

Regulatory Assessment Report

Notification under s.67 and s70B of the ACT Teacher Quality Institute Act 2010

Employers reporting obligation under s.67:

- the teacher has become mentally or physically incapacitated and the incapacity prevents the person from performing an inherent requirement of their job as a teacher;
- the teacher is given a negative notice under the Working with Vulnerable People (Background Checking) Act 2011 (WwVP), section 40;
- the teacher's registration under the WwVP Act has lapsed; or is made subject to a condition; or is suspended or cancelled; or is surrendered.

Employers reporting obligation under s.70B:

- The employer must notify TQI within 5 working days of a notification event.

Details of Teacher

| | |
|--|--|
| Name: [REDACTED] | TQI Number: [REDACTED] |
| Date of notification: [REDACTED] | WwVP expiry date: [REDACTED] |
| Sector: [REDACTED] | School name recorded on TQI portal: Casual |
| Reported under s70C <input checked="" type="checkbox"/> | Reported under S67 <input type="checkbox"/> |

Administration

- CRM record reflects POI and change made to records disposal 75 years, details added to Regulatory Matrix
- s70C request sent to employer

Date of request: [REDACTED]

Background

Three days of casual relief at [REDACTED] Pinched student. Preliminary assessment deemed inappropriate and excessive use of force. [REDACTED] did not renew professional registration. EDU removed from casual teacher database.

Evidence Provided: See case notes

Initial Assessment

- Notified teacher to request meeting
- Meeting notes confirmed with teacher as accurate record
- Assessment of teacher response and final decision determined and documented

Date of meeting: Click or tap to enter a date.

Notice in writing to teacher regarding determination if an action is taken.

This is written with statements of reason and advice regarding teacher's right of appeal to ACAT in 28 days.

Note: A decision NOT to suspend or cancel is NOT appealable – ie no decision under s.65

Note: Suspensions must have a specific end date- they can be extended but not over a renewal period of 12 months.

Final Determination

Factors influencing final determination:

[REDACTED] no longer holds professional registration in the ACT. Monitor any new application for registration.

- No action taken Formal Warning Condition Suspension Cancellation

If decision to take no action was a letter of final determination sent: Yes No

- Advised employers of determination
- Notified other jurisdictions in writing of determination (if suspended or cancelled)
- Updated regulatory Matrix
- Case identified for independent assessment

Review/Suspension
Date reviewed: Click or tap to enter a date.

Determination Date: [REDACTED]

Case Closed
Date: Click or tap to enter a date.

Name Delegate Finalised

Coralie McAlister

Date [REDACTED]

Freedom of Information Schedule

– TEACHERS REGISTRATION S70

Scope: The records from within the time period of 17 February 2019 until 29 November 2021 specifically:

- 1. The document or documents which detail the reasons why any registered teacher has been issued with a formal warning, had conditions placed on their registration or been de-registered as a result of their conduct.*
- 2. Any information disclosed under s.70A (1) (a) and (b) of the TQI Act to the Institute, whether or not the teacher's registration was suspended, cancelled or had conditions placed upon it.*
- 3. Any information disclosed to the institute under s.70B of the TQI Act.*

DATE OF REQUEST: 29 NOVEMBER 2021 - FILE2021/5895

| Record Number | Description | Record Date | Decision (Full release, Partial release, Non-release) | Reason for Partial release or Non-release |
|---------------|-----------------------|-------------|---|---|
| | 2021 – Case 25 | | | |
| 25.1 | Email | | Partial release | Schedule 2.2(a)(ii), Confidential Information and Management Function |
| 25.2 | Email | | Partial release | Schedule 2.2(a)(ii), Confidential Information and Management Function |

| | | | | |
|-------|--|------------|-----------------|--|
| 25.3 | Report – Employee Performance Feedback | [REDACTED] | Partial release | Schedule 2.2(a)(ii), Confidential Information and Management Function |
| 25.4 | Letter – Investigation Outcome | [REDACTED] | Partial release | Schedule 2.2(a)(ii), Confidential Information and Management Function Pages that are wholly redacted have been removed |
| 25.5 | Letter – Renewal of casual teacher registration | [REDACTED] | Partial release | Schedule 2.2(a)(ii) |
| 25.6 | Email – RE: File ref | [REDACTED] | Non-release | Schedule 2.2(a)(ii) |
| 25.7 | Email | [REDACTED] | Non-release | Schedule 2.2(a)(ii) |
| 25.8 | Regulatory Assessment Report | [REDACTED] | Partial release | Schedule 2.2(a)(ii), Confidential Information and Management Function |
| 25.9 | Section 70A Request for further information | [REDACTED] | Partial release | Schedule 2.2(a)(ii) |
| 25.10 | Letter – Teaching Appeal | [REDACTED] | Non-release | Schedule 2.2(a)(ii) |
| 25.11 | Letter – Final Teaching Appeal | [REDACTED] | Non-release | Schedule 2.2(a)(ii) |
| 25.12 | Letter - Request for further information | [REDACTED] | Partial release | Schedule 2.2(a)(ii) |
| 25.13 | Letter – Notice of final determination regarding application for ACT provisional registration | [REDACTED] | Partial release | Schedule 2.2(a)(ii) |

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

Dear [REDACTED]

[REDACTED] TQI [REDACTED] was employed to work as a relief teacher at [REDACTED] today, [REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]

At 10.10am one of [REDACTED] Teachers alerted us to a student who was upset and indicated that the relief teacher, [REDACTED], had pushed [REDACTED] at the back of the head, base of the neck and this resulted in [REDACTED] falling. Medical attention was given for an injured knee. Several students witnessed this. I immediately went down and spoke to the student concerned, who confirmed this action. During conversations with students to gather more information about the incident, students then began to reveal that the relief teacher was sharing inappropriate stories about incidences [REDACTED] had been involved in [REDACTED].

These stories included: [REDACTED]. (Please see attached diagram which was drawn on the whiteboard to explain the [REDACTED] story visually.)

After the students expressed their concerns I asked [REDACTED] to leave the classroom and meet me in my office.

[REDACTED] agreed that [REDACTED] had told the students [REDACTED] was [REDACTED] and [REDACTED] asked them whether they would like to hear [REDACTED] story, [REDACTED], or go out for PE. The students agreed for [REDACTED] story. Following the story the students did go out to PE. When asked [REDACTED] denied pushing a student but [REDACTED] agreed [REDACTED] ruffled a student's hair on the back of [REDACTED] head. [REDACTED] also denies that the student fell over but agrees that [REDACTED] e should not have touched a student.

[REDACTED] did indicate that [REDACTED] has had little guidance from TQI or expectations from [REDACTED] or feedback from schools.

After a lengthy conversation around our expectations and [REDACTED] behaviours I terminated [REDACTED] employment for the day [REDACTED].

We will not be employing [REDACTED] in the future.

Please do not hesitate to contact me if you require further information.

Thank you

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



From: [REDACTED]
To: [REDACTED]
Subject: Relief Teacher - [REDACTED]
Date: [REDACTED]
Attachments: [image001.png](#)

Hi [REDACTED]

As discussed we had [REDACTED] with us at [REDACTED] as a relief teacher on [REDACTED] to cover [REDACTED]. Unfortunately, the [REDACTED] Teacher ([REDACTED]) came and saw me the next day and asked that I did not use [REDACTED] again to cover [REDACTED] classes as the feedback from students was not great.

- [REDACTED]
- [REDACTED] put the students down throughout the class for not apparent reason
- [REDACTED] was on his phone (which I can only assume was to check messages)

[REDACTED]

Regards



Casual Employee Performance Feedback

School: _____

Name of reporting officer: _____

Phone: _____

Name of Casual staff member: _____

Teacher or Administration Number of days employed _____

Please indicate your area of concern:

- 1) Performance

Please give reason for your concern:

Whilst working at _____ did not follow lesson plans that were provided by staff to be delivered to students. _____ duty of care was not appropriate there was regular use of a mobile phone whilst in the class _____ was supposed to be teaching. This was indicated by a number of students and in fact students did confront _____ about the mobile use in class. _____ response was very confrontational resulting in students crying. _____ did not leave feedback for the teachers as to what _____ had delivered or done. _____ told highly inappropriate stories to students,

- 2) Staff/Student relationship

Please give reason for your concern:

Staff found him very rude and a number of sexist remarks were made. _____ regular made mention that relief teaching was great as _____ was not required to do anything. _____ refused advice about appropriate use of mobile phone and continued to use it in class. _____ did not attend morning announcements or seek clarification if _____ was unsure of a task _____ was to deliver, preferring instead to give free time.

- 3) Additional comments:

We did not continue to employ _____ as a relief teacher at our school as we had concerns around duty of care of students and the manner in which _____ approached students and staff.



Investigation Outcome

On [REDACTED] you received a letter from [REDACTED] notifying you that an investigation would be conducted, by the [REDACTED] into the allegation that you pushed student [REDACTED] causing [REDACTED] to fall. That investigation is now complete and the report provided to me as delegate. After carefully considering the report I have decided you will be formally counselled in relation to the incident. A copy of the investigation report is attached for your information. Attachment A

On [REDACTED] wrote to you advising of the allegation to be investigated:

1. *On the morning of [REDACTED] you grabbed [REDACTED] student, [REDACTED] at the back of the head and pushed [REDACTED] towards the ground.*

While the investigator could not substantiate that you pushed [REDACTED] causing [REDACTED] to fall, it was determined, on the balance of probabilities, that you grabbed [REDACTED] on the back of the head. You admitted in your statement that you 'touched [REDACTED] on the top of the head'.

Physical contact of this nature with a student is not in accordance with the expectations outlined in the [REDACTED]. To ensure you are aware of your obligations under the [REDACTED] I have decided that the appropriate action will be to counsel you in relation to this matter (accordance with [REDACTED]

[REDACTED] Enterprise Agreement [REDACTED] (Agreement). [REDACTED] of the Agreement was provided to you in the letter of [REDACTED]

In the meeting to counsel you I will provide you with documentation to assist you in better understanding the expectations and obligations of an employee of [REDACTED] this will include providing you a copy of the Code.

Please contact [REDACTED] in the next 14 days to arrange a time for the counselling meeting, by phone: [REDACTED]. I also invite you to bring a support person if you wish. A support person may provide emotional support. However, cannot advocate on your behalf but may take notes and ask clarifying questions to assist with providing advice if required.

Should you require support in relation to this matter, the Employee Assistance Program (EAP) provides employees and their family members with confidential and professional counselling and related services to assist in resolving work related and personal issues. Please call one of the providers to arrange an appointment:



Please contact [REDACTED] or email: [REDACTED] if you have any questions in relation to this matter.

Yours sincerely







Investigation Report regarding allegations of possible misconduct by [redacted]

Background

On [redacted] was working as a [redacted] teacher at [redacted]. Following a sports class with year [redacted] students, one of the students, [redacted] made a complaint to another teacher that [redacted] had pushed [redacted] on the back of [redacted] head and that [redacted] had fallen to the ground and injured [redacted] knee. A preliminary assessment was conducted and it was determined that the matter should be referred for investigation.

On [redacted] was notified in writing by [redacted] of the investigation (Attachment 1). The preliminary allegations identified and notified to [redacted] were:

1. *On the morning of [redacted] you pushed Year [redacted] student, [redacted] at the back of the head and the force resulted in [redacted] falling.*

Investigative process

On [redacted] the matter was referred to the [redacted] for investigation (Attachment 2).



[redacted] this investigation was conducted in accordance with the provisions of [redacted] of the agreement as it provided the fairest process to deal with this matter.

Relevant witnesses were identified and interviewed. Information in relation to this matter was provided by:

| Person | Role | Information source | Attachment |
|------------|------------|----------------------------|------------|
| [redacted] | [redacted] | Statement dated [redacted] | 3 |
| [redacted] | [redacted] | Email dated [redacted] | 4 |
| [redacted] | [redacted] | Statement dated [redacted] | 5 |
| [redacted] | [redacted] | Statement dated [redacted] | 6 |

| | | |
|------------|--------------------|---|
| [REDACTED] | Email confirmation | 7 |
| [REDACTED] | Email confirmation | 8 |

Other Documents/Evidence

| Description | Attachment |
|--|------------|
| Written Statement – [REDACTED] student | 9 |
| [REDACTED] | 10 |
| [REDACTED] | 11 |

On [REDACTED] received in writing the following final allegation (Attachment 12), particularised with the relevant information obtained, and was offered an opportunity to respond:

1. On the morning of [REDACTED] you grabbed Year [REDACTED] student, [REDACTED] at the back of the head and pushed [REDACTED] towards the ground.

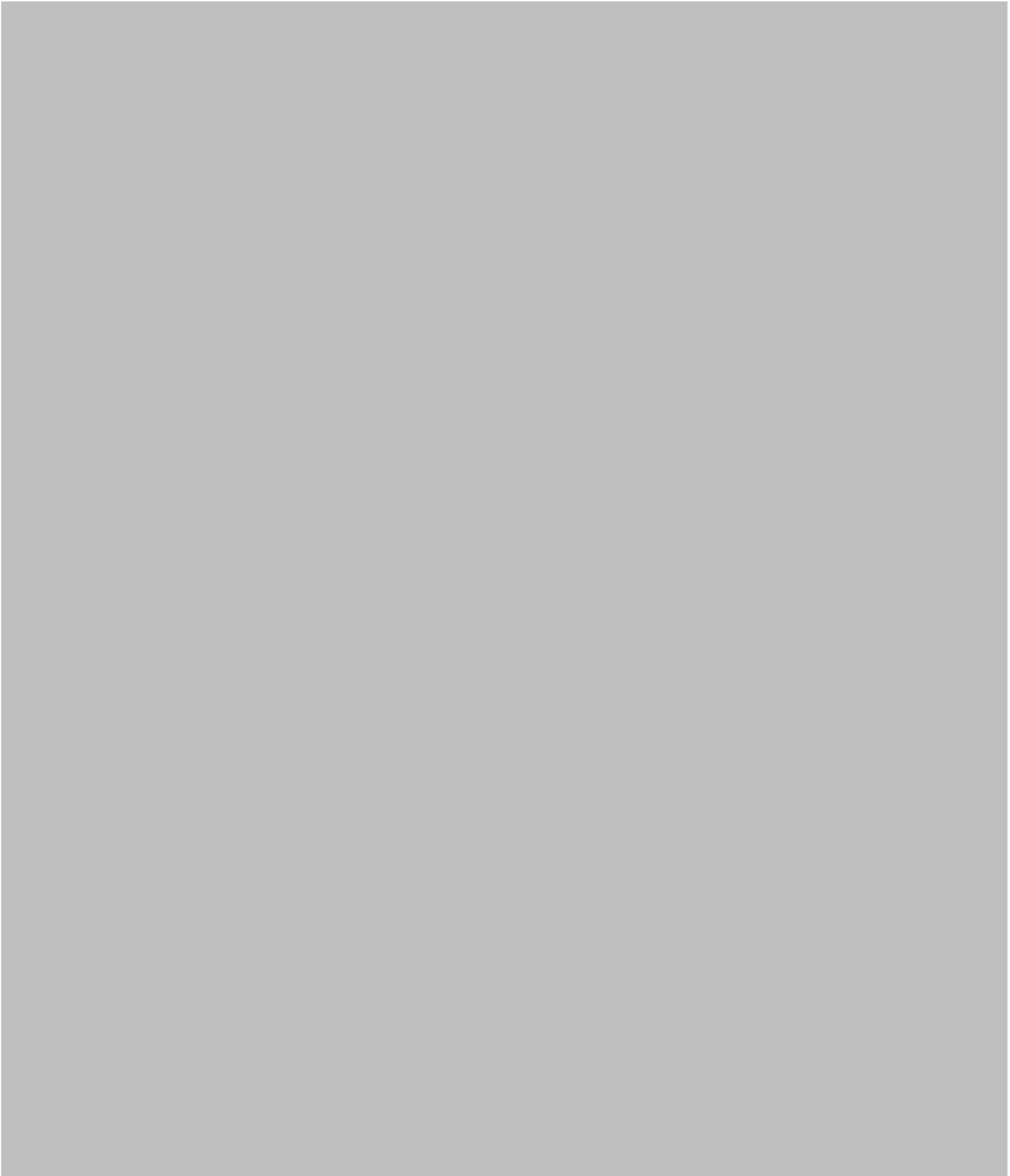
[REDACTED] was interviewed on [REDACTED] and was provided with a transcript of the recording. Investigators provided [REDACTED] with a verified copy of the transcript on [REDACTED] did not respond (Attachment 13).

Allegation 1:
 On the morning of [REDACTED] you grabbed Year [REDACTED] student, [REDACTED] at the back of the head and pushed [REDACTED] towards the ground.

Summary of Evidence

The following facts are drawn from information contained in signed statements and documents, obtained from relevant parties.





Analysis

denied grabbing at the back of the head and pushing towards the ground. did however, admit to touching on the head and stated that should not have done so. How touched on head is unclear as the statements are not consistent. states that used a downward motion and lightly touched on the top of the head, while was wearing a hat in order for to gain attention. however, described hold at the base of head or neck and over hair which is also consistent

with [REDACTED] account. Investigators were unable to interview [REDACTED] however, [REDACTED] provided a written account of the incident. In this [REDACTED] stated, "the teacher grabed (sic) [REDACTED] on the head and neck". While consideration should be made in relation to the age of the students and investigators being unable to clarify details from [REDACTED] this again appears to be consistent with the other two students regarding where [REDACTED] touched [REDACTED]

[REDACTED] and [REDACTED] did not directly witness the incident however, both stated that [REDACTED] used the term "ruffled [REDACTED] hair" when they spoke with [REDACTED] immediately after the incident. [REDACTED] also made contemporaneous notes during the meeting and the term "ruffled" was recorded in [REDACTED] notes. [REDACTED] stated that due to [REDACTED] wearing a hat it would not have been possible to "ruffle" [REDACTED] hair. Furthermore, [REDACTED] expressed dissatisfaction about not being offered an opportunity to have a support person present while being spoken to by [REDACTED] and [REDACTED] [REDACTED] stated due to the lack of representation during this meeting [REDACTED] is unable to refute this statement regarding the 'ruffling' of hair. The consistencies between both [REDACTED] and [REDACTED] statements along with the contemporaneous notes made by [REDACTED] indicate that it is more likely than not this was the term used by [REDACTED]. Additionally, the two students identified the base of [REDACTED] head or neck as where [REDACTED] touched [REDACTED] and [REDACTED] identified [REDACTED] hold being over [REDACTED] hair on the neck area.

[REDACTED] insisted that [REDACTED] did not go down to the ground at any point. The two first hand witnesses to the incident were both fellow students and as such considerations should be made to their age when analysing their accounts. Investigators were only able to interview one of the two student witnesses, as well as [REDACTED] self. Both witnesses stated that [REDACTED] did go down to the ground into a crouch like position. The reason for [REDACTED] ending up on the ground according to [REDACTED] own statement is that [REDACTED] lost [REDACTED] balance. [REDACTED] explained that [REDACTED] did not think that the way [REDACTED] pushed [REDACTED] was very hard. It may be that the force [REDACTED] used when [REDACTED] touched [REDACTED] on the back of the neck was enough for [REDACTED] to lose [REDACTED] balance but not enough to fall swiftly to the ground. This may be why [REDACTED] did not notice [REDACTED] descend after [REDACTED] touched [REDACTED] on the neck.

[REDACTED] did not dispute that [REDACTED] made physical contact with the [REDACTED] on the head. Although [REDACTED] account of the incident is not consistent with the other witnesses, it can be concluded that the level of force used was minimal and that [REDACTED] did not intend to harm [REDACTED] in anyway. It is more likely than not that [REDACTED] did end up in a crouch like position on the ground however it cannot be determined whether this was as a result of [REDACTED] pushing [REDACTED] to the ground or [REDACTED] just losing [REDACTED] balance.

Conclusion

On the basis of the information provided, there is sufficient evidence to conclude, on the balance of probabilities that on the morning of [REDACTED] grabbed [REDACTED] student, [REDACTED] at the back of the head. However, there is insufficient evidence to conclude whether [REDACTED] pushed [REDACTED] towards the ground or [REDACTED] lost [REDACTED] balance.

This finding is based on an analysis by the investigator of the relevant evidence obtained. It is not a determination that misconduct has or has not occurred, which is a decision for you, as the delegate, to make.

As [REDACTED] is a casual employee and [REDACTED] employment does not fall within the scope of the agreement, however the definition of [REDACTED] of the agreement provides guidance on determining whether [REDACTED] behaviour constitutes misconduct.

In determining, as the delegate, whether [redacted] behaviour is misconduct you may wish to consider whether [redacted] failed in [redacted] obligations under [redacted] in particular:

[redacted]

Other Considerations

The following information is not relevant to determine whether the alleged behaviour occurred and whether the behaviour amounts to misconduct, however it may assist you in determining an appropriate sanction if misconduct is found to have occurred.

[redacted]

Recommendations

It is recommended that, as the delegate, you:

- a) review this report, along with the accompanying evidence, to determine on the balance of probabilities whether misconduct has occurred;
- b) if misconduct is found, determine an appropriate sanction, using [redacted] *Enterprise agreement* [redacted] as guidance; and
- c) notify [redacted] of the outcome.
- d) consider whether refresher training may be required for teachers, following long breaks from teaching duties.

[redacted]

[redacted]

Attachments to report:

1. Letter to [REDACTED] re notice of investigation, [REDACTED]
2. Investigation referral, [REDACTED]
3. Signed statement -- [REDACTED]
4. Email from Mother [REDACTED]
5. Signed statement -- [REDACTED]
6. Signed Statement -- [REDACTED]
7. Statement and email confirmation -- [REDACTED]
8. Statement -- [REDACTED]
9. Written Statement -- [REDACTED]
10. SIMS Profile -- [REDACTED]
11. [REDACTED]
12. Letter to [REDACTED] re final allegations and opportunity to respond, dated [REDACTED]
13. Respondent interview transcript



Renewal of casual teacher registration

On [redacted] I wrote to you notifying you of the outcome of the investigation by the [redacted]. You were asked to contact [redacted] within 14 days of the letter to arrange a counselling meeting, which you have not done. I note that you have not attempted to renew your casual teacher registration with [redacted].

If you decide to renew your casual teacher registration in the future you will be required to attend counselling prior to your renewal being considered.

Should you have any questions in relation to this matter please contact [redacted] by [redacted].

Yours sincerely



This record is not released in accordance with Section 17 of the
Freedom of Information Act 2016, Schedule 2.2(a)(ii)

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Regulatory Assessment Report

Notification under s.67 and s70B of the ACT Teacher Quality Institute Act 2010



Employers reporting obligation under s.67:

- the teacher has become mentally or physically incapacitated and the incapacity prevents the person from performing an inherent requirement of their job as a teacher;
- the teacher is given a negative notice under the Working with Vulnerable People (Background Checking) Act 2011 (WwVP), section 40;
- the teacher's registration under the WwVP Act has lapsed; or is made subject to a condition; or is suspended or cancelled; or is surrendered.

Employers reporting obligation under s.70B:

- The employer must notify TQI within 5 working days of a notification event.

Details of Teacher

| | |
|--|--|
| Name: [REDACTED] | TQI Number: [REDACTED] |
| Date of notification: Click here to enter a date. | WwVP expiry date: Click here to enter a date. |
| Sector: [REDACTED] | School name recorded on TQI portal: Casual |
| Reported under s70C <input checked="" type="checkbox"/> | Reported under S67 <input type="checkbox"/> |

Administration

- CRM record reflects POI and change made to records disposal 75 years, details added to Regulatory Matrix
- s70C request sent to employer

Date of request: Click or tap to enter a date.

Background

An application for provisional registration was submitted on the [REDACTED]. In the application [REDACTED] failed to declare that while previously registered in [REDACTED] was subject to a formal investigation. The ACT Teacher Quality Institute (TQI) was advised on the [REDACTED] under the then s67 of the ACT Teacher Quality Institute Act 2010 (the Act) of an incident that occurred whilst employed as a casual teacher at [REDACTED]. In [REDACTED] the [REDACTED] notified [REDACTED] of an investigation into this matter. [REDACTED] was advised that while you were not deemed eligible as a casual teacher under the [REDACTED] Enterprise Agreement [REDACTED] the matter was investigated following the provisions of under [REDACTED] of the Agreement: [REDACTED] as it provides the fairest process to deal with the matter. The [REDACTED] notified [REDACTED] of this investigation in a letter dated [REDACTED]. On the [REDACTED] the [REDACTED] provided [REDACTED] with the investigation outcome. The delegate determined that on balance of probabilities [REDACTED] grabbed the student on the back of the head. [REDACTED] had also admitted in your written statement that you 'touched [REDACTED] on the top of the head'.

Evidence Provided: See case notes from [REDACTED]

Initial Assessment

- Notified teacher to request meeting
- Meeting notes confirmed with teacher as accurate record
- Assessment of teacher response and final decision determined and documented

Notice in writing to teacher regarding determination if an action is taken.

This is written with statements of reason and advice regarding teacher's right of appeal to ACAT in 28 days.

Note: A decision NOT to suspend or cancel is NOT appealable – ie no decision under s.65

Note: Suspensions must have a specific end date- they can be extended but not over a renewal period of 12 months.

Final Determination

Factors influencing final determination:

Proposed intention to refuse application for registration issued [REDACTED]. Response provided [REDACTED]. [REDACTED] outlined in response reflection that [REDACTED] understood the gravity of the incident. "I would like to assure you that had I believed (mistakenly) at that time that I should have notified you of the incident I certainly would have, [REDACTED]. I would also like to state that I now understand the error of my ways and in future shall ensure that all information is forwarded to teaching agencies"...."Should professional registration be granted I shall be proactive in embracing professional development as a matter of priority. At the time of the incident I was an

Regulatory Assessment Report

Notification under s.67 and s70B of the ACT Teacher Quality Institute Act 2010

inexperienced teacher, [REDACTED], had no induction to the profession, and whilst this not excuse, I was not qualified to teach in the primary system. Therefore, any opportunities that shall arise to enable me to learn and develop my teaching style, including adhering professional boundaries, I shall proactively embrace, examples include; attending development days, discussing matters with experienced peers, and utilising resources such as text books. This information shall be utilised to then reflect on not only student's behaviour but more importantly my own". Delegate decided to approve your application under s.36 (1) (b) of the ACT Teacher Quality Institute Act 2010 (the Act) Act with specific conditions with letter issued [REDACTED]. Conditions include to return for counselling, only teach in secondary sector and meeting w Delegate at end [REDACTED] to determine ensure professional conduct has been sound.

| | | | | |
|--|---|---|---|---------------------------------------|
| <input type="checkbox"/> No action taken | <input type="checkbox"/> Formal Warning | <input checked="" type="checkbox"/> Condition | <input type="checkbox"/> Suspension | <input type="checkbox"/> Cancellation |
| If decision to take no action was a letter of final determination sent: | | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> Advised employers of determination <input type="checkbox"/> Notified other jurisdictions in writing of determination (if suspended or cancelled) <input type="checkbox"/> Updated regulatory Matrix <input type="checkbox"/> Case identified for independent assessment | | | | |
| <input type="checkbox"/> Review Suspension Date reviewed: Click or tap to enter a date. | Determination Date: [REDACTED] | | <input type="checkbox"/> Case Closed Date: Click or tap to enter a date. | |
| Name Delegate Finalised | | Corale McAlister | Date [REDACTED] | |

Section 70A

Request for further information

Record 25.9



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Office Use Only

TQI Reference:

Under section 70A of the *ACT Teacher Quality Institute Act 2010*, TQI may ask the employer of an approved teacher for any information that TQI believes on reasonable grounds is relevant to whether there are grounds for suspending, cancelling or imposing a condition on a teacher's registration or permit to teach.

Email TQINotifications@act.gov.au

Details of Teacher

Name:

TQI Number:

Date of request:

WwVP expiry date:

Sector:

School name recorded on TQI portal:

Information to be sent to TQI by close of business

Information requested under s70A of the TQI Act:

Following an email sent to dated :

was advised that application for registration as a teacher had been denied. The determined that was unsuitable for casual employment.

Please provide the evidence that was used to come to this determination.

Details of employer contact managing the request:

Name:

Telephone:

Email:

Details of TQI officer managing the matter:

Name: Claudia Hale

Telephone: 62058207

Email: claudia.hale@act.gov.au

TQI_139

Section 70A

Request for further information



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Record 25.9

This record is not released in accordance with Section 17 of the
Freedom of Information Act 2016, Schedule 2.2(a)(ii)

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Freedom of Information Act 2016, Schedule 2.2(a)(ii)



ACT
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PRIVATE AND CONFIDENTIAL

TQI Reference: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

Request for further information

Thank you for your correspondence of [REDACTED] in which you outlined your response to four reports of your practice during your previous period of professional registration as a teacher in the ACT [REDACTED]

I do not agree with your assessment that the allegations (relating to concerns associated with past practice) are without examples and are ambiguous in nature. I am concerned the information outlined in the four reports of your practice suggests a pattern of interaction with students and staff that includes:

- i. failure to provide the required duty of care
- ii. provision of inappropriate content to students
- iii. poor teacher/student relationships
- iv. lack of courtesy to others
- v. resistance to feedback

In your recent response you outline that at the time of your previous registration with TQI you had

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Under s11(1) (j) *ACT Teacher Quality Institute Act 2010*, I am responsible for monitoring compliance with and enforcing the Act. I must be confident that we only provide professional registration with the ACT TQI for the purposes of the Act (s.6) specifically;

- to uphold the standards of the teaching profession,
- to protect students and the community by ensuring education in schools is provided in a professional and competent way by approved teachers,
- to maintain community confidence in the teaching profession.



ACT
Government



Therefore, I wish to confirm your employment history since your period of previous registration with TQI. Prior to my further consideration of your application for provisional registration, I am requesting that you provide a current curriculum vitae plus two written references from previous employment between [REDACTED] – the present day. In particular, I am seeking confirmation that in an employment setting (not only within a school setting) your approach towards others is courteous and that you are open to feedback and direction from others.

I am aware of the reasons expressed to [REDACTED] [REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]

Taking this into account, I am requesting that you provide a current curriculum vitae plus two written references from any previous employment between [REDACTED] – the present day to inform the consideration of your application for provisional registration.

You have 14 days from the date of your receipt of this notification to respond to the matters raised in this correspondence. If you choose to provide the requested information, I will take it into account along with all the previous information to arrive at a final decision, of which you will be notified in writing. Should the timeframe of 14 days not be sufficient, I invite you to make a request for a further period of time in writing.

If you have any queries about this notification, please contact Ms Claudia Hale on 6205 8207 or email Claudia.Hale@act.gov.au .

Yours sincerely

[REDACTED]

Coralie McAlister
Chief Executive Officer

[REDACTED]



PRIVATE AND CONFIDENTIAL

TQI Reference: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

Notice of final determination regarding application for ACT provisional registration

This letter is to give you notice that I have decided to approve your application under s.36 (1) (b) of the *ACT Teacher Quality Institute Act 2010* (the Act) Act with specific conditions, revised from my correspondence of [REDACTED].

I have reviewed your application for registration in light of matters raised by [REDACTED] and your written statement provided in response [REDACTED]. I have also considered the two references you provided on [REDACTED].

Taking all of the relevant information into account, outlined in my correspondence of:

- [REDACTED] (intention to refuse application)
- [REDACTED] (proposal of three conditions upon provisional registration)
- [REDACTED] (provision of four reports of teaching practice)
- [REDACTED] (request for curriculum vitae and referee reports)

I now give you notice that I have decided to approve your application amend your registration under s.56 of the Act and impose the following conditions:

- i. restricted to accept employment to teach [REDACTED] students in a [REDACTED] setting only;
- ii. undertake agreed professional learning;
- iii. request an induction prior to accepting work within a school;
- iv. provide a teaching report once a term.

Details of conditions under s.56 of the Act

i. Restricted to accept employment to teach [REDACTED] students in a [REDACTED] setting

When seeking employment in [REDACTED] you will only be registered to teach in a [REDACTED] setting. This condition will be reflected on your TQI card that you will be issued, and you will need to declare this when accepting teaching positions regardless of the education sector. On [REDACTED]

[REDACTED]
[REDACTED].



ii. Undertake agreed professional learning

As outlined in correspondence of [REDACTED], you are required to undertake professional learning and development in line with the Proficient level in the *Australian Professional Standards for Teachers*.

I am aware you have drafted a professional learning plan identifying your proposed learning goals and suggested activities addressing mutually agreed areas to develop your professional practice. You will be required to maintain a record of the learning you undertake in relation to your agreed plan, including your reflections on this learning in the TQI portal. Given provisional registration in [REDACTED] until renewal of registration in [REDACTED] I suggest this targeted professional learning, verified by TQI, would now satisfy only 5 hours required for the renewal of your registration in [REDACTED].

iii. Request an induction prior to accepting [REDACTED] work within a school.

Prior to undertaking work at a [REDACTED] school, you are required to request an induction into the policies and procedures expected of teachers at the school.

Your response of [REDACTED] [REDACTED] [REDACTED]. I have taken this into account and propose that you request an induction into school policies, practices, and expectations of teaching staff upon undertaking work at a new school from the school's Staffing Officer or relevant school leader.

iv. Provide a Teaching Report once each term.

Should you accept work at a school, you are required to submit a teaching report at the conclusion of each term. This report, from a school of your choice, should be completed by the school's Staffing Officer or relevant school leader, using the template attached.

The background, reasons for this proposed decision and your appeal rights are set out below.

Background

My correspondence of [REDACTED] imposed the following three conditions on your provisional registration under s.56 of the Act:

- i. participate in the arranged counselling session with [REDACTED]
- ii. restricted to accept employment to teach [REDACTED] students in a [REDACTED] setting only
- iii. undertake agreed professional learning.

In order to receive counselling from the [REDACTED] [REDACTED] Enterprise Agreement [REDACTED], you were required to complete an *Application to Register as a Casual Teacher*. On assessing your application, [REDACTED] considered your previous employment history and subsequently declined your request.



Arising from your *Application to Register as a Casual Teacher*, four reports of your practice during your previous period of professional registration as a teacher in the ACT [REDACTED] were provided to you on [REDACTED] you outlined your response to the four reports.

As stated in my correspondence of [REDACTED], I am concerned the information outlined in the four reports suggests a pattern of interaction with students and staff that includes:

- i. failure to provide the required duty of care
- ii. provision of inappropriate content to students
- iii. poor teacher/student relationships
- iv. lack of courtesy to others
- v. resistance to feedback

I requested that you provide a current curriculum vitae plus two written references from any previous employment between [REDACTED] – the present day to inform the consideration of your application for provisional registration. You provided a response on [REDACTED] with comments from your referees indicating you got along well with other staff members and were open to feedback and direction within the roles held.

Reasons

The purposes of the Act include:

- s.6 (a) uphold the standards of the teaching profession; and
- (b) protect students and the community by ensuring education in schools is provided in a professional and competent way by approved teachers...

In order to monitor compliance with and enforce the Act (s 11(1)(j)), I consider it appropriate that conditions be placed on your registration until such time that I am assured that you understand your professional obligations as an ACT registered teacher.

The conditions outlined above are specific to your experience and training. You have consistently outlined that you are an inexperienced teacher, have had no induction to the profession, and are not qualified to teach in the [REDACTED] system. Given that you have not taught since your previous period of registration in the ACT, that inexperience and lack of confidence potentially remains. Each condition is designed to both uphold the purpose of the Act and support you in gaining experience as a provisionally registered teacher in a sector you are qualified for. In particular, conditions (iii) & (iv) will enhance opportunities to receive both an induction when entering new school environments, and also feedback about your practice.

Condition (i) will remain in effect until you have satisfied the verification requirements for the professional learning undertaken. Conditions (ii), (iii) & (iv) will remain until such time that I am satisfied that you understand your professional responsibilities as a registered teacher in the ACT.

I intend on meeting with you again towards the registration renewal period [REDACTED] to ascertain that you have satisfactorily met these conditions in the six months of your provisional registration.



Appeal rights

You have 28 days from the date of effect of this letter advising of the amendment of your registration in which you may apply to have that decision reviewed by the ACT Civil and Administrative Tribunal (ACAT) or apply for a statement of reasons under section 22B of the *ACT Civil and Administrative Tribunal Act 2008*. To apply to have the decision reviewed by the ACAT you must lodge an application form together with the prescribed fee. An application form and details about lodging an appeal can be found on the ACAT website - <http://www.acat.act.gov.au/>.

If you have any queries about this notification, please contact Ms Claudia Hale on 6205 8207 or email Claudia.Hale@act.gov.au .



Coralie McAlister
Chief Executive Officer



Records are not released in accordance with Section 17 of the
Freedom of Information Act 2016, Schedule 2.2(a)(iii)

Freedom of Information Schedule

– TEACHERS REGISTRATION S70

Scope: The records from within the time period of 17 February 2019 until 29 November 2021 specifically:

- 1. The document or documents which detail the reasons why any registered teacher has been issued with a formal warning, had conditions placed on their registration or been de-registered as a result of their conduct.*
- 2. Any information disclosed under s.70A (1) (a) and (b) of the TQI Act to the Institute, whether or not the teacher's registration was suspended, cancelled or had conditions placed upon it.*
- 3. Any information disclosed to the institute under s.70B of the TQI Act.*

DATE OF REQUEST: 29 NOVEMBER 2021 - FILE2021/5895

| Record Number | Description | Record Date | Decision (Full release, Partial release, Non-release) | Reason for Partial release or Non-release |
|---------------|--|-------------|---|---|
| | 2021 – Case 27 | | | |
| 27.1 | Section 70A Request for further information | | Partial release | Schedule 2.2(a)(ii) |
| 27.2 | Email – RE: Follow up request re: s70A request for further information | | Partial release | Schedule 2.2(a)(ii) and outside of scope |

Section 70A

Request for further information



ACT
Government

RECORD 27.1



Office Use Only

TQI Reference:

Under section 70A of the *ACT Teacher Quality Institute Act 2010*, TQI may ask the employer of an approved teacher for any information that TQI believes on reasonable grounds is relevant to whether there are grounds for suspending, cancelling or imposing a condition on a teacher's registration or permit to teach.

Email TQINotifications@act.gov.au

Details of Teacher

| | |
|---------------------------------------|--|
| Name: <input type="text"/> | TQI Number: <input type="text"/> |
| Date of request: <input type="text"/> | WwVP expiry date: <input type="text"/> |
| Sector: <input type="text"/> | School name recorded on TQI portal: <input type="text"/> |

Information to be sent to TQI by close of business

Information requested under s70A of the TQI Act:

TQI was notified on the unit for work and was unable to complete the PL requirements.

It is the employer's obligation to inform TQI under section 67 of the *ACT Teacher Quality Institute Act 2010* if they have reasonable grounds for believing that the teacher has become physically incapacitated, and the incapacity prevents them from performing the inherent requirement of their job as a teacher.

Please confirm if it is the position that is unfit for work and therefore unfit to hold teacher registration.

Details of employer contact managing the request:

Name:

Telephone:

Email:

Details of TQI officer managing the matter:

Name: Claudia Hale

Telephone: 62058207

Email: Claudia.hale@act.gov.au

Hale, Claudia

From: [Redacted]
Sent: [Redacted]
To: Hale Claudia; [Redacted]
Cc: [Redacted]
Subject: RE: Follow up request re : s70A request for further information [Redacted]

OFFICIAL

Hi Claudia
I checked in [Redacted] and they have confirmed that [Redacted] commenced a graduated return to work on [Redacted] and at this stage there is no information to indicate that [Redacted] is unable to return to teaching duties in the future.
Kind regards
Megan

[Redacted]

From: Hale, Claudia <Claudia.Hale@act.gov.au>
Sent: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: RE: Follow up request re : s70A request for further information [Redacted]

No problem.
[Redacted]

[Redacted]

Claudia Hale | Senior Director Professional Standards, PL and Regulation
Phone: +61 2 6205 8207 | Email: tqi@act.gov.au
ACT Teacher Quality Institute | ACT Government
PO Box 263 Jamison Centre ACT 2614 | www.tqi.act.edu.au



29 OCTOBER 2021

#CelebratingCanberraTeachers

From: [redacted]
Sent: [redacted]
To: Hale, Claudia <Claudia.Hale@act.gov.au>; [redacted]
Cc: [redacted]
Subject: RE: Follow up request re : s70A request for further information [redacted]

OFFICIAL

Hi Claudia
I think this was on hold [redacted]
[redacted] I will seek an update [redacted] and come back
to you as soon as possible.
Kind regards
[redacted]

[redacted]

From: Hale, Claudia <Claudia.Hale@act.gov.au>
Sent: [redacted]
To: [redacted]
Cc: [redacted]
Subject: Follow up request re : s70A request for further information 000642 from [redacted]

Hello [redacted]
Just wanting to follow this case up as I haven't had a response to the s70A request sent on the [redacted]
[redacted]
Kind regards
[redacted]

Claudia Hale | Senior Director Professional Standards, PL and Regulation
Phone: +61 2 6205 8207 | Email: tqi@act.gov.au
ACT Teacher Quality Institute | ACT Government
PO Box 263 Jamison Centre ACT 2614 | www.tqi.act.edu.au



29 OCTOBER 2021

#CelebratingCanberraTeachers

From: TQI Notifications <TQINotifications@act.gov.au>
Sent: [redacted]

To: [redacted]
Cc: [redacted]
Subject: s70A request for further information [redacted]

OFFICIAL

Hello [redacted]
Please find a formal request for information for [redacted].
Please provide the information no later than [redacted].
Kind regards
Claudia

Claudia Hale | Senior Director Professional Standards, PL and Regulation
Phone: +61 2 6205 8207 | Email: tqi@act.gov.au
ACT Teacher Quality Institute | ACT Government
PO Box 263 Jamison Centre ACT 2614 | www.tqi.act.edu.au



From: Hale, Claudia
Sent: [redacted]
To: [redacted]
Cc: [redacted] >
Subject: FW: TQI question for registration for [redacted]

Hello [redacted]
I am just wanting to confirm that you as the employer also believe [redacted]. If so – would you be prepared to provide a [redacted] ?
I have not yet responded to [redacted].
I just want to get the lay of the land in the first instance.
I look forward to your response
Claudia

Claudia Hale | Senior Director Professional Standards, PL and Regulation
Phone: +61 2 6205 8207 | Email: tqi@act.gov.au
ACT Teacher Quality Institute | ACT Government
PO Box 263 Jamison Centre ACT 2614 | www.tqi.act.edu.au



From: [redacted]
Sent: [redacted]
To: Teacher Quality Institute <TQI@act.gov.au>
Cc: [redacted]
Subject: TQI question for registration for [redacted]

Freedom of Information Schedule

– TEACHERS REGISTRATION S70

Scope: The records from within the time period of 17 February 2019 until 29 November 2021 specifically:

- 1. The document or documents which detail the reasons why any registered teacher has been issued with a formal warning, had conditions placed on their registration or been de-registered as a result of their conduct.*
- 2. Any information disclosed under s.70A (1) (a) and (b) of the TQI Act to the Institute, whether or not the teacher's registration was suspended, cancelled or had conditions placed upon it.*
- 3. Any information disclosed to the institute under s.70B of the TQI Act.*

DATE OF REQUEST: 29 NOVEMBER 2021 - FILE2021/5895

| Record Number | Description | Record Date | Decision (Full release, Partial release, Non-release) | Reason for Partial release or Non-release |
|---------------|---|-------------|---|---|
| | 2021 – Case 28 | | | |
| 28.1 | Incidents Report | | Non-release | Schedule 2.2(a)(ii), Confidential Information and Management Function |
| 28.2 | Section 70B Notification Form | | Partial release | Schedule 2.2(a)(ii) |
| 28.3 | Section 70C Request for further information | | Partial release | Schedule 2.2(a)(ii) |

| | | | | |
|------|---|------------|-----------------|---|
| 28.4 | Letter – Notification of a workplace complaints process | ██████████ | Partial release | Schedule 2.2(a)(ii), Confidential information and Management Function |
| 28.5 | Letter – Response to notification of workplace complaints process | ██████████ | Non-release | Schedule 2.2(a)(ii), Confidential information and Management Function |
| 28.6 | Response to Information Request | ██████████ | Partial release | Schedule 2.2(a)(ii), Confidential information and Management Function |
| 28.7 | Letter – Notification of Final Finding | ██████████ | Partial release | Schedule 2.2(a)(ii), Confidential information and Management Function |
| 28.8 | Regulatory Assessment Report | ██████████ | Partial release | Schedule 2.2(a)(ii), Confidential information and Management Function |

This record is not released in accordance with Section 17 of the *Freedom of Information Act 2016*, Schedule 2.2(a)(ii), Confidential Information and Management Function

Section 70B Notification Form



Record 28.2



Office Use Only
TQI Reference:

Under section 70B of the *ACT Teacher Quality Institute Act 2010*, it is the employer's obligation to notify TQI of a notification event.

Email TQINotifications@act.gov.au

Details of Teacher

Name:

Employment Status:

Date of Notification Event:

TQI Number:

Sector:

School name:

Cause for reporting a notification event under section 70B

the employer of an approved teacher tells the teacher that the employer has decided to begin a formal investigation;

the employer takes disciplinary action against the teacher under the terms of the teacher's employment;

Tick if the following information is available:

- At time of notification the teacher's employment has been terminated Yes No
- At time of notification a formal investigation has been completed or full admission by the teacher has occurred and the teacher has select

the employer removes, cancels or ends the access of the teacher to casual employment;

an approved teacher, who is the subject of a formal investigation or preliminary factual inquiry by the employer, resigns.

Details of notifier for the reported matter:

Name:

Telephone:

Email

The employer must notify TQI within 5 working days of a notification event. The employer commits an offence (with a maximum penalty of 50 points) if they fail to notify a 'notification event' within the 5 working days timeframe.

Section 70C

Request for further information

Record 28.3



ACT
Government



Office Use Only

TQI Reference:

Under section 70C of the *ACT Teacher Quality Institute Act 2010*, an employer must respond to a request for further information in relation to a notification event within a stated timeframe.

Email TQINotifications@act.gov.au

Details of Teacher

Name:

TQI Number:

Date of Notification Event:

Employment Status: select

Sector:

School name:

Information to be sent to TQI by close of business

Cause for reporting a notification event under section 70B

- the employer of an approved teacher tells the teacher that the employer has decided to begin a formal investigation;

Information requested under s70C of the TQI Act:

Provide the following:

- a description of the notification event
 investigation report
 any other information related to the notification event

Details of notifier for the reported matter:

Name:

Telephone:

Email:

Details of TQI officer managing case:

Name: Claudia Hale

Telephone: 62058207

Email: Claudia.Hale@act.gov.au



RE: NOTIFICATION OF A WORKPLACE COMPLAINTS PROCESS

[REDACTED] has identified possible breaches by yourself of the [REDACTED] Enterprise Agreement (Enterprise Agreement), [REDACTED]

Your obligations

Under [REDACTED] of the Enterprise Agreement, the following professional duties and responsibilities is to be adhered to by all employees. In carrying out their duties and responsibilities all employees will:

- [REDACTED]
- [REDACTED]
- [REDACTED]



Enclosed is a copy of the [REDACTED]

Allegation one

It is alleged [REDACTED]
[REDACTED] you interacted inappropriately with [REDACTED]
in which you:

- did not undertake duties in a professional, competent and conscientious manner.
- engaged in an inappropriate interaction with [REDACTED]

The particulars of this allegation are:

- you were completing your role as [REDACTED] Teacher at [REDACTED]
- you were completing [REDACTED] at the [REDACTED] area
- whilst you had your back turned [REDACTED] approached you and yelled into your ear
- where you turned raising your left arm and stating to [REDACTED] words to the effect of, 'fucking, bloody – I will hit you!'
- you chased after [REDACTED] shouting at him until he stood near another teacher
- your actions caused [REDACTED] to feel concerned [REDACTED] welfare

Based on the alleged conduct outlined above, you are suspected of breaching subsections [REDACTED] of the Enterprise Agreement and [REDACTED] of the [REDACTED]

These allegations may reach the threshold of reportable conduct and a notification may be made to the ACT Ombudsman, as will the outcome of the investigation. Likewise, [REDACTED] is required to notify the ACT Teacher Quality Institute about this allegation and the investigation outcome. Depending on the outcome, the [REDACTED] may also notify the outcome to Access Canberra in accordance with the Working with Vulnerable Persons Scheme. Such a disclosure is determined on a case-by-case basis.

This investigation will be conducted by [REDACTED]
[REDACTED] can be contacted on [REDACTED] or by email:
[REDACTED]

You are invited to provide a response to the allegations; you may do this in writing or at an interview. If you choose to respond in writing this should be received by [REDACTED] no later than [REDACTED]. Your response should be sent to [REDACTED] email address. Following the receipt of any written response, you will be invited to participate in an

electronically recorded interview. Alternatively, if you would prefer to move straight to interview, please contact [REDACTED] and this will be organised for you on a mutually agreeable time and date.

You may elect to have a support person accompany you to this interview and will be given reasonable opportunity to arrange for this. The support person may be a friend, a family member, union or other representative.

Please note that the role of a support person is to offer you pastoral support. A support person does not offer comment on the issues discussed at the interview or attend to advocate on your behalf. They are bound by the same confidentiality obligations which apply to you and other witnesses participating in this process. It is not appropriate to have a support person who has been involved in the matter under investigation, or whose availability may lead to a delay in the investigation.

Formal Directions

You are directed not to discuss any matters being investigated with any persons (students, parents, and teachers) connected with or who may be reasonably suspected of being connected to this investigation. If you think there is a need for you to contact and discuss the investigation with any person who may be connected or interviewed as part of the investigation, you must contact [REDACTED] to receive explicit authorisation before you contact that person. If you do not follow this direction, your conduct could be separately investigated as a potential breach of the Enterprise Agreement.

Victimisation

If any person seeks to or does victimise or retaliates against you as a result of the issues raised or because of your involvement in this investigation, you should immediately report it to [REDACTED] or myself.

Similarly, you must not victimise or retaliate against anyone as a result of their involvement in the complaint process. It is inappropriate to ask workplace colleagues or students whether they or their parents have made a complaint or to take steps to identify the witnesses who have been interviewed about these allegations as well as what they stated during an interview. Any person who engages in such conduct may be subject to disciplinary action.

Breach of confidentiality obligations and victimisation are matters treated very seriously and, if proven, may be subject to disciplinary action and result in termination of the employment contract.

Complaints Process

The above-mentioned policies and guidelines are available on the intranet and more information about the process will be provided to you by [REDACTED] at your interview. You may also contact [REDACTED] if you have any questions about the process.

Once the investigation into this matter is complete, the investigation will produce a report which I will review and make my findings. If these findings are detrimental to you, you will be

provided another opportunity to respond and provide further information for my consideration before I make a final decision on the matter.

In the event that the allegations are sustained, any employment sanctions appropriate will be determined by [REDACTED].

If you would like to access confidential counselling offered through [REDACTED], please do not hesitate to contact them on [REDACTED].

Regards



This record is not released in accordance with Section 17 of the *Freedom of Information Act 2016*, Schedule 2.2(a)(ii), Confidential Information and Management Function

RESPONSE TO INFORMATION REQUEST

Under section 70c

CONFIDENTIAL

Forward to: **ACT Teacher Quality Institute**

I refer to your request under section 70C ACT Teachers Quality Institute Act 2010, which provides for the exchange of information regarding notice given under section 70B.

Subject person: [REDACTED]

TQI Number: [REDACTED]

Description of the notification event

The alleged victim [REDACTED] is a year [REDACTED] student at [REDACTED].

The subject [REDACTED] is currently a [REDACTED] teacher at [REDACTED] and [REDACTED] is in [REDACTED] year [REDACTED] class.

During [REDACTED] on [REDACTED] [REDACTED] was performing [REDACTED] duty on [REDACTED]. Whilst [REDACTED] had [REDACTED] back turned [REDACTED] and [REDACTED] other year [REDACTED] students snuck up behind [REDACTED]. [REDACTED] yelled in [REDACTED] ear with [REDACTED] turning and raised [REDACTED] hand out to [REDACTED] side. According to one of the other students [REDACTED] stated words to the effect, "fucking, bloody – I will hit you." [REDACTED] called for assistance from another teacher who was nearby. [REDACTED] chased [REDACTED] across the basketball court in an attempt to have [REDACTED] go to the other teacher. [REDACTED] was holding [REDACTED] ear as if [REDACTED] was in pain. The other teacher reported [REDACTED] was angry and spoke to [REDACTED] with [REDACTED] being distressed by the incident.

The entire incident was recorded on the [REDACTED] security camera system. Later that day the [REDACTED] reported the matter to [REDACTED] with [REDACTED] stood down from [REDACTED] duties.

On [REDACTED] upon [REDACTED] returning from [REDACTED] participated in an interview. [REDACTED] raised no concern regarding [REDACTED] actions and [REDACTED] did not hear [REDACTED] say anything about hitting [REDACTED]. [REDACTED] stated [REDACTED] did not believe [REDACTED] would have hit [REDACTED]. [REDACTED] was [REDACTED]

remorseful for [redacted] own actions. It was ascertained that [redacted] was supportive of [redacted]

[redacted] is being supported by the Principal and has been made aware of the EAP.

[redacted]

Other related information

[redacted] was initially suspended but upon obtaining further information it has been recommended [redacted] can return to duty whilst the matter is being investigated.

[redacted] have commenced a [redacted] investigation and do not believe it has reached the threshold as Reportable Conduct under the ACT Ombudsman Reportable Conduct Scheme.

It is noted that [redacted] and the other [redacted] year [redacted] students all have larger builds than [redacted]

Investigation report and finding letter will be forwarded once completed

The information is released to you in good faith to assist you to provide service under the ACT Teachers Quality Institute Act 2010.

Please let me know if further information is required.

[redacted]

[redacted]

[redacted]

RE: NOTIFICATION OF FINAL FINDING

[REDACTED] has identified possible breaches by yourself of the [REDACTED] Enterprise Agreement [REDACTED] (*Enterprise Agreement*), [REDACTED]

The process was communicated to you by letter on [REDACTED]

Allegation One

It is alleged during [REDACTED] you interacted inappropriately with year [REDACTED] student, [REDACTED] in which you:

- you were completing your role as classroom Teacher at [REDACTED]
- you were completing [REDACTED] duty at the [REDACTED] area
- whilst you had your back turned [REDACTED] approached you and yelled into your ear
- where you turned raising your left arm and stating [REDACTED] words to the effect of, 'fucking, bloody – I will hit you!'
- you chased after [REDACTED] shouting at [REDACTED] until [REDACTED] stood near another teacher
- your actions caused [REDACTED] to feel concerned about [REDACTED] welfare

By engaging in this manner, you did not:

- undertake duties in a professional, competent and conscientious manner
- engaged in an inappropriate interaction [REDACTED]

Based on the alleged conduct outlined above, you are suspected of breaching

Findings

The findings are contained in the below table.

| Allegation Number | Allegation | Outcome | Reportable Conduct breach |
|-------------------|--|---|---------------------------|
| 1 | It is alleged [redacted] you interacted inappropriately with year [redacted] student, [redacted] in which you, after [redacted] yelled in your ear turned and raised your arm stating words to the effect, 'fucking, bloody -I will hit you. You chased after [redacted] shouting at [redacted] until [redacted] stood with another teacher. | Not sustained Insufficient Evidence. | Not Reportable Conduct |

The allegation has been not sustained due to there being insufficient evidence.

No breach regarding the Enterprise Agreement and [redacted] have been sustained. Furthermore, it has been assessed the matter does not rise to reportable conduct with the matter now finalised.

The ACT Teachers Quality Institute will be notified of the investigation and outcome of the matter.

Confidentiality and Counselling

I again remind you that your confidentiality obligations in relation to this matter continue. You must also refrain from victimising or taking any detrimental action towards others who have participated in this matter. Assurances of confidentiality have also been sought from all persons involved in the investigation process.

If you have any questions or concerns or seek additional clarification, please contact me.

If you would like to access confidential professional counselling offered through

Yours Sincerely

Regulatory Assessment Report

Notification under s.67 and s70B of the ACT Teacher Quality Institute Act 2010



Employers reporting obligation under s.67:

- the teacher has become mentally or physically incapacitated and the incapacity prevents the person from performing an inherent requirement of their job as a teacher;
- the teacher is given a negative notice under the Working with Vulnerable People (Background Checking) Act 2011 (WwVP), section 40;
- the teacher's registration under the WwVP Act has lapsed; or is made subject to a condition; or is suspended or cancelled; or is surrendered.

Employers reporting obligation under s.70B:

- The employer must notify TQI within 5 working days of a notification event.

Details of Teacher

| | |
|--|--|
| Name: [REDACTED] | TQI Number: [REDACTED] |
| Date of notification: [REDACTED] | WwVP expiry date: Click here to enter a date. |
| Sector: [REDACTED] | School name recorded on TQI portal: [REDACTED] |
| Reported under s70C <input checked="" type="checkbox"/> | Reported under S67 <input type="checkbox"/> |

Administration

- CRM record reflects POI and change made to records disposal 75 years, details added to Regulatory Matrix
- s70C request sent to employer

Date of request: [REDACTED]

Background

Alleged during recess on [REDACTED] interacted inappropriately with year [REDACTED] student: The particulars of this allegation are: completing [REDACTED] duty at the [REDACTED] area; student approached and yelled into [REDACTED] ear; [REDACTED] turned raising your left arm and stating to student words to the effect of, 'fucking, bloody – I will hit you!'; [REDACTED] chased after student, shouting at [REDACTED] until [REDACTED] stood near another teacher.

Evidence Provided: See case file

Initial Assessment

- Notified teacher to request meeting
- Meeting notes confirmed with teacher as accurate record
- Assessment of teacher response and final decision determined and documented

Date of meeting: [Click or tap to enter a date.](#)

Notice in writing to teacher regarding determination if an action is taken.

This is written with statements of reason and advice regarding teacher's right of appeal to ACAT in 28 days.

Note: A decision NOT to suspend or cancel is NOT appealable – ie no decision under s.65

Note: Suspensions must have a specific end date- they can be extended but not over a renewal period of 12 months.

Final Determination

Factors influencing final determination:

Allegation not sustained due to insufficient evidence. Note [REDACTED] was initially suspended but upon obtaining further information it was recommended [REDACTED] return to duty whilst the matter was investigated. [REDACTED] commenced a [REDACTED] investigation and did not believe it has reached the threshold as Reportable Conduct under the ACT Ombudsman Reportable Conduct Scheme. Respondent's statement denied the allegation and suggested other teachers witnessed event.

- No action taken
- Formal Warning
- Condition
- Suspension
- Cancellation

If decision to take no action was a letter of final determination sent:

- Yes
- No

- Advised employers of determination
- Notified other jurisdictions in writing of determination (if suspended or cancelled)
- Updated regulatory Matrix
- Case identified for independent assessment

*Document reviewed and updated [REDACTED]

Regulatory Assessment Report

Notification under s.67 and s70B of the ACT Teacher Quality Institute Act 2010



Review/Suspension
Date reviewed: Click or tap to enter a date.

Determination Date:
Click or tap to enter a date.

Case Closed
Date: [Redacted]

Name Delegate Finalised

Corale McAlister

Date: [Redacted]

Freedom of Information Schedule

– TEACHERS REGISTRATION S70

Scope: The records from within the time period of 17 February 2019 until 29 November 2021 specifically:

- 1. The document or documents which detail the reasons why any registered teacher has been issued with a formal warning, had conditions placed on their registration or been de-registered as a result of their conduct.*
- 2. Any information disclosed under s.70A (1) (a) and (b) of the TQI Act to the Institute, whether or not the teacher's registration was suspended, cancelled or had conditions placed upon it.*
- 3. Any information disclosed to the institute under s.70B of the TQI Act.*

DATE OF REQUEST: 29 NOVEMBER 2021 - FILE2021/5895

| Record Number | Description | Record Date | Decision (Full release, Partial release, Non-release) | Reason for Partial release or Non-release |
|---------------|---|-------------|---|---|
| | 2021 – Case 29 – Ongoing Investigation | | | |
| 29.1 | Letter – Notice of Preliminary Assessment | | Partial release | Schedule 2.2(a)(ii) |
| 29.2 | Section 70C Request for further information | | Partial release | Schedule 2.2(a)(ii) |
| 29.3 | Email – Resignation | | Non-release | Schedule 2.2(a)(ii) |
| 29.4 | Section 70B Notification Form | | Partial release | Schedule 2.2(a)(ii) |

| | | | | |
|------|---|------------|-----------------|---|
| 29.5 | S17J Report to the Ombudsman | [REDACTED] | Partial release | Schedule 2.2(a)(ii), Confidential Information and Management Function Pages wholly redacted have been removed |
| 29.6 | Letter – Outcome of Reportable Conduct Inquiry - Proposed Findings | [REDACTED] | Partial release | Schedule 2.2(a)(ii), Confidential Information and Management Function |
| 29.7 | The ACT Reportable Conduct Scheme s17G Notification | [REDACTED] | Partial release | Schedule 2.2(a)(ii), Confidential Information and Management Function |

Notice of Preliminary Assessment & Suspension with Pay

I am writing to advise that allegations of inappropriate behaviour by you have been received and a preliminary assessment process will be undertaken. The process will be conducted in accordance with

Enterprise Agreement

The assessment will assist myself as the delegate to determine whether the allegations warrant further investigation or can be resolved through remedial action.

It is alleged that:

1. On [REDACTED], while you were teaching [REDACTED] at [REDACTED], student [REDACTED] approached you to inform you that [REDACTED] chromebook was under repair and asked you if [REDACTED] could do the task using [REDACTED] phone or other means. It is alleged that you provided the below response:
 - a) *"well, you have a chrome book for a reason, and you broke it. So you need to find a way to solve that problem"*
 - b) *"well, I know people who can get it fixed in less than a day, so you need to do better"*
 - c) *"get your head out of your ass"*
 - d) *"you are just such an ignorant person"*
 - e) *"don't go out of this class now and go say [REDACTED] was being so rude to me, well I'm the teacher, and I am allowed to be rude and say whatever the hell I want"*
 - f) *"if you were in my position you would be allowed to be rude but you are not the teacher, so you have to respect me"*
 - g) When [REDACTED] started disengaging and was looking outside the classroom, you waved your hand right in front of [REDACTED] face, approximately 3cm away from [REDACTED] face.
2. While teaching year [REDACTED] on [REDACTED], in your interactions with Student [REDACTED], you said, *"I find that a lot of you [students] aren't putting in the effort and not giving me enough respect, so I am not going to put in the effort or show you respect."*

3. While teaching a year [redacted] class, student [redacted] was trying to find some information regarding the [redacted] task you had allocated to the class. It is alleged that you approached [redacted] and:
- started counting down while [redacted] was looking for the information and when [redacted] could not find the information, you said, *"my [redacted] year-old daughter could find it faster and easier"*
 - when [redacted] Chromebook was not charged you said, *"You both can go home and get a note from both parents to say that they want you to fail and that you're not doing good in my class"*
 - sarcastically said to [redacted] *"You're going to get a D – no one [the whole class] will get higher than a C/D"*
4. It is alleged that while teaching year [redacted] classes:
- You called students *'dumb'* and *'stupid'* on multiple occasions and said that the students are not smart enough to multitask.
 - You swore under your breath words to the effect of *"You're all being arseholes why are you being fucking arseholes"*
 - While walking away from a [redacted] student, you said, *"You fucking [redacted]"*
 - While writing on the board you made rude jokes and comments to the students saying, *"you guys are all going to get E's [as grades] ha ha ha"*
 - You laughed at students who struggled with their classwork and laughed while talking about [the] war.
 - You said to another student, *"That's not the respect I deserve – you don't deserve any respect from me"*

Opportunity to respond

A meeting has been organised on [redacted] at [redacted] to give you an opportunity to respond to the allegations and provide information as part of the preliminary assessment. The meeting will take place in the Principal's Office at [redacted]

[redacted] and I will be present during this meeting. You are invited to have a support person present with you at this meeting. I would like to remind you that a support person can be either a friend, a colleague, a member of your family or a union representative. It is important to understand that the role of a support person is not to talk on your behalf but to provide emotional support to you where required. If you are unable to attend this meeting for any reason, please advise me as soon as possible and discuss an alternate time.

Reportable Conduct

The [redacted] is required by law to notify the ACT Ombudsman of any reportable conduct. Due to the nature of the allegations, a report will be made to their office in accordance with the requirements of the ACT Reportable Conduct Scheme. It is

important to understand that it is an allegations-based scheme and is not an indication that any judgement has been made. If you require any further information about the scheme you can access the ACT Ombudsman's website at www.ombudsman.act.gov.au .

Suspension from Duties with Pay

Noting that previous allegations of a similar nature have been addressed with you in [REDACTED] by way of formal counselling, I am concerned that there may be a pattern of inappropriate behaviour from you in light of the allegations received as per the above. It is on this basis that you will be suspended with pay in accordance with [REDACTED] of the Enterprise Agreement effective from the date of this letter. At this stage, it is determined that suspension is necessary to protect the best interests of all parties.

[REDACTED] of the Agreement, provides you with an opportunity to be heard in relation to the suspension with pay. Should you wish to, you may provide a written statement setting out the reasons why you should not be suspended with pay. This written statement is in addition to any response you provide regarding the allegations.

Subject to consideration of any written statement you provide, this suspension will continue until further notice.

During the period of suspension, you must be available to attend work and participate in the disciplinary process within 48 hours of receiving notice. The Directorate may periodically review your suspension with pay.

While suspended with pay, in accordance with the Agreement, you will be paid:

- a) the ordinary hourly rate of pay and any higher duties allowance that would have been paid to you for the period you would otherwise have been on duty.
- b) any other allowance or payment of a regular of on-going nature that is not conditional on performance of duties.

Attendance at Work

During the suspension you are directed not to attend [REDACTED] or any other [REDACTED] workplace unless given permission to do so by myself.

Confidentiality

In order to protect the privacy and confidentiality of the preliminary assessment process, you are instructed not to discuss the allegations or related matters with other

staff, students or anyone in the school community without first seeking my permission. A breach of this direction may result in disciplinary action. You are however permitted to discuss matters with your nominated support person.

Support

Should you require support in relation to this matter, the Employee Assistance Program (EAP) is available to provide confidential and professional counselling to you and members of your family. These services can be sought by contacting the below providers.

- [Redacted]

Alternatively, you can contact [Redacted]

If you have any questions, please contact [Redacted] in [Redacted]

Yours sincerely

[Redacted Signature]

Section 70C

Request for further information



ACT
Government



Record 29.2

Under section 70C of the *ACT Teacher Quality Institute Act 2010*, an employer must respond to a request for further information in relation to a notification event within a stated timeframe.

Email TQINotifications@act.gov.au

Details of Teacher

Name: [REDACTED]

TQI Number: [REDACTED]

Date of Notification Event: [REDACTED]

Employment Status: [REDACTED]

Sector: [REDACTED]

School name: [REDACTED]

Information to be sent to TQI by [REDACTED] close of business

Cause for reporting a notification event under section 70B

- an approved teacher, who is the subject of a formal investigation or preliminary factual inquiry by the employer, resigns.

Information requested under s70C of the TQI Act:

Provide the following:

- a description of the notification event
 any other information related to the notification event

Details of notifier for the reported matter:

Name: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

Details of TQI officer managing case:

Name: Claudia Hale

Telephone: 62058207

Email: Claudia.Hale@act.gov.au

This record is not released in accordance with Section 17 of the
Freedom of Information Act 2016, Schedule 2.2(a)(ii)

Section 70B Notification Form



Record 29.4



Under section 70B of the *ACT Teacher Quality Institute Act 2010*, it is the employer's obligation to notify TQI of a notification event.

Email TQINotification@act.gov.au

Details of Teacher

Name:

Employment Status:

Date of Notification Event:

TQI Number:

Sector:

School name:

Cause for reporting a notification event under section 70B

the employer of an approved teacher tells the teacher that the employer has decided to begin a formal investigation;

the employer takes disciplinary action against the teacher under the terms of the teacher's employment;

Tick if the following information is available:

- At time of notification the teacher's employment has been terminated Yes No
- At time of notification a formal investigation has been completed or full admission by the teacher has occurred and the teacher has select

the employer removes, cancels or ends the access of the teacher to casual employment;

an approved teacher, who is the subject of a formal investigation or preliminary factual inquiry by the employer, resigns.

Details of notifier for the reported matter:

Name:

Telephone:

Email:

The employer must notify TQI within 5 working days of a notification event. The employer commits an offence (with a maximum penalty of 50 points) if they fail to notify a 'notification event' within the 5 working days timeframe.

s17J Report to the Ombudsman

The Reportable Conduct Enquiry is conducted in accordance with the ACT Reportable Conduct Scheme.

COMPLAINT/ALLEGATION

DATE RECEIVED: [REDACTED]

On [REDACTED] received initial allegations against [REDACTED] (the Person Subject of Allegations - PSOA). Further interviews with all students identified as Alleged Victims (AVs) highlighted the below allegations which were subject to this preliminary assessment.

1. On [REDACTED] student [REDACTED] (AV) approached [REDACTED] (PSOA) to inform him that [REDACTED] chrome book was under repair and asked if [REDACTED] could do the task using [REDACTED] phone or other means. It is alleged that the PSOA responded with:
 - "well, you have a chrome book for a reason, and you broke it. So, you need to find a way to solve that problem."
 - "well I know people who can get it fixed in less than a day, so you need to do better."
 - "get your head out of your ass" and "you are such an ignorant person"
 - "don't go out of this class now and go say [REDACTED] was being so rude to me', well I'm the teacher, and I am allowed to be rude and say whatever the hell I want"
 - "if you were in my position you would be allowed to be rude, but you are not the teacher, so you have to respect me."
 - When AV was looking outside the classroom, PSOA waved their hand in front of AV's face, approximately 3cm away from [REDACTED] face.
2. While teaching year [REDACTED] on [REDACTED] PSOA said to student [REDACTED] (AV) "I find that a lot of you [students] aren't putting in the effort and not giving me enough respect, so I am not going to put in the effort or show you respect."
3. While teaching a year [REDACTED] class, student [REDACTED] (AV) was trying to find some information regarding the task the PSOA allocated to the class. It is alleged the PSOA approached [REDACTED] and:
 - Started counting down while [REDACTED] looked for the information and when [REDACTED] couldn't find it, the PSOA said "my [REDACTED] year-old [REDACTED] could find it faster and easier"
 - When AVs chrome book was not charged PSOA said "You both can go home and get a note from parents to say that you want to fail and that you're not doing good in my class"
 - Sarcastically said to AV "you're going to get a D – no one [the whole class] will get higher than a C/D"
4. It is alleged that while teaching year [REDACTED] classes the PSOA:
 - Called students 'dumb' and 'stupid' on multiple occasions and said that the students are not smart enough to multitask
 - Swore under their breath to the effect of "you're all being arseholes why are you being

fucking arseholes”

- Walking away from a [REDACTED] student, PSOA said “you fucking [REDACTED]”
- While writing on the board made rude jokes and comments to the students saying “you guys are all going to get E’s [as grades] ha ha ha”
- PSOA laughed at the students who struggled with their classwork and laughed while talking about [the] war
- PSOA said to another student [REDACTED] (AV), “That’s not the respect I deserve – you don’t deserve any respect from me”

The following additional allegation was not originally notified to the PSOA in the notice of allegations as it was identified during the subsequent evidence gathering process as part of the preliminary assessment:

5. It is alleged that around term [REDACTED] the PSOA often put student [REDACTED] (AV) down and made degrading comments such as “you are going to amount to no good anyway,” and said something like – “you’re not going to go far.” This made [REDACTED] disengage from the class and [REDACTED] instead of attending the PSOA’s class.

The PSOA will be notified of this allegation via the letter of proposed outcome of reportable conduct with an opportunity to make any submissions in relation to the allegation, evidence or proposed findings.

BACKGROUND

The PSOA [REDACTED]

The PSOA has been subject to two separate allegations, in [REDACTED] and the allegations were sustained, and [REDACTED] where the allegations were not sustained due to insufficient evidence.

On [REDACTED] when [REDACTED] received verbal reports of allegations against the PSOA from [REDACTED] students/AVs who subsequently provided a collectively authored a hand written [REDACTED] student statement using the proforma making allegations against the PSOA. [REDACTED] the AV - [REDACTED] also emailed [REDACTED] with more information about [REDACTED] complaint.

On [REDACTED] contacted the [REDACTED] team, and a preliminary assessment was commenced.

The Preliminary Assessment was conducted in accordance with [REDACTED] Enterprise Agreement [REDACTED]

| OFFICER CONDUCTING PA | | | |
|---|---|--------------------------|------------------------------|
| Officer Name: [REDACTED] | Position Title: [REDACTED] | | |
| OFFICER DECLARATION OF ANY CONFLICT OF INTEREST | | | |
| <input checked="" type="checkbox"/> | No conflict of interest identified | | |
| <input type="checkbox"/> | Possible conflict identified discussed and considered – record of discussion attached | | |
| <input checked="" type="checkbox"/> | Officer to proceed with the process | <input type="checkbox"/> | Appoint alternative officer |
| PRELIMINARY ASSESSMENT DELEGATE (May be same as officer if appropriate) | | | |
| Delegate name: [REDACTED] | Position title: [REDACTED] | | |
| DELEGATE DECLARATION OF ANY CONFLICT OF INTEREST | | | |
| <input checked="" type="checkbox"/> | No conflict of interest identified | | |
| <input type="checkbox"/> | Possible conflict identified discussed and considered – record of discussion attached | | |
| <input checked="" type="checkbox"/> | Identified delegate to remain | <input type="checkbox"/> | Appoint alternative delegate |
| PRELIMINARY ASSESSMENT METHODOLOGY AND CHRONOLOGY OF ACTIONS | | | |
| <p>On [REDACTED] the PSOA was verbally informed that allegations had been received against [REDACTED] and was invited along with a support person of [REDACTED] choice to attend a meeting on [REDACTED] to receive a written notice of preliminary assessment with detailed allegations.</p> <p>On [REDACTED] the PSOA was provided with a written notice of preliminary assessment and was invited to a response meeting on [REDACTED] to provide [REDACTED] with an opportunity to respond to the allegations and provide information as part of the preliminary assessment. The letter also notified the PSOA that due to the previous sustained allegations of similar nature that were addressed with [REDACTED] in [REDACTED] by way of formal counselling, the [REDACTED] was concerned that there may be a pattern of inappropriate behaviour from the PSOA in light of the allegations received. The PSOA was notified that [REDACTED] will be suspended with pay in accordance with [REDACTED] of the Enterprise Agreement effective [REDACTED]</p> <p>On [REDACTED] identified student witnesses/potential AVs were interviewed, and statements were collected.</p> <p>[REDACTED] . Upon request, an extension until [REDACTED] was made.</p> | | | |

No response was received by the above-mentioned date. On [REDACTED] followed up with the PSOA and requested any responses to the allegations be forwarded via email before [REDACTED] on [REDACTED].

The PSOA provided a response to the follow up email dated [REDACTED].

The PSOA stated that they would be able to finalise and send through the responses by [REDACTED].

On [REDACTED], [REDACTED] by way of an email update informed [REDACTED] that the [REDACTED] had been in contact with [REDACTED] regarding this matter and that the PSOAs response will be finalised and sent through by the end of the week [REDACTED]. [REDACTED] informed that the delay was due to [REDACTED].

[REDACTED] acknowledged [REDACTED] requested if the PSOAs written responses to the allegations be provided before close of business [REDACTED]. [REDACTED] was requested to make contact as soon as possible if the timeframe caused any issues.

On [REDACTED], the PSOA made email contact with [REDACTED] to provide [REDACTED] resignation form [REDACTED] position as a Classroom Teacher at [REDACTED].

On [REDACTED] contacted the PSOA via [REDACTED] mobile phone to conduct a welfare check and discuss [REDACTED] email and resignation. Following the telephone conversation, on [REDACTED], [REDACTED] confirmed via return email, acknowledging the PSOAs email and resignation including [REDACTED] final date of employment as [REDACTED].

On [REDACTED], in accordance with the Directorate's reporting obligations under the ACT Teachers Quality Institute (TQI) Act 2010, the TQI was notified of the PSOAs resignation by way of a s70B notification and relevant documents were provided as per their s70C request.

On [REDACTED], a s17G notification was made to the ACT Ombudsman's office.

On [REDACTED], the PSOA was informed by [REDACTED] via an email that due to [REDACTED] resignation, the preliminary assessment which was commenced under the Enterprise Agreement (EA) will not be proceeding to completion. However, as notified to [REDACTED] in the Notice of Preliminary Assessment letter, due to the nature of the allegations, an inquiry will be conducted under the ACT Reportable Conduct Scheme which will progress despite [REDACTED] resignation. [REDACTED] was informed that the Directorate has legal obligations to make a reportable conduct decision based on available evidence. The PSOA was encouraged to participate in the reportable conduct inquiry by providing a written statement in response to the allegations, noting that reasonable time will be allowed upon request to assist [REDACTED] in participating and providing responses.

The PSOA was also informed in the first instance that it is important to note that even in the absence [REDACTED] participation or response to the allegations, the Directorate held an obligation to make a decision regarding the reportable conduct based on the available information and that the Directorate's report and decision will be provided to the Office of the ACT Ombudsman Reportable Conduct team.

On [REDACTED], the PSOA responded via email acknowledging the receipt of [REDACTED] email