

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

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

Melbourne — 12 April 2013

Members

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Witnesses

Mr F. Cusmano, chief executive officer, and

Mr P. Mondo, president, Child Care Victoria.

The CHAIR — On behalf of the committee, I welcome from Child Care Victoria Mr Frank Cusmano, the chief executive officer, and Mr Paul Mondo, the president. Welcome to you both; we do appreciate your time this afternoon. 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 if required. 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.

Again, thank you very much for being with us this afternoon. The committee is particularly interested in issues relating to prevention of child abuse and child safety in Victoria. We are specifically interested in looking at exploring with you some issues surrounding the training and your experiences in relation to what you undertake and where it sits with you in terms of the organisations you deal with. Could you first of all explain to the committee the function and structure of Child Care Victoria?

Mr CUSMANO — Child Care Victoria is a peak body whose aim is to promote, support, advise and represent its members. It employs three staff, none of whom have contact with children, and seven board members, most of whom have direct contact with children. We are a peak body providing advice, support and representation to our membership. We do not have a supervisory or regulatory role in relation to our members in that respect.

The CHAIR — In relation to that, there are a number of organisations or institutions that are part of that membership?

Mr CUSMANO — Yes. Currently the size of our membership is roughly about 180 members, all of whom are approved providers of long-day care centres, or otherwise known as education and care services. All of our members are adults, male and female, most with some form of tertiary training, possibly in children's services but not always. All of our members are employers of early childhood educators in long-day care services.

The CHAIR — So those 180 centres are spread across Victoria?

Mr CUSMANO — Spread across Victoria, yes.

The CHAIR — How many children would they have in their care?

Mr CUSMANO — I think if you looked at it based on the registration of the services, on average I would say 65 places per child service. You just need to do the maths. In addition to that, it is not just only the numbers they get licensed for; it is more. On average, for every child-care place you have in a service, it services 2.5 families, give or take, by the time you take care of full-timers, part-timers and the like.

The CHAIR — Are you aware of any instances of child abuse happening within those 180 centres?

Mr CUSMANO — We really have no specific knowledge, nor do we have any records— or hold any records, I should say — of incidents. I think probably a relevant body or agency to have those would be the police, child protection would also have records of those events, and possibly the DEECD.

The CHAIR — So if any abuse happened to occur in those centres, it would go directly to the police, not to you?

Mr CUSMANO — Clearly they would not be reported to us; they would be reported directly to the appropriate agencies through the structure that is in place within the act and national law.

Mr McGUIRE — At this stage of the inquiry we are looking at what we can do in the future and what remedies there might be, so I will invite you to address some of those issues. Looking at it from a statutory framework, from resources and implementation, if you can just go to what your experience is and say what you think would be helpful from your part of the industry that we can look at elsewhere.

Mr CUSMANO — I guess one of the things that, based on some of the feedback when something — —

There have been a few occasions where we have learnt there had been incidents and the relationship between the child-care service provider and the agency in question, whether it be police or child protection, did not appear to be as cooperative as it could be. I think that is probably something that does need to be addressed. I am not sure whether it is appropriate at this time to put our thoughts across in that respect .— —

Mr McGuire — Absolutely. That is exactly why you are here.

Mr Cusmano — Our sector is not included in mandatory reporting. I think that is probably something that should be reconsidered and we should be included in that. Yes, if something did occur and a member were to make contact with the department or with child protection and then refer to whatever, I think the kind of relationship you have during the interaction between the member's agency and those agents who are investigating is not exactly one of cooperation. That obviously is not helpful.

Mr McGuire — Can you give me a little bit more detail on that? You are saying you want that as a recommendation?

Mr Cusmano — Yes. I will give you an example. For instance, if you believe there should be reporting of an incident within your service, the first thing you do is obviously Child FIRST and then they will refer you to child protection, and then it goes on to the police. As you are conducting interviews with the agency, the point that we are making is that the service provider or the person who is reporting is almost being treated suspiciously in a way through the interaction. That makes it difficult for somebody to make a clear decision and say, 'If it is borderline, should they report or should they not report?'. That could be a deterrent. What I am saying is that if you, firstly, improve the kind of cooperative relationship between the service provider who might feel the need to report an incident and the agencies that are going to investigate the matter, not only will that improve things but also a possible incident could be prevented, I suppose. Ultimately if reporting is mandated, it makes it even better.

The Chair — Mr Mondo, would you like to comment on that before we move to the next question?

Mr Mondo — Yes. I certainly agree that mandatory reporting would be a recommendation. We are in a position where, through the course of our daily practices with children — and often children who do not have verbal communication or the ability to really outline if something is happening, particularly outside of the service — there are things that we can identify, and obviously mandated reporting would certainly encourage people to ensure that it happens. Whilst obviously there is a moral and ethical obligation to do so, some educators may feel hesitant about making that report, and if they are mandated to do so I think that would make it a little bit better.

Mr McGuire — Just so we understand the current situation, even though it is not mandated, does it happen on a voluntary basis that reporting does occur?

Mr Mondo — Yes, it does.

Mr Cusmano — Yes, it does.

Mr McGuire — So you are satisfied that that is occurring at the moment?

Mr Mondo — It does occur at the moment, voluntarily.

Mr McGuire — Do you have a number of times it has occurred or do you have any evidence for us or data to go by?

Mr Mondo — No, we do not.

Mr Cusmano — Not that we could quote, no.

The Chair — Why do you think some members might be hesitant about it?

Mr Mondo — I can speak from personal experience as an approved provider in this circumstance. Sometimes services have not provided appropriate training for staff — being certain that they are making a report that they can justify. Without the training to support that it makes it difficult for them to assert such a

view. I think that is part of it. I think in our new national law there is mandated informal professional development for staff every 12 months on child protection issues, but I suppose the scope of that is not necessarily specified. If the support is not there for staff to be certain about the processes in place within a service, it often makes it difficult for them and they would more often than not err on the side of non-reporting than reporting in that circumstance.

Mr McGUIRE — Are there any other failings or gaps you would like to bring to our attention?

Mr MONDO — As approved providers, as Frank has suggested, having a cooperative relationship with the agencies is certainly beneficial. But even post-reporting, reporting a family under that particular time frame, there is very little support for services afterwards. I suppose the question is that you are dealing with a very emotional situation and the ramifications for staff in services who have dealt with parents who have been put forward to child protection, or whatever the case may be, are quite difficult. That is also a deterrent to people reporting, because they are worried about their own personal safety at that point in time. If you are reporting it must be remembered that these parents have access to entry into services, they have all the security allowances because they have generally had their children in that service, so trying to intervene at that point in time can be a deterrent for them. I think that is certainly a failing after the fact.

Mrs COOTE — Frank, it is nice to see you again, and hello, Paul. I have a number of questions. First of all, leading on from mandatory reporting, who would you give that responsibility to within your centres — the owner of the centre or everybody within that area, the child-care workers? Who would you mandate?

Mr CUSMANO — Presumably the staff at the forefront, at the grassroots level. They would be the people who actually are observing and detecting certain things. There would need to be a structure in place within the service itself, a hierarchy where the provider would be the person who would be making the report. I would think that would be the appropriate way of doing that. You go from the staff member to the approved provider and say, 'We have observed this, this and this and I think we need to act on that'.

Mrs COOTE — Being an independent organisation, not all of your service providers have an owner who is actually hands on; is that right?

Mr MONDO — That is correct.

Mrs COOTE — They can own the child-care centre, but they do not have to be there on a day to day basis; they may own several child-care centres.

Mr MONDO — Yes.

Mrs COOTE — Therefore that owner should be mandated?

Mr MONDO — For the purposes of our national law, if an approved provider is not on site, there is a nominated supervisor who takes on the responsibilities.

Mrs COOTE — I am just trying to drill down to see where you think this is manageable, because it is obviously going to be an additional cost to your service providers as well; they are going to have to have training in the mandatory reporting act et cetera. You have the owner and then the person who is actually in charge of that particular — —

Mr CUSMANO — Yes, the nominated supervisor, who acts on behalf of the owner when the owner is not there.

Mrs COOTE — So they are both there. What about the actual workers? I think, Frank, you just gave an indication of how old those child-care workers are. Some of them have tertiary education and some of them do not have it. Could you just read out that profile again?

Mr CUSMANO — The profile that I actually referred to was not so much of staff themselves, it actually was the providers themselves.

Mrs COOTE — Okay.

Mr CUSMANO — Staff have a variety of qualifications, starting from certificate III diplomas to tertiary education, as in early childhood teachers. All of those are vetted pre-employment through their working-with-children checks, so from that aspect there is obviously a clearance for the staff working in the service. But with adequate training, they should be able to pick up when something is not right and, through a hierarchy process, work through the system and deal with the mandatory process, given that was to be in place.

Mrs COOTE — So they are not getting that information now through the processes you have already?

Mr CUSMANO — There is training in relation to some of the requirements of child protection, but I think that it may need to be beefed up a little.

Mrs COOTE — Would the service providers in your organisation be happy to wear the cost of that additional training?

Mr CUSMANO — We would probably have to take that on notice, obviously, as a question, but I presume that they may not be. I would like to take the question on notice in terms of the additional impost.

Mrs COOTE — Just one final question, and it is about the difference between independent organisations such as yourselves and those that you represent versus the government-run organisations like children's centres. Do you believe the same standards, the higher standards of child care and safety, operate within both — within the independent sector and the not-for-profit and also the non-government?

Mr CUSMANO — Absolutely.

Mr MONDO — Yes.

Mrs COOTE — So you believe your standards are exactly the same?

Mr MONDO — We all comply with the same regulations. We are all assessed under a quality-assessment process identically, and we are all rated accordingly in those areas. So I think that statistically it is proven already that they are consistent across the board — both parts of the sector.

Mrs COOTE — Would you believe therefore that they should be mandated to report as well, all of those?

Mr CUSMANO — Of course. I think rather than seeing different sectors, we should be looking at it overall as a children's service, and there should be no difference between sectors in that respect. I think the children are far too important for that.

Mrs COOTE — You have independent schools, for example, in your early learning centres. Is that right — in some of the private schools that come under your organisation?

Mr CUSMANO — Schools? No, I don't — —

Mrs COOTE — Not the early learning centres?

Mr CUSMANO — The early learning centres. I am sorry; I thought you said within schools.

The CHAIR — Private schools.

Mrs COOTE — You have early learning centres attached to private schools, so they come under your jurisdiction, don't they? They are part of your organisation?

Mr CUSMANO — They might. I think we may only have one or two within our midst.

Mrs COOTE — Do you have any notion, with this mandatory reporting, of how that would work, if they were on the same campus, for example, as a private school? And at this stage how do you envisage that working with the mandatory reporting vis-a-vis those sites?

Mr CUSMANO — That is a good question. I would think that because there is an added hierarchy within their school structure system obviously — I think I would have to take that on notice, but I would imagine that there should not be any opposition on the part of the school, given that the age group and the early childhood

service that it houses within its premises is part of the overall sector. Whether it has implications for the school's hierarchy or not, I am not sure I can answer that question at this time, but I am quite happy to investigate it and get back to you on that.

Mrs COOTE — Thank you both very much indeed.

The CHAIR — If you would not mind. Thank you.

Ms HALFPENNY — The committee has been given some information about the protocols in place about reporting child abuse, whether it is within the family or it involves staff. As I understand it, originally it was a state Victorian protocol and then heads of government through the COAG process adopted it across the country. In the protocol it says that child-care services are able to report, but it is not mandatory. It also has a lot of information about the training required, the steps to identify and so on. Do you think that is not working? If you are looking now at the mandatory reporting, do you think the protocol is not good enough? What is your criticism of that protocol?

Mr MONDO — I think the protocol is written well. I think the connection between the protocol and educators is possibly not that great. That is kind of where it is. I think the protocol was written very well. I know that I have referred to that.

Ms HALFPENNY — You mean the implementation is not great?

Mr MONDO — Yes, that is correct.

Ms HALFPENNY — Because it is up to individual places to do it rather than a more — —

Mr MONDO — Each service has a copy of the protocol. Best practice would be that you use this to provide training to your staff, and ensuring that that happens effectively is probably where the weak link is at this point.

Ms HALFPENNY — Okay. Thank you.

Mr O'BRIEN — Thank you for your evidence. I was just going to follow on from that. What is your evidence in relation to the level of industry understanding of the requirements of the protocol at present?

Mr MONDO — I suppose we do not have any evidence to suggest industry understanding. We can speak from our experience with our members. This is what Child Care Victoria refers to members if there are any queries with regard to that, but I could not comment on understanding across the industry. We have never ascertained that information.

Mr O'BRIEN — Are any proactive industry training or education seminars conducted in relation to the protocols? If there are, could you outline them to the committee?

Mr MONDO — They are certainly available. I would suggest most services from time to time would outsource that particular product, but currently the legislation is around informal training provided by operators rather than outsourcing that to child protection experts. At this point that is where it is at.

Mr O'BRIEN — Given the public nature of this hearing and the educative role that your appearance offers to people in your industry, it may be helpful if you could briefly touch on two of the items in the protocol that I have identified as being helpful. On page 13, under the heading 'Information for staff working with vulnerable children and young people', you outline a four-step process. We went through a four-step process with a sports body. Can I ask you to briefly comment on that? I know it is all set out there, but could you briefly outline the importance of that?

Mr MONDO — I think the process is well laid out in here. I am comfortable with the process as it is.

Mr O'BRIEN — The other helpful part is at appendix 2, which goes into things in more detail. I will just take you through some of that. There are two tables headed 'Physical' and 'Behavioural' that list various types of child abuse and indicators of harm. Starting with physical abuse, a whole range of things are listed, including significant physical injury, bruises, fractures to the skull and cuts and grazes. It also touches on subjects such as fabricated illness syndromes, such as Munchausen's syndrome, and female genital mutilation procedures,

et cetera. It is all outlined there. It then goes on to sexual abuse and a whole range of indicators, as well as emotional abuse, neglect, serious neglect, medical neglect, family violence and other reports to child protection. Could I ask you to touch on some of these in more detail? Also listed are risk-taking behaviour, female genital mutilation, unborn child and child or young person exhibiting sexually abusive behaviours. Could you just touch on some of these and the way the guidelines work to educate people about the harms out there?

Mr CUSMANO — I could address that to some extent.

Mr O'BRIEN — Obviously there is no substitute to reading the guidelines, but could you just bring out the key points?

Mr CUSMANO — Sure, I understand. I think we should reiterate that the resource in itself is comprehensive. It offers a direction, particularly for those areas where mandatory reporting is not there in the first place. It gives scope to recognise and deal with certain issues. Obviously there will be a number of areas that our constituents may not come across on a regular basis. Perhaps it may not even be within our scope to comment on some of those areas that are outside our scope. But, as Paul indicated earlier, it is a well-structured document. Extracting the relevant parts will help guide you in making an informed decision as to what to look at and what steps you should take. I think it is encouraging until we move to the next stage.

Mr O'BRIEN — To what extent would you recommend — I know this is for a sector, a large sector, but it is a sector-based approach — these or other guidelines being adopted for other sectors, or perhaps the whole state of Victoria, in moving towards a consistent approach across various sectors so that we are not pigeonholing different types of reporting procedures, laudable as they might be, thus creating difference and confusion?

Mr MONDO — I think the document is extremely thorough. I do not see any issues with it being provided beyond the early childhood sector as such. I think it covers everything in quite a bit of detail. I believe it works when used appropriately.

Mr O'BRIEN — My question is do you think there is a need to codify the reporting procedures and best practice guidelines across all sectors so that we are not pigeonholing different types of child abuse into religious groups, child-care workers or schools without creating a consistent framework?

Mr CUSMANO — I am not sure that there would be a necessity to start dissecting and saying, 'Your sector will look at this part here' and 'Your sector will look at this and not the other'. I think there is an overall understanding that everybody is working towards the same goal, no matter what that entails. I am sure that things will sort themselves out.

Mr O'BRIEN — That is where I was heading. Thank you.

Mr WAKELING — Gentlemen, thank you very much for your presentation. I will continue on with the report identified by Mr O'Brien. I am interested in preventive practices within your members' organisations. I would like to take it a bit further than the document. I have asked similar questions of other organisations as well. I am interested to see whether you are aware of any of your member organisations developing company-specific policies that deal specifically with child safety and, more importantly, child abuse? Are you aware of any policies that have been implemented by members?

Mr MONDO — Yes. All early child-care services should have an individual policy created around child protection and identification of child abuse.

Mr WAKELING — So your members should have that. Are you aware of the type of training? Can you perhaps explain how in fact that policy translates from a policy in terms of practice on the ground within each of the child-care centres?

Mr MONDO — Educators are guided through a centre's policy manual during induction. Services will provide training through meetings and what have you based around the policies, and the policies are reviewed generally on an annual basis in order to ensure their currency.

Mr O'BRIEN — Are you saying that when new staff are employed at a centre they are educated about the requirements of the policy, which is a company-specific policy?

Mr MONDO — That is correct, yes.

Mr O'BRIEN — By way of background some representative organisations like yours have talked about a piecemeal approach by their members; some may or may not have adopted this policy. Would you say that in the child-care sector there would hopefully be 100 per cent in terms of coverage on this issue?

Mr CUSMANO — I would like to think so.

Mr MONDO — Yes.

Mr O'BRIEN — The question I am looking at is whether or not you believe there are some deficiencies within the sector where there may be a role for government on this issue.

Mr CUSMANO — If you are asking for a quantitative evaluation, as in percentages, obviously we do not have that kind of data.

Mr O'BRIEN — That is fine.

Mr CUSMANO — It is difficult. Certainly there are expectations within our organisation that our members would abide by national law and the requirements of national law in that respect. We provide them with a code of ethics and that sort of stuff and say policies are part and parcel of national law. They need to have that. Training is undertaken. We think we are covering just about all the bases we need to cover and we would like to think that they are covered.

Mr O'BRIEN — In your opinion the child-care sector has a higher understanding of the need for such a policy and for that to be implemented.

Mr CUSMANO — I do believe so. Yes, indeed.

Mr MONDO — Yes.

Ms HALFPENNY — We are looking into the potential for child abuse in terms of institutions and amongst volunteers, paid workers et cetera.

Mr CUSMANO — Yes.

Ms HALFPENNY — One of the practices as I understand it — and I am not sure if it still continues today — is where a worker at a child-care centre may also have a private arrangement with a family where they care for the child outside of the child-care centre. Do you have any protocols around that sort of thing, or is it not considered in any way connected to the child-care centre? Where is the stand on that?

Mr MONDO — That is, I suppose, an individual relationship between the family and that educator. To my knowledge no service acts as an intermediary in that sort of process. I do not know of any. The sector, as such, does not really take on that sort of responsibility of being involved with that part of it.

Ms HALFPENNY — It is not encouraged or discouraged; it is just considered completely separate?

Mr MONDO — Some services may discourage it completely, but I could not say that there is a blanket policy on that in any way.

The CHAIR — I do not believe there are any further questions from committee members. Is there a statement or comments that you would like to make to the committee before we conclude this afternoon?

Mr CUSMANO — No, not really. I think that is pretty much what we had to say. We certainly thank the committee for giving us the opportunity to provide some insight into our sector. Certainly the organisation is working to encourage its members to keep themselves up to speed through training and everything else. Again, thank you for giving us the opportunity to present.

The CHAIR — On behalf the committee, I thank you both very much for your time this afternoon and for providing the evidence that you have. It has been most helpful. Thank you again.

Mr CUSMANO — Thank you very much.

Mr MONDO — Thank you.

Witnesses withdrew.