

12 August 2025

guardian.edu.au

Guardian Early Learning Group Ltd

ABN 91 094 805 820

Dear Justin,

Thanks for your time today.

As the CEO of one of the country's largest for-profit providers (whose owner has not taken a dividend during their 9 years of ownership but instead reinvested back into the organisation), and one of Victoria's largest providers, and as someone who has been responsible for more centres than anyone in the country, after running Goodstart's network of 650 centres (the largest NFP) and now Guardian's 182 centres, I appreciated the opportunity to speak with you.

We believe active consultation with all providers is important. Providers are on the front line of trying to keep children safe. We understand and live with the legislative and regulatory barriers, the practical barriers, the solutions that work and the systems that have proven effective.

In reading about the solutions proposed in the media, and even in some of the material relating to this Review, I have been frustrated by how simplistic and shallow the thinking has been and how lacking in understanding of the actual environments in which ECEC is required to be delivered they have been.

We're encouraged there is at least some level of engagement with providers, and we trust the Panel is relying on evidence informed approaches and expert operator advice and not just other reviews e.g. Wheeler Review, or advocacy groups, the former lacked consultation with operators and the latter are typically far removed from the operator level.

The ability of an operator to keep children safe is significantly impacted by the regulatory environment in which they operate. We believe there are significant opportunities for positive change in this space, and we welcome all governments leaning in to enable us to ensure children are as safe as possible.

We also feel compelled to note that in the face of wilful or gross misconduct by team members the effectiveness of even the best safety system is compromised.

We are also disappointed with the inference that for-profit providers do not care as much for children as not-for-profit providers. As one of the largest and highest quality for-profit providers, one who has continually invested in building a rigorous child safety system, and whose leadership, including me, comes from an NFP background, this certainly does not apply to our organisation or team, and we find this narrative unhelpful. The data analysis we see driving these conclusions is often univariate, simplistic and highly averaged.

I have included in this letter some of our recommendations, based on our experiences and our research, in the hope they find their way to the Review panel. I have also included more detail on the safety system that we have in place.

Recommendations for consideration:

1. We advocate strongly for a National WWCC



We have consistently advocated for a National Working with Children system with the following components:

- This National system should allow employers to easily verify that a person's WWCC status has not changed.
- The decisions of Regulatory Authorities should automatically be connected to the WWCC system.
- If the Regulatory Authority issues a prohibition notice or an undertaking to an individual this should either revoke their WWCC or be noted against the status of a WWCC so providers can be fully informed.
- Any substantiation of a child harm allegation should see a person's WWCC revoked. The current bar for the removal of a WWCC is not clear and too high.
- We believe decisions taken by regulatory authorities should be made available to employers, even if the person has left their employment.

A number of the above are not currently the case in Victoria.

2. We advocate for a comprehensive ECEC Employee Register – WWCC is not enough

We also believe a Working with Children Check system is not enough.

We strongly support an Educator Register that captures both the WWCC information and the employment history of all people in the early learning sector. This system should capture and report, as a minimum, all instances of substantiated allegations of child harm or other gross or wilful misconduct, in addition to basic employment information. As mentioned, we believe all regulator enforced sanctions, such as prohibitions or undertakings against an educator, should be available to all employers via this register (or the WWCC).

It is this system that will do more to remove bad actors from the sector than any other measure.

We note you are progressing at pace with an educator register. We strongly recommend a national approach, so we don't see the mistakes with the current state-based WWCC system repeated. However, we have also seen many years pass while states squabble over the national WWCC, so to avoid that re-occurring but with an intention to integrate as soon as possible. We also strongly recommend a register that is well thought through and not one that is hastily put together to appease the media or public sentiment.

Your current Victorian register will not be as effective as it could be if it captured more information. The register needs to be more than just a list of names, qualifications and dates if it is to be truly effective in safeguarding children. Your current proposed solution is an administrative burden and may support after the fact investigations but it will do nothing to support prevention.

We would encourage you to include worker's employment history, any substantiated allegations of child harm or other wilful or gross misconduct and any sanctions on their employment.

3. A connected ecosystem is required

Whatever solution is put in place must be connected. We cannot have each of your 5 Victorian investigating authorities having disconnected systems, independent conversations, where the provider is the only common element amid completely different operating approaches.

A single incident can involve – the Regulatory Authority, the Police, the CCYP, Teachers Registration board and in some cases WorkSafe - it is not an aligned system – each has their different approaches, each seems to have different standards, their approaches are not transparent and

their systems and information flows are not shared or connected. We are then asked to complete our own investigation without the benefit of any of the information secured through alternative investigations completed by the other authorities. It really is quite ludicrous.

4. We would advocate for child safety training being a required initial module within all ECEC qualification programs

Child safety training should be a mandatory module in all ECEC qualifications. Educators can be working in the sector while working towards a qualification, so the child safety training should be a pre-requisite or first module.

Child safety should include as a minimum child protection, food safety, appropriate interactions and safe sleep practices. This would ensure all educators have an appropriate level of knowledge on how to ensure children are as safe as possible.

5. We believe a conversation on prioritising a child's right to be safe is needed

We believe it is time for governments to consider prioritising children's rights and their safety over adult workplace rights. Adult focused laws and regulations do restrict providers from implementing effective solutions that would further improve children's safety.

We understand this is not a simple conversation, but children have one childhood, and they have rights - and those rights should be valued enough to ensure a constructive conversation is held about the relative prioritisation of their rights over those of the adults who choose to work in this sector.

On specific recommendations that have been mentioned:

6. Use of CCTV for Reducing Child Harm in Childcare Centres

Our organisation has carefully reviewed the use of Closed-Circuit Television (CCTV) as a strategy for reducing harm to children in childcare settings. Based on consultation with experts including technology specialists, and a review of our own operational experience across 80 centres with CCTV installed, we do not consider CCTV to be an effective standalone solution for preventing or reducing child harm.

Considerations for CCTV in Child Protection

1. Restricted Coverage in High-Risk Areas

CCTV cannot be installed in locations where children are most vulnerable, such as bathrooms, nappy change areas, or cot rooms, due to legal, privacy and ethical considerations. These are often the very locations where inappropriate or harmful behaviour could occur.

2. No evidence of harm reduction

We see no evidence of increased safety in our centres with cameras.

3. The nature of the vast majority of educator to child harm is almost always impulsive

In our experience the majority of educator on child harm incidents are impulsive – something happens, and an educator reacts in the moment. Unfortunately, this means the presence of a camera is unlikely to act as a deterrent.

4. Technological Limitations

Even with artificial intelligence (AI) enhancements, current CCTV technology cannot be programmed to detect inappropriate actions, such as an improper nappy change or the physical harming of a child. Time-based monitoring is insufficient, as harm can occur in very short time periods. AI cannot effectively interpret the nuance of caregiving interactions. It is therefore limited to post-event investigations.

5. Operational and Security Risks

- **Blind Spots and Room Layout Challenges** – Room configurations, floor-level cots, and furniture and resource placement, as required by the NQS and Regulatory Authorities to produce high quality experiences for children, inevitably create blind spots that cameras cannot capture.
- **Cybersecurity Risks** – Any system storing footage of children carries significant risk of data breaches or cyberattacks. Our advice is it will be impossible, even for an organisation with our resources, to keep this database secure. This is the most common concern raised with us by parents.
- **Substantial Data Volumes** – With two cameras per learning space and five per outdoor area, our network of 182 centres would generate, depending on camera type, between 400K and 750K hours of footage per month, making proactive monitoring almost impossible.

While CCTV may serve a role in post-incident investigations, it cannot and should not be relied upon as a significant contributor to prevention of child harm.

7. Educator Ratios and the Reality of Solitary Care Moments

There has been much commentary on the topic of “no educator should be left alone with children” and discussion of lowering ratios further.

It is impossible to operate ECEC in a way that no educator is ever alone with a child.

- Everyday care routines—such as nappy changing, settling a child to sleep, or supporting a child in self-directed play—often result in an educator being alone with a child. Even in a team of four educators with four children, solitary care moments still occur e.g. each nappy change, toileting support, or sleep check. Modifying ratios does not prevent these situations.
- Concepts such as indoor – outdoor flow, that are incredibly common in ECEC and considered best practice – will result in educators being on their own with children.

Regulatory minimum educator-to-child ratios, no matter how low they are, do not guarantee safety:

- We are not aware of any improvement in safety when Victorian ratios in 3-5 rooms went from 1:15 children to 1:11. During my 12 years running multi-state networks, I have not seen a lower number of incidents in Victoria than other states despite Victoria operating a 1:4 in toddler age rooms vs 1:5 in other states.
- In our experience the amount of labour being used at any time in a service bears no correlation to the safety of the service. Both organisations I have been responsible for have proven that the safer and higher quality centres actually use less labour hours than the less

safe and lower quality centres. It is not the number of adults that matters – it is the quality of them.

- Improving ratios does not create safer environments but it does increase the cost of care for families and divert funds from more effective safety solutions, without evidence of improved safety outcomes. In Australia's federally capped fee environment, providers would bear the costs and in a difficult trading environment brought about by falling occupancy this could call into question the viability of many small providers, particularly NFPs who are already struggling.

We will advocate for policies that invest in educator quality and safeguarding culture, rather than simply increasing ratios—changes that would create substantial cost burdens without evidence of safer environments.

8. Increasing Personal Liability of Educators for Wilful or Gross Misconduct

We strongly recommend that educators or other team members in early childhood settings should bear personal responsibility and legal liability for acts of wilful or gross misconduct that result in harm to children, despite the presence of robust organisational safety systems. A single educator's poor choices can override even the strongest systems.

Our position recognises that in human services environments, providers can have strong safety systems in place, yet individual actions that are reckless, negligent, or intentionally harmful can still occur. In such cases, it is unjust for the provider to bear legal and financial penalties when the breach is the direct result of a staff member's personal actions that contravene established rules and policies. Liability should shift to individual educators in cases where harm results from wilful or grossly negligent actions, particularly when the educator knowingly disregards policies, codes of conduct, or legal requirements.

Personal accountability will strengthen child safety culture. Increasing the personal legal liability of educators for serious misconduct reinforces accountability, deters deliberate breaches, and upholds public confidence in the sector.

An insight into a large provider safety system

I include the following to provide an insight into the system this large provider has in place.

We have an intense focus on quality and a zero tolerance for any behaviour that might pose a risk to child safety.

Safety is a daily discussion at all levels of the organisation and forms the foundation of our corporate culture. If there is any hint of behaviours that may compromise child safety, we investigate immediately and act decisively.

As an organisation, we have implemented a comprehensive suite of policies, practices, and systems designed to safeguard every child in our care. We share details of our safety system with families regularly and educators are constantly reminded of their obligations by me and my team.

We review our system constantly. We use internal and external experts. This system reflects our proactive approach to child safety and ensures that our teams are equipped, supported, and held to the highest standards of accountability.

Specifically, we have:

- Rigorous Employment Standards
 - We have a highly selective multi-stage recruitment process that emphasises child safety and is overseen by recruitment professionals.
 - Reference checks are conducted with strict verification processes, including fraud detection systems to confirm referee authenticity. We require at least one referee to be a line manager. We specifically ask about an applicant's suitability to work with children and investigate any employment history gaps in all reference checks. We require 5 - 10 years of work history.
 - A centralised Casual Team Member Pool ensures all casual staff are vetted and onboarded to the same high standard as permanent employees.
 - Our enhanced and digitally monitored induction program comprehensively covers child safety requirements.
 - All educators are required to have check-ins during their probationary period
 - All educators are required to complete an annual Suitability Declaration disclosing any issues that may affect their suitability to work with children. This is also required of all applicants.
 - Agency staff usage is highly restricted and subject to senior management approval. We have concentrated our agency usage to one provider in all but the most remote locations to ensure they can meet our rigorous vetting requirements.
 - All WWCC are validated as much as is possible in each jurisdiction.

- Mandatory Policies and Training
 - A Code of Conduct that contains a strong emphasis on child safety is embedded across the organisation.
 - We have a mandatory training program in place that requires all team members – educators and non-educators – to complete modules on child safety and protection annually.
 - Our training platform enables us to monitor the completion of required child safety and protection training by all team members. This includes, but is not limited to, Child Protection, Safe Sleep and Food Handling. Completion of these modules, including annual refresher training, is mandatory for continued employment.
 - All Responsible Persons undertake additional training.
 - Our intranet, Guardian Way, provides easy access to child protection resources, including our dedicated Look, Do, Tell program for all team members – it is available 24 hours per day.

- Clear Safety Practices in Centres
 - Educators are not permitted to care for children outside of our centres (e.g., no babysitting) and professional boundaries are required to be maintained at all times.
 - Personal mobile devices have not been permitted in learning spaces since prior to 2019 and must be stored in designated areas. Photography of children is restricted to Guardian devices and is only to be deployed via approved platforms.
 - Our purpose built, and Guardian specific, Centre Operations Program (Thrive) provides clear guidelines for daily routines, with a dedicated Safety Module focusing on child and team safety and encouraging staff to call out any concerns.
 - Environments are designed for visibility and supervision, including windows in nappy change areas and policies requiring educators to remain in sight or sound of colleagues whenever possible.
 - We comply with ACECQA guidelines on rostering practices
 - We comply with regulations, with all centres required to have developed and implemented centre and space specific supervision plans
 - We run regular workshops with all Centre Managers with safety and child protection featuring heavily in these.

- Mandatory Reporting and Organisational Support
 - All team members are mandatory reporters, are aware they are mandatory reporters, are regularly reminded in communications from leadership they are mandatory reporters, and are required to raise any concerns (know something is wrong, think something may be wrong or feel like something isn't right) immediately through any of the channels available - their manager, our Portfolio Management Team, our People and Culture hotline, our Compliance hotline or via our Whistleblower channel.
 - A dedicated Safety and Compliance Team conducts audits, they monitor, and they improve safety measures across all centres. This team has quadrupled in size since 2019 and is overseen by a former Authorised Officer from the Victorian state regulatory agency with more than 25 years' experience in ECEC
 - Regional and Portfolio Managers, along with senior leadership, visit centres regularly to ensure compliance with safety, regulatory and internal standards.
 - Every centre is required to complete an exhaustive Compliance Snapshot each year covering all regulatory requirements for safety and compliance.
 - I Am Safe Cards – a suite of targeted resources for teams and a version for children – targeting key safety topics
 - Post-incident reviews are common and Safety Shares and regular safety reporting is made available across the organisation and network.
 - Regular Centre Leader workshops are held and safety is a standing item on these workshop agendas
 - Use of external experts for complex investigations and for specific safety elements such as fire system management and evacuation planning
 - We have implemented a range of IT specific safeguards around our networks and are investigating further protections to limit the potential risks posed by web enabled iPads and other tablets.

- Visitor Management and Site Security
 - All visitors sign in using a centralised digital system and must present photo ID that is confirmed by centre leadership. This system allows us to exclude people network wide if required.
 - Contractors and service providers are required to hold valid WWCCs or be supervised at all times.
 - The Nominated Supervisor or Responsible Person must verify all visitors' identification and WWCC status before granting access.
 - Although students on placement are required to be supervised at all times we are centralising this placement process and ramping up the vetting process.

Thanks for your time and consideration and once again thanks for taking the time to discuss these earlier this week.

Regards,

Warren Bright
Chief Executive