



Legislative Council Legal and Social Issues Committee

Inquiry: Inquiry into the state education system in Victoria

Hearing Date: 27 March 2024

Question[s] taken on notice

Directed to: Leanne Vella

Received Date: 23 April 2024

1. **Melina BATH, page 23**

Question Asked:

Melina BATH: It is actually just a request, Chair, if I could, through you. You talked about CCYP and the recommendations from CCYP to the education department or to the minister – you said that there were recommendations. Could you please provide those on notice to us?

Leanne VELLA: Yes.

Response:

In relation to this request, I provide some background context.

This involvement with CCYP was due to the appalling response of a child disclosing they had been sexually assaulted by a bus chaperon.

This parent spoke with VFSN, and sadly we had to inform the parent that despite her efforts to further protect her child, she was unaware that the alleged offender was still placed in the school and working as a Volunteer undertaking maintenance works, volunteering for Christmas functions and also a school Council community member. This ultimately led to the removal of the student immediately from the school and the process of seeking justice for this child began.

The alleged offender was still working within the school despite an ACTIVE Police Investigation.

Please find attached 2 documents ONLY-

1. The letter to the family highlighting the outcome of the Own Motion Investigation- I draw your attention to details highlighting that staff and chaperon were NOT interviewed. Again, raising the question as to CCYP's powers!?

2. Letter from DET, mentioning they are "considering the findings and observations in the CCYP report.." Please note, the parent has still not

received any further communication for DET advising as to what changes they will be making, in order to ensure what happened to their child WILL NOT HAPPEN to ANOTHER CHILD.

Furthermore, let it be noted that this parent responded to the CCYP outcome letter highlighting : "I would like to know why the investigator used the CCYP fact sheet definition of "significant" instead of the Child Well-Being and Safety Act definition, which does not require such a high level of proof. It seems to me if the Child Well-Being and Safety Act definition had been used, the findings may have been different for the investigation?.

Please be aware this parent is still pursuing this matter, it is NOT finalised and several other avenues are being sought for Justice for this child.

(See attachments 1 and 2).

2. **Joe McCracken, page 20**

Question Asked:

Leanne VELLA: So I filed an appeal to the information commissioner, and the information commissioner overturned the Department of Education and we got the FOI back. What that story tells you, and this –

Joe McCracken: Just quickly, are you able to provide that to the committee at all? Confidentially of course.

Leanne VELLA: Yes, sure. We can do that. So what –

Joe McCracken: It would be good to see the original one and also the one –

Leanne VELLA: The one that was overturned?

Joe McCracken: Yes, absolutely.

Response:

Please find attached 2 Freedom of Information (FOI) outcomes, first one filed to the Department of Education (DET), this request was filed after recommendations from Victoria Police to parents.

DET FOI outcome was 3 pages completely redacted.

This led to the family appealing to the Freedom of Information Commissioner, which subsequently overturned most parts of the Incident Report details.

Please note: this family engaged with a law firm and has a strong case for "failure to protect", due to other documentation that has surfaced as well. Due to the family having not made a final decision in moving forward, VFSN are unable to provide any other information to put Incident into Context.

The documentation alleges that their son was involved in a Criminal Offence that the [REDACTED] along with [REDACTED] covered up.

(See attachments 3 and 4).

3. **Joe McCracken, page 21**

Question Asked:

Joe McCracken: Have you ever had to make any submissions to the state government or even to the department?

Leanne VELLA: So, Joe, we did the right thing. When we first started out on this, we filed a 15-page document to WorkCover.

Joe McCracken: Would we be able to get a copy of that to look at, if that is not breaching any confidentiality or anything like that?

Leanne VELLA: Yes, sure. No, that is fine.

Response:

Please find attached the first ever document prepared by Voice for Special Needs (VFSN) and submitted to WorkSafe (not WorkCover- this requires correction).

This document triggered communication with a WorkSafe investigator and subsequently engagement with a Detective from Victoria Police.

However, after WorkSafe began engaging with DET our relationship with WorkSafe minimised and eventually became obsolete. We were initially engaged in a very caring and supportive relationship with the Detective, however he was forced into early retirement due to health concerns. The relationship with Victoria Police also ceased and we were basically told "any families with issues should go to their nearest Police Station".

Whilst VFSN understood that WorkSafe could not update us on matters, we were of the understanding that the investigation was lengthy.

(See attachment 5).

4. **Joe McCracken, follow up question**

Voices For Special Needs (VFSN) submission, page 2, says:

“I also draw your attention to the WebEx 20/10/2020 cage fight incident that gained State-wide publicity; yet despite the publicity; the staff in question still remain teaching at LSDS today. A matter that perplexes families deeply.”

- What documentation does the VFSN have to substantiate the above statement?
- Can the VFSN provide the committee with any evidence to support their comments?

Responses:

See: John Ferguson (2020) “[School staff accused: 'Let's put disabled kids in cage fight'](#)”, *The Australian*, 27 November.

VFSN pursued this serious matter, firstly writing to the Victorian Disability Workers Commission (VDWC)- it took quite some time for them to follow this matter up.

VFSN further wrote to Victorian Institute of Teaching (VIT), we had to follow up a second time with them ONLY to receive a reply that was not favourable for the students.

VFSN filed this complaint also with WorkSafe- nothing came of this.

Our final correspondence over the phone with VDWC was that they had followed through and had further referred the matter to CCYP for on-going investigation.

Sadly, VFSN has not received any further news on our Complaints. To our knowledge ALL staff involved in this WebEX conversation are still working within the Education system.