

# TRANSCRIPT

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

### Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 15 April 2013

#### Members

Mrs A. Coote

Ms G. Crozier

Ms B. Halfpenny

Mr F. McGuire

Mr D. O'Brien

Mr N. Wakeling

Chair: Ms G. Crozier

Deputy Chair: Mr F. McGuire

#### Staff

Executive Officer: Dr J. Bush

Research Officer: Ms V. Finn

#### Witnesses

Ms L. Giardina, chief executive officer, and

Ms C. Kimber, professional support consultant, Community Child Care Association.

**The CHAIR** — Before we commence I would like to inform you all that on 25 March 2013 the hearing transcript of evidence was suppressed and subsequently published on the committee website in error. On learning of this error the transcript was immediately removed from the website. The evidence provided to the committee by Mrs Noreen Wood on that date contained a number of allegations about individuals which was subsequently suppressed on the basis that it contained adverse reference to individuals that did not fall within the terms of reference of the inquiry. In view of this, the evidence remains suppressed and will not inform the findings and recommendations of this inquiry.

In accordance with the guidelines of the hearings I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Only officers of the Family and Community Development Committee secretariat are to approach committee members. Members of the media are also requested to observe the media guidelines.

On behalf of the committee I welcome Ms Cathrine Kimber, professional support consultant, and Ms Leanne Giardina, chief executive officer, from the Community Child Care Association. Welcome to you both. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

We are very pleased that you have been able to make the time to be with us this afternoon. Thank you very much indeed. We heard last week from Child Care Victoria, a private operator in this space, and we are very keen to get your perspective in relation to a number of issues around the further protection of Victoria's children. In relation to some of those aspects that you may highlight to the committee, we would be very pleased if you would not mind answering the questions we have of you and if you have a statement towards the end, we would be pleased to hear that. I would, firstly, like you to just explain to the committee the functions and the objectives of your organisation.

**Ms GIARDINA** — The Community Child Care Association is the peak body for community-owned children's services in Victoria. That covers long day care and outside school hours care services. Outside school hours care covers before school care, after school care and vacation care services. We have been operating for 41 years; we have been at the forefront of social advocacy work and we will continue that work. Our members are providers of long day care and outside school hours care, so we have that advocacy element as well as also providing professional support through training, phone support, facilitation of networks and development of resources for the sector. Some of our projects are also funded through the state and federal governments, so our delivery happens in that way. We have provided a response and a submission in relation to the *Protecting Victoria's Vulnerable Children Inquiry* and we are happy to give you a copy of our submission, if need be.

**The CHAIR** — In respect of members that come under your umbrella, are there any reported incidences of child abuse that you are aware of?

**Ms GIARDINA** — No.

**The CHAIR** — So you do not have any instances from any organisation?

**Ms GIARDINA** — Not in Victoria.

**The CHAIR** — Not in Victoria. In relation your policy and procedures aspect — and I do not know if that came into the submission you made to the *Protecting Victoria's Vulnerable Children Inquiry* — could you explain some of those policies and procedures you have in place for your members?

**Ms KIMBER** — From an organisational perspective as a professional support consultant and providing resource and advice, there are legislative requirements for anyone working in education and care. They have the Education and Care Services National Regulations 2011. In particular there is regulation 84 on awareness of the child protection laws. We also have the national law act and there is the national quality framework that has within it national quality standards. Broadly one of those areas is around quality area 2, children's health and safety, and, getting to specific standards and elements, includes advising educators, coordinators and staff members to be aware of their roles and responsibilities to respond to every child at risk of abuse or neglect.

When it comes to service policies and procedures, what is available for our members and what our members need to adhere to, there is a range of procedures and policies that are required by law. They range around collection of children, providing safe environments and staff codes of conduct, which would outline interactions with children, what is appropriate and what is not.

My role as a professional support consultant would be helping those services to make sure they are updating their policies and procedures regularly. There currently is not a time frame specified, but we would recommend that services look at their policies and procedures annually or if an incident occurred. With that, as a support organisation we provide information in between to help services make the links to relevant key authorised organisations, departments and key resources and documents. Particularly foundation-wise there is Protecting the Safety and Wellbeing of Children and Young People, the child protection protocol. That is one of the foundation documents we refer to in supporting services to develop and review their policies. We also attend a range of networks which will be a gathering of coordinators, directors and team leaders. In that there would be conversations around policies and directing them to things like the child protection online training. We support them when they are developing their policies and advise them on how to take what they have learnt at training and put it into policies to make sure it adheres to legislation. That is it.

**The CHAIR** — Thank you for that explanation. So if abuse occurred within a particular organisation, they would deal with it through the appropriate authorities, but they would not necessarily report to you as the overarching body to say that the incident had occurred; is that correct?

**Ms GIARDINA** — They might call us for advice, but they do not need to report back to us as part of their membership.

**The CHAIR** — Thank you very much.

**Mr McGUIRE** — Thank you very much for your presentation today. You understand that we are looking to the future and what reforms need to be made, so we are looking for guidance, particularly from peak organisations, on what should happen. With that in mind, are there any gaps or failings at the moment that prevent organisations from being better child-safe environments that you would like to inform us about?

**Ms GIARDINA** — One we wanted to raise today was that single-staff models are allowed to operate in outside school hours care services. That is where there is one educator to a maximum number of children.. —

**Ms KIMBER** — Which is about 15.

**Ms GIARDINA** — Which is up to 15 children. That is pretty much one on one — those children with one educator. We believe that has a lot of different elements in relation to risk, not just for the children but also for the adults. I just wanted to raise that that is allowed still under the regulations, so that is an area we would see could potentially be an issue.

**Mr McGUIRE** — And how widespread is that?

**Ms GIARDINA** — A service could operate one day with one staff and the next day, if they had over 15, with two, so there is no number. But it happens more in regional and rural areas, where numbers for services are quite low.

**Mr McGUIRE** — So what would your suggestion be? How do we respond to that?

**Ms GIARDINA** — That there should be no services that operate with one staff; that there is a minimum of two staff at all times with the children

**Mr McGUIRE** — And what are the budgetary implications? I guess that is the next question.

**Ms KIMBER** — Yes, I guess in terms of the rural and remote it tends to occur because there is a lack of funding or a lack of income by the nature of the smaller communities to be able to afford to pay for two staff members — to adequately and appropriately pay that education and care worker for the work they are doing. There is a lack of funding for those small services. I would say there definitely needs to be some investment about supporting smaller communities to be able to operate education and care services with two staff as the

absolute minimum because there are strict processes that the department supports. The department of education has ways about developing safe emergency plans and procedures where someone has to be accessible within a certain amount of minutes. Our position is that that is still not suitable. To have one person in a service in a building with 15 children, on their own for potentially 2½ to 3 hours, does not protect the educator, nor does it protect the children. The budgeting is definitely a major issue for services.

**Mrs COOTE** — Thank you, Cathrine and Leanne, for coming today and for giving us your submission. I am very interested in a peak organisation. We have seen a lot of peak organisations, and some have greater responsibility and information sharing than others. I would be very keen to know if members of your organisation come to you with sorts of questions around the child abuse, what do they ask you? What do they want to know from you? You have said that you redirect them, but what are the sorts of questions they come to you with?

**Ms KIMBER** — It would be a range of questions. If we go back to the question of whether services would report any incidents to us, services would not report to us, but they should report an incident to our state regulatory authority, which is the Department of Education and Early Childhood Development. So that would be investigated between the service and the department of education, but it might come down to acknowledging that perhaps some of the staff members are not aware of what indicators of abuse look like. What does it mean to have a safe environment? What does that involve? What does a staff code of conduct, including how to interact with children appropriately, look like? Our role there would be around linking them to key documents and resources and helping them unpack it. It could be a service support visit. It could be at a network. Most of the questions that would be directed to us are from a skill-building capacity: ‘An incident might have occurred. We are being investigated by the department, but now we need to make sure that this does not happen for future staff’. What kind of support to do that.

**Mrs COOTE** — So in that information you give, do you emphasise the fact that if they are all concerned they should go immediately to the authorities and to the police in particular?

**Ms KIMBER** — Absolutely. We would recommend to them exactly what the procedure would be based on the current resources and the current evidence and the support that is out there. We would definitely recommend that they follow a particular protocol and, as I said, this foundation document.

One thing we have acknowledged is that educators in education and care services are listed in the Children, Youth and Families Act. We noticed that it says, ‘from a relevant date that an approved provider or nominated supervisor’. So those leading an education and care organisation are actually for the first time in a long time listed as being required to follow mandatory reporting, but it says, ‘from relevant dates’ so it actually has not been gazetted and it is not operational. There are a huge number of people working daily with children who are actually not mandated. I guess our phone calls and our information and support that we give to services, because we have a commitment to children and families and their safety, is about helping those people unpack what they need to know and understand. Even though a document might tell you that you are actually not mandated and you may not be listed, you still have a duty of care in what that next step will be.

Particularly in the outside school hours care services, a lot of it is about that person saying, ‘I suspect something. I need help. Where would I go?’. We would refer that person to their coordinator or their director. In a school-based setting they would then be encouraged to speak to the school principal, because at this stage until it is gazetted and operational they are not mandated, and for some people, if it is not in black and white, they fear doing it.

**Mrs COOTE** — Are you monitoring those requests so you can see whether there is a trend in the number of people within your organisation who are coming to you to ask these types of questions?

**Ms GIARDINA** — We do informally, when we have discussions as group, but we do not actually document how many calls we get per month or per year or anything like that. But we do notice peak periods, so in the past we have offered training as well around child protection. It just depends. Sometimes it goes on the trend. Previously there was a quality assurance system, so if when that reporting came out it showed that that quality area was an area where services were not doing so well, then that would show us it was an area that we needed to concentrate our professional support on. It is sort of a similar system.

**Mrs COOTE** — Do you have triggers now? When you say there are peak times, what are the peak times now?

**Ms KIMBER** — Right now we have transitioned from the former National Childcare Accreditation Council, which closed in December 2011 and we now have ACECQA, the Australian Children's Education and Care Quality Authority, which is the national body. With that change and with the new reforms, there is the national quality framework that has standards, elements plus links to the new regulations and law. It is about services having to revisit their policy documents and revisit what has been introduced in these new national quality standards. There have been amendments to the previous regulations, so services that were under the 2009 children's services regulations are now under the new education and care regulations. There have been some additional policies that services are now working through or saying, 'We need to develop a policy'. The bar has been raised on standards for what is required around on-the-ground practice, so people are having to develop really strong policies and procedures.

It is a peak time, because people are transitioning, particularly as their organisation advocates for quality care and education. It is also a peak time for us to make sure that whenever there is a change, it is a requirement to revisit your documents and your staff practices as well.

**Mrs COOTE** — I gather Victoria probably has one of the highest standards in the country; is that right? Is that your understanding?

**Ms GIARDINA** — Yes.

**Mrs COOTE** — Thank you very much indeed; it was really helpful.

**Ms HALFPENNY** — I am not sure if there is anything in this question, but I feel I should ask it. We have heard from some of the academics and seen in some of the research profiles of what and who paedophiles are. Within institutions there have been lots of accounts of women who have abused children, but in terms of the research it seems that the profile is around males commencing abuse in their early 20s. There seems to be a trend within the child-care industry that it used to be a completely female-dominated industry, but now there are young men entering it. Does this mean there is a need to change or review policies, or do you think they are able to continue to cover all profiles and make-ups of the industry?

**Ms KIMBER** — It is a difficult one. It is certainly a female-dominated sector, but anecdotally through our training, our resources and from my own experience of working in the service, we know that two males led the way, and one is now leading the service that I was leading.

**Ms HALFPENNY** — Which is really good as well. I am not trying to — —

**Ms KIMBER** — Yes, but I guess that female-dominated sector is also the catch 22 of the profile being written around males being the ones who are generally the abusers rather than the females. Therefore it scares the males to join education and care services, which is a shame because anecdotally we see the real benefits particularly to single children who may not have a father around, or vulnerable children, particularly boys who do not have brothers or anything like that. We see the benefits that have come out. Coordinators have said to us, 'We employed a male staff member and it has been the best thing. The children are really responsive and particularly with the older children we have a really good connection now'. In terms of that change in policies or practices, it is a real societal shift in thinking that we need to do. I am not sure how to do that one.

**Ms HALFPENNY** — Following on from that, you say there are a lot of good reasons to have men looking after children.

**Ms KIMBER** — Yes.

**Ms HALFPENNY** — We have also heard, mainly in religious organisations, where the perpetrator or abuser has groomed the child, which is probably not the same in this sense, but also groomed in a sense the family — the parents — to then get into their homes and all that sort of stuff. Is any work being done around that area of trying to build up a relationship with parents and where that goes to?

**Ms KIMBER** — The best way I can comment on that is to say there is a strong need, particularly in the national quality framework and standards; the baseline of our whole vision is around collaborative partnerships

with families and communities, and we really push the transparent family communities. With that there is a range of mechanisms. It is about having information up for all families to see, but then the underlying things like policy development when we do staff codes of conduct or when we talk about how to communicate with families, we have really strong advice around staff not giving out personal details or not offering to drop off children after a service. Around social media there are recommendations about not befriending families on social media and things like that, and having really clear guidelines, and then finding other ways to still have a really strong collaborative partnership with those families that do not allow — well, I cannot say that they do not allow — but they help to eliminate that grooming of the family and then the child. It is open and transparent between all of the service.

Also around support, there might be a leader — so there might be a team leader or a coordinator in a service — but we still encourage staff, even that person who might only work 1 hour a day in a service, to understand what it means to communicate with families and to be transparent. If a family tells them something about their child, the person is required to tell the leader and vice versa.

**Mr O'BRIEN** — There is perhaps some crossover between the role of the family and the role of the institution, and sometimes it is hard to draw a line particularly in small communities. Obviously our terms of reference are to look at child abuse within institutions, and I just want to clarify this because you have attached the 'Protecting the safety and wellbeing of children and young people' protocol. I am sorry, you did not attach it; we have provided that — —

**Ms KIMBER** — Although I have referred to it in my notes.

**Mr O'BRIEN** — But you have that copy. I just want to clarify what processes you recommend. In your answer you mentioned talking to a team leader or supervisor. As I understand some of this, certainly with the mandated and even the non-mandated, it is a desire to report outside the organisation to Child FIRST or to DHS at the various points, and it may be organisation specific, depending on what the risk is.

**Ms KIMBER** — And depending also where it is mandated. Every service that we cater for has a duty of care, so you would report to an appropriate person that you have been notified of some incident or a child might have disclosed something. I guess the issue we have in the sector is that there is a fear: 'Will I get it wrong if I report directly? As an educator in a children's service if I go straight to an authority, will I get it wrong?'. This is not a personal opinion, but because factually they are not mandated anyone working or operating a long day care service or an outside school hours care service is not currently mandated under the Children, Youth and Families Act, which makes it really difficult to encourage them to go beyond it.

The best we can do to make sure that those children are still being heard and that action is still being followed is that we would refer to this protocol that suggests that non-mandated people go to that next authority person within their service, who can then take that further. It is easier to explain it in an outside school hours care service because principals do fall under that category, so therefore it could go to a principal. Obviously if it is a service where there is no-one to go beyond the director, then we would recommend that they immediately go to the relevant authorities, so it would be the Department of Human Services.

**Mr O'BRIEN** — Or the police, for example?

**Ms KIMBER** — Yes, or the police. Under the education and care national law act and the regulations for children's services, if there is any kind of incident at all, services have to contact their regional office of the Department of Education and Early Childhood Development, which has an authorised officer who oversees a number of services within their jurisdiction. That would be one of the first steps anyway: they have to report any incident, whether that be a child breaking their arm or whether it be a child disclosing some form of potential abuse. That is done straightaway as a reporting mechanism under the education and care law act and under their national quality framework requirements.

**The CHAIR** — Just on that point, do you have a breakdown of the nature of that reporting of incidents?

**Ms KIMBER** — No, I do not have it with me. I believe you can access it on the department of education website.

**The CHAIR** — Would that break it down in terms of severity and categorisation?

**Ms KIMBER** — Yes.

**Mr WAKELING** — Thank you very much for your presentation. I am interested in the training that is provided to staff within your member organisations and I suppose more broadly across the sector. You have obviously made mention of the government guidelines and protocols that have been developed. How many of your members would have developed organisation-specific policies around child protection, to your knowledge?

**Ms GIARDINA** — All of them.

**Mr WAKELING** — That is consistent with what we have heard from the private child-care providers as well. The next question I have is: is there a mechanism in place that provides a certainty to ensure that staff have actually been trained? An organisation — for example, a child-care centre in my local area — may have a policy in place and might have five staff. What certainty do parents and obviously legislators have that those five staff have in fact been trained? Is there an accreditation process? Is there a record kept, or given that there is a policy in place is there just an assumption that they have been trained?

**Ms KIMBER** — It is an assumption, yes.

**Ms GIARDINA** — They can show evidence of that training, though, when they have their assessment and rating visit. I know that internally within community child care we have run training with the Children's Protection Society to deliver training, and the intake is always really high for that training, but it is not something that they have to have before they start on day one or anything like that, currently.

**Ms KIMBER** — Although there is, as we referred to earlier, regulation 84, which is an awareness of child protection law. Everyone in that service has to have an awareness of child protection law. Previously it tended to be the team leader, the director or the coordinator who would do the more formal training and would then just inform their assistants and casual staff, whereas everyone needs to have an awareness, which is why right now there is a peak of services trying to access the protocol training online, because it is also accessible to services that cannot afford to release staff for formal training, so that is being held.

In the regulations there is also a requirement that there is a staff record kept, and in that staff record is also any sort of professional development. There is a requirement that staff attend professional development. When you ask about whether there is an assumption made that all staff will be aware of it, we encourage services to have everyone put up on a display as to all the different things the staff have actually been trained in, had professional development in or attended a seminar on, so that parents can see what the educators are attending.

**Mr WAKELING** — If I may take that further — and thank you very much for that response — obviously there would not be an expectation that people would know that there are regulations prior to commencement. That would often happen as part of the induction program of any new staff member. I seek some feedback from you, and you may wish to take this on notice, as to whether or not to provide some certainty in the system — a record kept of each staff member — in terms of achieving certain training milestones. I would be interested to see what impact that would have on your members in terms of whether it would have a minimal impact — it certainly would provide greater certainty — or whether it would actually be an onerous task. I would be interested for some feedback on that, but you may wish to take that on notice.

**Ms GIARDINA** — Yes, we will.

**Mr WAKELING** — I was interested in your commentary regarding the single staffing situation. I do not believe you would represent these members, but to your knowledge do family day care operators, which are often regulated by local government, normally operate as only one person in their home?

**Ms GIARDINA** — Yes.

**Mr WAKELING** — Do you have an opinion on that, or is that something that your organisation does not have an opinion on, because it is outside your control?

**Ms GIARDINA** — No, we do not have an opinion.

**The CHAIR** — On behalf of the committee I thank you both very much indeed for your appearance this afternoon and for providing the evidence that you have. It has been most helpful.

**Witnesses withdrew.**