensure all prescribed information is included in the authorisation where parents sign.

Compliance action taken			
Action	Statutory / Non-statutory	Date sent	Date due
Email to NS.	Non-statutory	17/9/2020	2/10/2020




RECORD of COMPLIANCE AUDIT

Emergency action issued No		
Law / Reg	Details	Action required
	No	

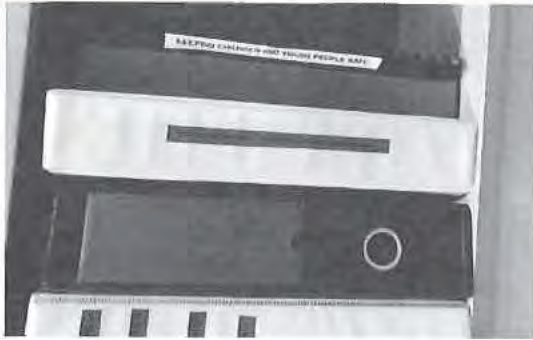
Prepared by:	Jana Damjanovska
Date:	17/9/2020

BRINDABELLA COLLEGE EARLY LEARNING CENTRE CHARNWOOD COMPLIANCE VISIT 15TH SEPTEMBER 2020

Detail of non-compliance identified			
Law / Reg	Details	Action required	Timeframe
Reg 185 Law and Regulations to be accessible on the service premises	Law from Feb 2018 was available in a folder in front of entrance to ELC. Regulations in the folder were from January 2020.	Recent and upcoming changes to the Law and Regulations documents were discussed. Authorised Officer suggested printing the updated copies of the Law and Regulations after 1. October 2020 when more changes will occur. Other ways of complying with this regulation were discussed. For example, consider displaying a clearly visible sign with the link to the location of the Law and Regulations on the ACECOA website. Provide evidence of how the Law and Regulations have been made accessible from the service premises at all times for use by nominated supervisors, staff members, volunteers, parents of children enrolled at the service and any person seeking to make use of the service.	Provide evidence by 2 October 2020
ACTION BY BRINDABELLA ELC CHARNWOOD		1 st October 2020 printed out 3 copies of new Education and Care Services National Regulations. One for families to access located down on bookshelf adjacent to internal access door to ELC. Photos provided. A staff copy located in staff room & a management copy located in Ed. Leader's office.	Photos taken 1 st October 2020
			



Management copy in
ED Leader / Programme
room



Family copy in foyer cupboard
Adjacent to internal ELC door.



Staff room copy in cupboard in
Staff room.

Recommendations – Quality practices		
Law / Reg	Details	Recommendations
Reg 102 (4) Authorisation for excursion	<p>The proposed authorisation form for the planned excursion to Hoyts Cinemas in late September 2020 was missing some of the prescribed information from Regulation 102 (4). The information was provided in the risk assessment, however, that is not a part of the authorisation form. The form has not been sent to families yet.</p> <p>The authorisation form was changed and updated during the visit and a copy provided to the Authorised Officer before leaving the service. The form was compliant.</p>	<p>Ensure that regulation 102 (4) is followed every time an excursion is planned to ensure all prescribed information is included in the authorisation where parents sign.</p>
	<p>17th September 2020:</p> <p>Proof provided of excursion forms to Hoyts Cinema are attachments to email.</p> <p>Forms attached are:</p> <ol style="list-style-type: none"> 1. Hoyts Belconnen- Excursion Form (amendment) 2. Bus Booking by [redacted] 3. Risk Assessment Excursion (Movie-Hoyts Belconnen) 30.9.2020 Amendment 4. Amendment Proposal for Excursion (Movie-Hoyts Cinema) 5. Bus Booking by [redacted] 	<p>All excursion forms will follow this format from now on.</p>

Fairburn, Janine

From: Brookes, Clare
Sent: Tuesday, 15 September 2020 5:53 PM
To: elc@bcc.act.edu.au
Cc: King, Meg
Subject: FW: Fitness and Propriety Assessment
Attachments: Reassess fitness and propriety letter 1 September 2020.pdf

OFFICIAL

Dear [REDACTED]

I have not received a response to the attached letter requesting the availability of Persons with Management or Control (PMC) of Brindabella Christian Education Ltd (the Approved Provider) to attend an assessment of fitness and propriety. Since sending this request I have received your notification that [REDACTED] is no longer a PMC of the Approved Provider, therefore only [REDACTED] will be required to take the assessment. Please contact me our Meg King by close of business on 18 September 2020, to advise me of your availability. I would also be happy to the discuss the assessment process should you wish to do so.

Kind Regards

Clare Brookes
Senior Director, Early Childhood Regulation, Early Childhood Policy and Regulation | Education | ACT Government
P 02 6205 0615
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](#) | www.det.act.gov.au

From: Brookes, Clare
Sent: Tuesday, 1 September 2020 3:58 PM
To: elc@bcc.act.edu.au
Cc: King, Meg <Meg.King@act.gov.au>
Subject: Fitness and Propriety Assessment

OFFICIAL

Dear [REDACTED]

I hope that you, your educators and families have kept well through the challenges of the past months.

Children's Education and Care Assurance (CECA) are now returning to business as usual activities and, as such, please find attached details of the rescheduled fitness and propriety assessment postponed at your request earlier this year. I would be grateful if you could send your response to Meg King meg.king@act.gov.au who will make the necessary arrangements.

Kind Regards

Clare Brookes
Senior Director, Early Childhood Regulation, Early Childhood Policy and Regulation | Education | ACT Government
P 02 6205 0615
Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive Stirling 2611 |
GPO Box 158 Canberra ACT 2601



[REDACTED]
Person with Management or Control
Brindabella Christian Education Ltd
PO Box 5103
LYNEHAM ACT 2602

Email: elc@bcc.act.edu.au

Dear [REDACTED]

Reassessment Fitness and Propriety

As you are aware the ACT Regulatory Authority, Children's Education and Care Assurance (CECA) invited you to attend an interview on Friday 17 January 2020 to reassess the fitness and propriety of the Persons with Management or Control of Brindabella Christian Education Ltd, being [REDACTED]

[REDACTED] This assessment was postponed at your request due to the bush fires and has subsequently been delayed due to the impacts of COVID -19.

CECA is now returning to business as usual activities and I am writing to re-schedule this assessment. The assessment will involve an interview and a written test which each person must complete, concerning knowledge of the National Quality Framework. The assessment comprises a multiple-choice component and scenario-based component, and a score of at least 80% in each component must be achieved.

A copy of the Education and Care Services National Law and National Regulations will be provided to each person at the assessment. No one is permitted to bring a mobile phone or other electronic device into the written test.

Please can you advise Meg King meg.king@act.gov.au of the availability of yourself, [REDACTED] to attend the assessment at Headley Beare Centre for Teaching and Learning, during week commencing 28 September 2020. The assessment will take up to two hours.

Yours sincerely

[REDACTED]
Clare Brookes| Senior Director

Phone: 6205 0615 | Email: clare.brookes@act.gov.au

Early Childhood Policy and Regulation | Education | **ACT Government**

Hedley Beare Centre for Teaching & Learning | 51 Fremantle Drive, Stirling ACT 2611

1 September 2020

This document is not released in accordance with sections 47A and 47B of the
Commonwealth *Freedom of Information Act 1982*

Triage Assessment Record

Background:

Triage meeting date:	18 November 2020
Triage team members present at assessment:	CB, DC, SM, JF
Provider (Name and Number):	Brindabella Christian Education Ltd PR-00005809
Service (Name and Number):	Brindabella Christian College Early Learning Centre (Lyneham) SE-00009753 Brindabella Christian College Early Learning Centre (Charnwood) SE-00011290
Risk Level of Service:	
Date of incident/ receipt of complaint:	12/11/2020
Source of Information:	Direct Complaint
NQA ITS Reference:	CAS-xxxxx

Statement of Allegation or Incident: Complaint from male staff member about staffing levels
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: S174 – notifications to RA of complaints S167 – risk of harm and hazard

Considerations:

Next Compliance audit	01/05/2021
Date of last visit and type	15/09/2020 – 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	Matter assessed at Triage 18/11/2020 - Triage deliberated on information received via anonymous verbal complaint on 17 and 18/11/2020, alleging harm to children. Noted verbal evidence is from [redacted] which is hearsay

		evidence. [REDACTED] is liaising with others to encourage those with firsthand information to come forward to RA and provide evidence. Triage determined that any decision making RE: enlivening powers under the law, would not be performed/conducted until such time as additional relevant information is received from those with firsthand evidence. To be returned (Triage Committee: CB, DC, JA, JF)
Quality		

Referral to other agencies: N/A

	CYPS		AFP		WWVP	
Factors considered in referral						

Assessment of risk:

Risk Rating	High	[REDACTED]	Medium	[REDACTED]	Low	[REDACTED]
Factors considered in determining the risk rating						

Risk Factors:

Risk Factors	Harms	X	Hazards	X	Governance	X
	Educator (individual) – intentional neglect, harm or incompetence		Health, safety and wellbeing -health -hygiene -risk assessment and management		Policies and procedures	
	Supervision		Safe premises and equipment -maintenance -Access to chemicals and medication		Recruitment and induction processes Staff management	
	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:	
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<p>Lead Investigator's acceptance including reasonable suspicion that offence may have been or may be being committed against the Law to enable investigation powers.</p>	<p>(Note acceptance and information relied on to form suspicion)</p>
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Children's Education and Care Assurance
Education Directorate

File Note

Subject: Brindabella Early Learning Centres

Date: 18 November 2020, 11:23am to 12:24pm

Phone number: [REDACTED] **NOT TO BE DISCLOSED**

As arranged with Meg King on 17/11/20, I took a transferred anonymous call regarding concerns about Brindabella Early Learning Centres. [REDACTED]

I introduced myself and my role at CECA in taking details of complaints etc as part of the ING team.

I said I understood that [REDACTED] were concerned about [REDACTED] if they complained to the Regulatory Authority. [REDACTED]

I explained the multiple layers of protections for [REDACTED] when giving evidence to CECA, including CECA taking steps to protect identity as far as able by not using witnesses' names, redacting identifying information from statements etc, but that could not be 100% guaranteed, so there were further protections in sections 296 and 297. I outlined those provisions [REDACTED] explaining the definitions in section 296 and the effect of section 297.

I explained the threshold of CECA's investigative powers and that, without evidence to ground a reasonable suspicion of an offence, we could not exercise those powers. I explained that anonymous hearsay had very little weight [REDACTED]



[Redacted]

I mentioned the use of compel notices, as another layer of protection for [Redacted] (and to subtly point out that [Redacted] could be compelled to provide evidence).

[Redacted]

I also said that we could obtain any relevant documentation from a provider, such as child attendance records, staff records etc. But we obtained personal emails and contact numbers so potential witnesses could be contacted directly about giving evidence. I explained our process of trying to speak to [Redacted] on the phone first and, if that was unsuccessful, sending an introductory email with some potential times for giving a statement. Once a time was agreed, a formal notice was sent out. I said that it was only if an [Redacted] did not return our calls or reply to emails that a compel notice would be sent without prior contact.

[Redacted]

I asked [Redacted] had seen anything first hand [Redacted] I asked [Redacted] was a mandatory reporter

[Redacted]

[Redacted]

I explained our process of taking witness statements at Stirling [Redacted] [Redacted] I said that they could not give statements together, as it may taint the evidence, but all witnesses were welcome to bring a support person who is not connected to the investigation, such as a friend or relative. [Redacted]

[Redacted]

[Redacted] I asked if [Redacted] at the ELC [Redacted]

I asked [Redacted] contact details for any of the [Redacted]





[Redacted]

I then asked [Redacted] about Board minutes about complaints [Redacted] mentioned to Meg.

[Redacted]

I asked if [Redacted] was aware of any instances where children were at risk. [Redacted]

[Redacted]

I asked about [Redacted] comment to Meg about mandatory reporting. [Redacted]

[Redacted] I emphasised the protections in place and that educators had a responsibility to speak up when children were being harmed.

[Redacted]

I said that CECA had a variety of powers to manage risk during an investigation, including emergency powers in cases of immediate risk to children, but without evidence, powers could not be exercised.

[Redacted]

I asked if [Redacted] had had any interactions with the Board [Redacted]

[Redacted]

I emphasised that it would be really helpful to have at least a contact number, in case the Authority decided to take some steps and we needed a point of contact. I said it would be best if [Redacted] contacted me ASAP to provide statements, rather than CECA having to get contact details from the Provider as an initial step, if it was determined at some point that there was enough evidence to reasonably suspect an offence.

[Redacted] I said that if any of the [Redacted] wanted more information on the protections, they could email me (I gave my address) and use an anonymous email address and I could give an explanation including links to the relevant provisions, or call me [Redacted]

[Redacted] I said it varied, but to call the main CECA line if they could not reach me and they could get a message to me.



[REDACTED]

I said that it was really important that [REDACTED] step forward and advise CECA of any concerns about the welfare of children at Chamwood or Lyneham [REDACTED]

2:20PM 18/11/20

I had an anonymous call with no message left, so I called [REDACTED]

[REDACTED]

[REDACTED]

I said that we didn't have powers to make any sorts of enquiries without reasonable cause.

[REDACTED]

[REDACTED]

[REDACTED]

AO Tanya Masterman

Fairburn, Janine

From: Metherell, Skye on behalf of Education DLO
Sent: Wednesday, 18 November 2020 11:41 AM
To: EDU, Early Childhood Policy and Regulation Branch
Cc: Moysey, Sean; EGMSDD; EDUMCR; DDGEDUoffice
Subject: URGENT ACTION: MIN20/1586 - BRIEF Request: Brindabella Christian College

Importance: High

OFFICIAL

Good Morning,

Please see below request for a Ministerial Brief on Brindabella Christian College, please note MO would like this by the end of the week – **Friday 20 November 2020.**

Title/Question	URGENT ACTION: BRIEF Request: Brindabella Christian College
Action	Brief prepared with timeline of events, update on fit and proper person assessment and detail on what is and isnt possible to say publicly.
Responsibility	ECPR – CECA
Response type	BRIEF
TRIM	MIN20/1586
Date due to DG	19.11.2020
Date Due to MO	20.11.2020
Clearance	DG
Comment	Please contact EDUDLO@act.gov.au if you have questions.

If you have any queries please don't hesitate to ask.

Kind Regards,

Skye Metherell | Assistant Director - Cabinet, Assembly and Ministerial
 Ministerial & Commonwealth Relations | **Education Directorate** | ACT Government
T: 6213 3313 | E: skye.metherell@act.gov.au
 Level , 220 Northbourne Avenue Braddon | GPO Box 158, Canberra, ACT 2601 |



I acknowledge the traditional custodians of the ACT the Ngunawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.



From: Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Sent: Tuesday, 17 November 2020 7:35 PM
To: Education DLO <EDUDLO@act.gov.au>
Subject: Request for brief on Brindabella Christian College

Hi Skye

Can the Directorate please provide the Minister with a brief on CECA's actions around Brindabella Christian College's early learning centre- in light of this morning's CT article. Can it please include a timeline of events, an update on the

fit and proper person assessment and some detail about what is and isn't possible to say publicly (because of the privacy provisions in the national law).

If we could please get the brief as soon as possible (by the end of the week if possible), that would be great.

Cheers

Rebecca Hobbs | Senior Adviser
02 6207 2413 | 0435 095 234

Office of Yvette Berry MLA | Member for Ginninderra
Deputy Chief Minister
Minister for Education and Early Childhood Development
Minister for Housing and Suburban Development
Minister for the Prevention of Domestic and Family Violence
Minister for Women
Minister for Sport and Recreation
Phone: +61 2 6205 0233 | Email: berry@act.gov.au
[Facebook](#) | [Twitter](#) | www.yvetteberry.com.au



I acknowledge the traditional custodians of the land, the Ngunnawal people, and pay my respect to their Elders past, present and emerging.



Children's Education and Care Assurance
Education Directorate

File Note

Subject: Brindabella Early Learning Centres

Date: 20 November 2020, 10:00am

Phone number: [REDACTED] – NOT TO BE DISCLOSED

I phoned [REDACTED]

[REDACTED] I confirmed that I hadn't, so at this point, we just had second-hand information that was anonymous. I asked if [REDACTED] was comfortable yet to provide me with [REDACTED]

[REDACTED] I reiterated that CECA must hold a reasonable suspicion of an offence in order to investigate [REDACTED]

I asked if [REDACTED] had an anonymous email address that I could perhaps send a direct complaint form to.

[REDACTED] I clarified [REDACTED] so I suggested that the [REDACTED] could set up an anonymous email address, let me know and then I could send it there. [REDACTED]

[REDACTED] I said that was not appropriate and gave [REDACTED] the CECA complaints email address and general contact line. [REDACTED] I said that was fine, but it wasn't appropriate to put them in a widely circulating petition.



AO Tanya Masterman

Fairburn, Janine

From: Masterman, Tanya
Sent: Wednesday, 25 November 2020 3:59 PM
To: Simon Passlow
Cc: Brookes, Clare
Subject: RE: Ombudsman inquiry - contact details for service [SEC=OFFICIAL]

OFFICIAL: Sensitive - Legislative Secrecy

Dear Simon

Thank you for your email [REDACTED] is the Nominated Supervisor of both Charnwood and Lyneham Early Learning Centres operated by Brindabella Christian Education Ltd (the Provider). But [REDACTED] is not an officer of the Provider corporation or a member of the Board.

Currently, the only nominated Person with Management or Control for the Provider is [REDACTED] who is also the Provider's Primary Contact [REDACTED] email address is [REDACTED]

I hope that clarifies things – please let me know if you require further information.

Kind regards

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
GPO Box 158 Canberra ACT 2601
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From: Simon Passlow <Simon.Passlow@ombudsman.gov.au>
Sent: Wednesday, 25 November 2020 3:00 PM
To: Masterman, Tanya <Tanya.Masterman@act.gov.au>
Cc: Brookes, Clare <Clare.Brookes@act.gov.au>
Subject: Ombudsman inquiry - contact details for service [SEC=OFFICIAL]

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

CECA ref – ING 006781 / CA 23908
Omb ref – E 2020-1-0107

Dear Tanya

I have recently reviewed publically available information of CECA's inquiry into Brindabella Christian College Early Learn Centre Charnwood (the service) between May and September 2019. I intend to follow it up in relation to reportable conduct scheme.

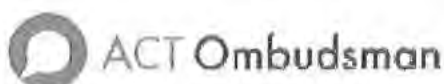
I noted that ACEQA lists [redacted]@bcc.act.edu.au as the contact. The School Principal is [redacted]


There is some reference in the Directorate file to the service updating the person with management or control of the service.

Could you please confirm the appropriate Director or contact(s) for the service?

With thanks,
Simon

Simon Passlow
Assistant Director
Reportable Conduct Scheme
ACT OMBUDSMAN
Phone: 02 6276 3709
Email: simon.passlow@ombudsman.gov.au
Website: ombudsman.act.gov.au



OMBUDSMAN AN OFFICER OF
THE ACT LEGISLATIVE ASSEMBLY 

The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

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Triage Assessment Record

Background:

Triage meeting date:	4 December 2020
Triage team members present at assessment:	Sean Moysey, Clare Brookes, Janine Fairburn, Delphine Coutin, Leah Partridge
Provider (Name and Number):	Brindabella Christian College
Service (Name and Number):	Charnwood
Risk Level of Service:	
Date of incident/ receipt of complaint:	14 May 2019
Source of Information:	Complaint
NQA ITS Reference:	00043441

Statement of Allegation or Incident: Complaint regarding inappropriate discipline and interactions by an educator. Provider does not accept that words used were inappropriate or that it is responsible for educators' behaviour. The matter was investigated and the evidence showed that: the service failed to follow sleep and rest periods for children; interactions and discipline of children were not appropriate; and working directly with children records were inaccurate.

Provider refuses to attend assessment (interview and test) of fitness and propriety and has not offered an alternative method of assessment.

Do we suspect an offence has or may be committed: Yes No

Offence that may have been engaged and information relied on to determine:

Section 167 The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.

Considerations:

Next Compliance audit	01/10/2021
Date of last visit and type	Compliance Visit 15/09/2020
Current A&R rating (date)	Meeting

Action required:

Action	Yes	Provider (PMCs) was scheduled to attend fitness and propriety test in January 2020, Provider asked for postponement due to bush fires. Provider subsequently (
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	<p>PMC) refused to attend an assessment and failed to provide an alternative form of assessment. Provider's responses showed a lack of understanding of the NQF and he Provider's obligations under the Education and Care Services National Law. Provider argued that it was not inappropriate to refer to a child as being feral and that it was not responsible for every utterance from educators. Provider argued that the test should be under the fitness and propriety criteria of the Corporations Act. Provider was given additional time to respond but continues to argue the same points and has not suggested an alternative form of assessment. Provider argues that it has attended the training stipulated in the compliance notice, but this requirement was in addition to the fitness and propriety test, which is required to demonstrate that the training has provided the necessary knowledge and understanding of its obligations under the NQF.</p> <p>Committee does not accept that the provider has demonstrated capability to operate an education and care service under the National Law. The test for fitness and propriety is clearly detailed under Section 13 of the National Law. The Provider continues to make statements that show a lack of understand of its obligations. Information available suggest that the Provider does not have the request knowledge and capability to operate a service and may pose a risk of harm to children if it continues to operate with current PMC.</p> <p>Provider has not previously been assessed for fitness and propriety and the service was grandfathered over from the previous scheme in 2012. PMCs were therefore deemed to satisfy the test and would be expected to have developed their knowledge further since the NQF came into effect. A condition of Provider Approval is to abide with the National Law and Regulations, the Provider is therefore deems to know and is responsible for understanding what their obligations are under the National Law.</p> <p>Provider has previously agreed to a plan to upskill knowledge but has failed to demonstrate knowledge. Option to suspend Provider Approval would have significant impact on children and families. Option preferred was to impose a condition that the Provider must appoint a PMC who can demonstrate the appropriate knowledge and understanding of the NQF, this person must be approved by the Authority. Similar examples of conditions referenced were [REDACTED]</p>
Risk Audit	N/A

Investigation		N/A
Quality		N/A

Referral to other agencies: N/A

	CYPS		AFP		WWVP	
Factors considered in referral						

Assessment of risk:

Risk Rating	High		Medium		Low	
Factors considered in determining the risk rating	the Provider has not demonstrated an understanding of obligations and does not accept and understand inappropriate discipline and associated risk of harm to children.					

Risk Factors:

Risk Factors	Harms		Hazards		Governance	
	Educator (Individual) – intentional neglect, harm or incompetence		Health, safety and wellbeing -health -hygiene -risk assessment and management		Policies and procedures	
	Supervision		Safe premises and equipment -maintenance -Access to chemicals and medication		Recruitment and induction processes Staff management	
	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):

N/A _____

Investigation use only:

Allocated to Lead Investigator:	N/A
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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)
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Fairburn, Janine

From: Brookes, Clare
Sent: Friday, 11 December 2020 3:30 PM
To: Moysey, Sean
Subject: Brindabella Complaint
Attachments: Direct Complaint Form- Fitness of Board.doc

OFFICIAL

Dear Sean

We have received the attached complaint from [REDACTED] Brindabella Christian College regarding the conduct of the board. I don't think this relates to the pmc's fitness and propriety under the NQF, but I do think that it should be referred to Linda Tooth's area.

Kind Regards

Clare Brookes
Senior Director, Early Childhood Regulation, Early Childhood Policy and Regulation | Education | ACT Government
P 02 6205 0615 M 0481 003 833

Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive Stirling 2611 |
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Children's Education and Care Assurance
Education Directorate

File Note

Subject: Brindabella Early Learning Centres

Date: 15 December 2020, 10:00am

Number withheld

I received a call from an [redacted] who knew my surname and had obtained my details [redacted]

The [redacted] wanted some further information about the protections in place for those who give evidence. I explained the protections in place under the *Law*, plus outlined the strategies that CECA uses to de-identify witnesses, but ultimately that could not be guaranteed, so the protections were in place as well.

[redacted] I asked if it was a current board member who said that [redacted]

I explained CECA's scope of regulation [redacted] I said we were very used to sifting through complaints and documents to determine what is within scope. [redacted]

[redacted] I asked if [redacted] access to a direct complaint form [redacted]

I asked if [redacted] was prepared to give me [redacted] name and details of any incidents. [redacted]



I asked if [REDACTED]

[REDACTED] I asked if the thought children's health, safety and wellbeing was at risk [REDACTED]

I said that CECA was unable to carry out any investigation without reasonable suspicion of an offence under the *Law*, and that anonymous complaints with no detail were not sufficient to enliven any investigative powers.

I said that if children were at risk, someone needed to come forward with information to support that and rely on the protections that are in place.

I did not want to push too hard, [REDACTED]

AO Tanya Masterman

Fairburn, Janine

From: Moysey, Sean
Sent: Tuesday, 15 December 2020 10:31 AM
To: Dawes, Anne-Louise
Cc: Hucker, Penelope; Brookes, Clare
Subject: RE: Brindabella
Attachments: MIN20 1586 Brief Brindabella Christian College.DOCX; MIN20_1586_Timeline_Attachment_A.DOCX

OFFICIAL

Dear Anne-Louise

Please accept the words below. I've also attached the brief and timeline we had prepared for the brief.

Please let me know if you would like anything further.

Regards
Sean

On 14 May 2019, the ACT's ECEC Regulatory Authority, Children's Education and Care Assurance (CECA) received a direct complaint from an educator at Brindabella Christian College Early Learning Centre Charnwood. The complaint engaged offences dealing with inappropriate discipline, inappropriate interactions with children, failing to follow policies and procedures and the accuracy of prescribed records. An investigation was conducted and a show cause was issued to the provider setting out the allegations and the evidence informing the allegations.

[REDACTED] replied to the show cause notice on behalf of the provider. [REDACTED] responses demonstrated a lack of understanding of what conduct is acceptable under the National Quality Framework (NQF), in particular by advocating that a range of conduct set out in the evidence was acceptable.

On 20 September 2019, CECA made a decision in relation to the evidence obtained by the investigation. The decision noted the steps taken by the provider and the nominated supervisor to address issues in the light of the show cause notice. The decision also issued the provider with a Compliance Notice of matters that should also be addressed and determined, this included training in appropriate interactions for persons with management or control. Following this training each person with management and control were required to undergo assessment or reassessment for fitness and propriety to be involved in an education and care service.

In December 2019 an invitation to attend an assessment for fitness and propriety was sent to the provider with a date of 17 January 2020. In January 2020, the provider's lawyer requested a re-scheduling of the date due to the impact of the bushfires and challenged CECA's power to reassess fitness and propriety. By the time COVID 19 had impacted upon the ACT, a new date had not been set.

Following to and fro' with the provider's lawyer during 2020, a deadline of 27 November 2020 was set with the provider to propose a meaningful alternative for the provider to demonstrate the fitness and propriety of the provider to engage in ECEC services. The provider's lawyer gave CECA some material and CECA is in on the cusp of deciding the fitness and propriety issue.

Sean Moysey

Executive Branch Manager, Early Childhood Policy and Regulation
Education | ACT Government
P 02 6207 2143 M 0478 301 650

Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive Stirling 2611 |
GPO Box 158 Canberra ACT 2601
www.det.act.gov.au



From: Dawes, Anne-Louise <Anne-Louise.Dawes@act.gov.au>
Sent: Monday, 14 December 2020 5:50 PM
To: Moysey, Sean <Sean.Moysey@act.gov.au>
Cc: Hucker, Penelope <Penelope.Hucker@act.gov.au>
Subject: Brindabella

OFFICIAL

Sean

Margaret Mck and I have a meeting with Min Berry on Wednesday on BCC. Margaret would like to take a draft of the letter from Berry to Tehan. Can you please send me through something (could be a product you already have) so that I can draft some input on the concerns of your area?

With thanks

ALD

Anne-Louise Dawes | Executive Branch Manager Governance and Community Liaison | **Education Directorate** | ACT Government

T: 0421568250 | E: anne-louise.dawes@act.gov.au

Level 6, [220 Northbourne Ave Braddon](#) | GPO [Box 158 Canberra ACT 2601](#) | www.education.act.gov.au



The Education Directorate acknowledges the Ngunnawal Peoples as the Traditional Custodians of the ACT and region upon which we live and work.

Fairburn, Janine

From: Brookes, Clare
Sent: Monday, 18 January 2021 5:31 PM
To: Efthymiades, Deb
Subject: Brindabella Brief
Attachments: MIN21 XX CAVEAT BRIEF_ Brindabella Christian College condition on Provider approval.docx

OFFICIAL

Hi Deb

I've attached the brief that I've prepared for Margaret. I won't TRIM it yet as shall is going to amalgamate it with other areas. Could you please let me know if you are happy with the summary.

Kind Regards

Clare Brookes
A/g Executive Branch Manager, Early Childhood Regulation, Early Childhood Policy and Regulation | Education | ACT Government
P 02 6205 0615 M 0481 003 833

Level 3, Hedley Beare Centre for Teaching and Learning, 51 Fremantle Drive Stirling 2611 |
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Caveat Brief

To: Minister for Education and Early Childhood Development
From: Deb Efthymiades, Deputy Director General, SPR
Subject: Condition on provider approval imposed on Brindabella Cristian College
Date: January 2021

That you note the condition placed on Brindabella Cristian College's provider approval to appoint a person with management or control with the experience, knowledge and capability to operate an education and care service.

Noted / Please discuss

Yvette Berry MLA..../..../....

1. On 14 May 2019, a direct complaint was received by Children's Education and Care Assurance (the Authority) regarding the conduct of educators at Brindabella Christian College Early Learning Charnwood (the Service). The allegations centered on the appropriateness of discipline of and interactions with children. Correspondence with Brindabella Christian College (the Provider) throughout the investigation raised further concerns regarding the Provider's understanding of their obligations under the *Education and Care Services National Law Act 2010 (the National Law)*.
2. On 20 September 2019 the Provider was issued with a compliance notice which included a requirement for all persons with management or control (PMCs) to attend training regarding appropriate interactions with children. The PMC's were also required to undergo a reassessment of their fitness and propriety following the training. At that point in time, there were [REDACTED] PMCs, being [REDACTED]
3. On 16 December 2019, an invitation was sent to all PMCs to attend assessment with the Authority on 17 January 2020. On 15 January 2020, the Provider's representative wrote to the Authority, raising queries about the assessment process and advising that [REDACTED] [REDACTED] the bush fires and would not be available to attend an assessment at that time.
4. Correspondence with the Directorate took place between January and September, including a response to an FOI request from the Provider. During this period the Authority reduced regulatory activities due to the impact of COVID-19.
5. On 1 September 2020, an invitation was sent to the PMCs inviting them to attend a fitness and propriety assessment during the week commencing 28 September 2020. This request was declined and the Authority was advised that [REDACTED] were no longer PMCs.
6. Between October and December 2020, further correspondence was entered to agree a means by which [REDACTED] could satisfy the Authority that [REDACTED] had the necessary knowledge,

understanding and capability to operate an education and care service under the National Law. [REDACTED]
[REDACTED] declined to attend an interview and test and did not put forward an alternative means of assessment.

7. On 18 January 2021 the Authority issued the Provider with a decision letter, imposing a condition on the Provider Approval requiring the appointment of a PMC who could satisfy the Authority of their knowledge, understanding and capability to operate an education and care service. The Provider cannot operate a service until this appointment is made. This condition will come into effect on 1 February 2021, unless the Provider applies for a review before this date.

Signatory Name: Deb Efthymiades
Title Deputy Director General, SPR
Date January 2021

Fairburn, Janine

From: Brookes, Clare
Sent: Tuesday, 19 January 2021 8:51 AM
To: McKinnon, Margaret
Subject: Brindabella
Attachments: MIN21 XX CAVEAT BRIEF_ Brindabella Christian College condition on Provider approval.docx

OFFICIAL

Good Morning Margaret

Please find the bullet points from Children's Education and Care attached.

Kind Regards

Clare Brookes
A/g Executive Branch Manager, Early Childhood Regulation, Early Childhood Policy and Regulation | Education | ACT
Government
P 02 6205 0615 M 0481 003 833

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