

dated [redacted] and that [redacted] will consider [redacted] participation. The PSOA further informed that [redacted] may take some time to do so as [redacted] had many higher priorities at that stage owing to [redacted] resignation.

On [redacted] in response to the PSOA's above email, [redacted] requested [redacted] to provide a response via email by [redacted] to indicate [redacted] participation or otherwise.

No response was received from the PSOA by [redacted]

On [redacted] wrote to the PSOA via email providing a seven (7) day deadline for the receipt of any written response to the allegations by close of business [redacted]. The PSOA was informed that the [redacted] will make a reportable conduct decision based on the information available and a final report will be provided to the ACT Ombudsman's Office in accordance with the obligations of [redacted] under the Reportable Conduct Scheme. [redacted] was also reminded that as notified earlier [redacted] has reporting obligations and the final reportable conduct decision will be shared (where deemed necessary) with the TQI and the Commissioner for Fair Trading.

No response was received from the PSOA and [redacted] made a decision to examine the available information to make a finding as required by the ACT Reportable Conduct Scheme.

**RESPONDENT INFORMED OF PRELIMINARY ASSESSMENT**

- Yes – Record of communication attached
- No – Detail reasons below (or attach) for this decision

**DECISION**

Following consideration of information available, the Principal/Manager will determine whether the matter can be resolved or whether further action is required.

The Decision Matrix below can be used to assist with identifying possible options for resolution.

All records of this PA must be appropriately filed in accordance with accepted record keeping structures (in accordance with the [redacted])

**Following this process, the decision is that the allegation/s:**

- The alleged conduct is an allegation of reportable conduct - REFER THE MATTER TO [redacted] CASE TEAM
- Require no further action, then no further action needs to be taken  
Advise all parties of the outcome (if aware that a PA was being undertaken)
- Can be resolved through counselling, other remedial action, or assistance to the employee: the manager/supervisor will implement such action;
- Are better resolved through Internal Review procedures set out in this Agreement or appropriate external mechanisms: the manager/supervisor will refer the matter; accordingly,

<input type="checkbox"/>	Relate to underperformance processes: the manager/supervisor will commence an underperformance process where this is warranted (in accordance with the provisions of the relevant Enterprise Agreement);
<input type="checkbox"/>	Require investigation: the manager/supervisor will recommend to the head of service that the matter be investigated;
<input type="checkbox"/>	May be vexatious or knowingly false: the manager/supervisor will consider whether further action needs to be taken in relation to the person who made the allegations.
<input type="checkbox"/>	Employee admitted to the alleged conduct, PSU investigation not required. Based on employee's admissions of misconduct, a referral is made to People and Performance to determine whether there is a breach of the employee's obligations under the s9 of the Public Sector Management Act (Public Sector Code of Conduct) and Teacher's Code of Professional Practice.
<input checked="" type="checkbox"/>	Analysis of the complaint/allegations attached (template provided)
<b>SUMMARY OF EVIDENCE</b>	

### ANALYSIS OF THE EVIDENCE

#### **Allegation one (1)**

Student ██████ provided consistent evidence in ██████ statement and interview reiterating and adding detail to ██████ initial email complaint. ██████ is considered a reliable student in the school.

From the available information, it is considered that there is no direct evidence to verify whether or not the PSOA said to ██████ words to the effect of:

- "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."

However, ██████ verified that there was an instance when the PSOA was 'super rude' towards ██████ and ██████ was on the verge of tears. ██████ confirmed that ██████ told ██████ that she was upset by the PSOA and the things he said to ██████.

There is no further information to support the allegation that the PSOA waved their hand in front of ██████ face, approximately 3cm away from ██████ face.

There is sufficient information to support that the PSOA said to multiple students, words similar to, "I'm the teacher, and I am allowed to be rude and say whatever the hell I want."

The PSOA did not provide any response to the allegations and in the absence of any information from ██████, this allegation is seen to be partially supported by the available witness information.

### Reportable Conduct Assessment and Proposed Finding

The below alleged comments made by the PSOA when viewed in isolation were considered not seriously inappropriate to be able to meet the threshold of reportable conduct and were not able to be verified due to insufficient evidence:

"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."

The allegation that the PSOA waved their hand in front of [REDACTED] face, approximately 3cm away from [REDACTED] face could not be verified and also considered to not rising to reportable conduct when viewed in isolation.

The following alleged comments were considered to be reportable conduct however the available evidence did not conclusively verify whether the exact or similar words were said to [REDACTED] by the PSOA.

- "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."

Circumstantial evidence of [REDACTED] verifying that the PSOA has said things to [REDACTED] that brought [REDACTED] to tears and also other student witnesses verifying similar things being said to them by the PSOA, is noted.

**However, by the balance of probabilities, it is determined that allegation one is not sustained due to insufficient evidence.**

#### Allegation two (2)

Student [REDACTED] made this allegation that the PSOA said to the class "I find that a lot 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."

There is information from the witnesses that supports that the PSOA made similar statements as described in the alleged behaviour to students on various occasions about [REDACTED] perspective on respect for the students. For example - "if you were in my position you would be allowed to be rude but your not the teacher so you have to respect me," .... students are "not giving me enough respect, so I am not going to put in the effort or show you respect," "That's not the respect I deserve – you don't deserve any respect from me" and "I don't have to respect you as you're just the student."

No response was received from the PSOA to refute the allegation or to be able to consider any context or background in the described incident.

Although there is some inconsistency in the words used by the witnesses to describe what the PSOA

said, differing versions of statements indicate it is likely the PSOA made statements that [REDACTED] does not need to respect the students towards the whole class. Whilst the comments made by the PSOA were unprofessional and inappropriate, there is no evidence that these comments were particularly made towards [REDACTED] or any other identified witnesses or AVs.

### Reportable Conduct Assessment and Proposed Finding

The comment, "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" was allegedly made towards the whole class and not focussed on [REDACTED].

Careful consideration was given to determining whether or not the words said by the PSOA met the definition of humiliating and intimidating behaviour towards the AV or other students.

Acknowledging the comment/s made the AV sad, there is no evidence to indicate that the comment was humiliating and/or intimidating to the AV or any other students. **Therefore, it is considered that the behaviour does not rise to reportable conduct. For the purpose of the ACT Reportable Conduct Scheme, the finding is that the allegation is not reportable conduct.**

### Allegation three (3)

[REDACTED] [REDACTED] and [REDACTED] provided evidence in support of the allegation that when [REDACTED] could not find a piece of information [REDACTED] needed in the class, the PSOA approached [REDACTED] and started counting down and when [REDACTED] could not find it the PSOA said "my [REDACTED] year-old [REDACTED] could find it faster and easier."

There is sufficient witness evidence to support the allegations that the PSOA said that when [REDACTED] chromebook was not charged, the PSOA said to [REDACTED] that [REDACTED] and another student can go home and get a permission note from their parents to fail in [REDACTED] class.

Multiple witnesses have stated that the PSOA often said that no one in the class would get above a C/D grade and one witness stated the PSOA said the class would get 'E' as grades. Multiple witnesses have stated that the PSOA often threatened the students that they would fail in [REDACTED] class and that they did not deserve grades.

In the absence of any information from the PSOA, based on the strength of the consistent collective evidence of the student witnesses, it can be reasonably concluded that the evidence supports allegation three (3) occurred.

### Reportable Conduct Assessment and Proposed Finding

There is consistent evidence from multiple witnesses that establishes that the alleged behaviour towards [REDACTED] likely occurred. The evidence also indicates that the PSOA has made multiple comments to [REDACTED] regarding [REDACTED] chromebook not being charged and about [REDACTED] ability to look up information in front of students in [REDACTED] class.

The comments made by the PSOA have been considered inappropriate conduct, inconsistent with the expectations of a teacher in the ACT Education Directorate.

In assessing the reportable conduct aspect of the above mentioned behaviour, it is seen that whilst the comments such as “my [redacted] year-old [redacted] could find it faster and easier,” asking students to get a note form their parents for their said poor performance in class and telling the students they would get ‘E’ grades are inappropriate and made students uncomfortable, when assessed in isolation, they do not meet the threshold for behaviour that can be considered seriously inappropriate, inhumane or cruel.

When the PSOA’s comments are viewed collectively, the evidence supports pattern of behaviour however the comments included in the allegation in isolation do not meet the threshold of reportable conduct.

**Therefore, it is determined that the alleged behaviour is not reportable conduct.**

#### **Allegation four (4)**

[redacted] and [redacted] corroboratively stated the PSOA said, “you are going to amount to no good anyway” and “you’re not going to go far.” Majority of the student witnesses verified the allegation and confirmed that they had witnessed the PSOA swore under [redacted] breath and specifically words to the effect of “You’re all being arseholes why are you being fucking arseholes.” There are multiple instances when students have stated the PSOA called the whole class ‘arseholes.’

[redacted] and [redacted] verified the PSOA said to the students that they were dumb and stupid. Majority of the witnesses verified in slightly different words however all indicating that the PSOA was rude and sarcastic to students.

[redacted] and [redacted] both verified that the PSOA had said “you fucking [redacted]” while walking away from a student. However, it could not be ascertained who that comment was directed to.

In the absence of any responses from the PSOA, based on the corroborated collective evidence of the student witnesses, it is reasonable to conclude that the evidence supports the allegations.

The inquiry has considered the emotional impact of the PSOA’s behaviour expressed by the students in their statements. It is noted that all of the witnesses have expressed severe concerns such as feeling uncomfortable, unsafe, feeling unsure of how to express their feelings or how to respond to the PSOA’s behaviour, anxious to be in the PSOA’s class, inability to engage or learn and focus in the class.

#### **Reportable Conduct Assessment and Proposed Finding**

The evidence supported the allegations and established the emotional impact to the AV’s subject to the comments of the PSOA described in this allegation.

The comments made are considered unprofessional and seriously inappropriate. **Therefore, reportable conduct is sustained in the category of ill-treatment of a child/children – emotional abuse (humiliation and intimidation) and (a pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour).**

**Allegation Five (5)**

It is alleged that around [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.

AV, [REDACTED] made these allegations. There is no direct evidence that can be used to verify whether or not the alleged statements were made towards [REDACTED]. However, it is noted that there is evidence that indicates the PSOA did make similar comments to at least one student and potentially more students in the class. For example, [REDACTED] stated, “The PSOA said that the students are not going to get anywhere in life.”

It is considered that there is insufficient evidence to determine on a balance of probabilities that the behaviour of the PSOA described in allegation five occurred towards the AV [REDACTED]. However, it is important to note that the assessment of this allegation highlighted that the allegations support a potential pattern of repeated similar behaviour by the PSOA towards multiple students.

**Reportable Conduct Assessment and Proposed Finding**

It was found that there was insufficient evidence to determine whether the behaviour described in allegation five occurred or not. **Therefore, the reportable conduct is considered not sustained due to insufficient evidence.**

**OTHER CONSIDERATIONS**

The allegations were considered to fall under the category of ill-treatment of a child – Emotional abuse most of them falling under potential humiliation and intimidation of the AVs and one of them also falling under the realm of a pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour.

The ACT Ombudsman Practice Guide No.2 Identifying Reportable Conduct states that ill-treatment of a child includes those circumstances where an employee treats a child in an unreasonable and seriously inappropriate, inhumane or cruel manner. This behaviour may be intentional or unintentional.

Emotional abuse includes but is not limited to verbal assault, subjected to a pattern of hostile or unreasonable and seriously inappropriate behaviour, degrading comments or behaviour, humiliated or intimidated.

There is sufficient information to support that the behaviours described in three (3) and four (4) more likely occurred than not.

In the above sustained allegations, it was found that the PSOA has used swear words on multiple occasions, has made unnecessary and inappropriate degrading comments and not treated potential challenging situations involving students with sensitivity and fairness.

There is insufficient evidence to determine whether or not the behaviours described in allegations one (1), two (2) and five (5) occurred.

The Delegate noted that some of the incidents described in each allegation, when viewed in isolation

may not necessarily appear to be seriously inappropriate however the pattern of behaviour with several comments made towards some students and also allegations of a similar nature towards multiple students is considered concerning and led to the determination that that the PSOA's overall conduct described in the allegations is not in line with the expectations and obligations of a teacher under the [REDACTED] also supports the finding of reportable conduct.

In making a determination regarding reportable conduct in the category of ill-treatment, due consideration has been given to relevant codes of conduct that outlines the nature of professional conduct and practice that is recommended for a classroom teacher.

The PSOA's behaviours are considered inconsistent with the obligations of Teachers as outlined in the [REDACTED]. Specifically:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### ONGOING RISK ASSESSMENT

The PSOA is no longer employed by [REDACTED] and as a result, it is considered that there are no ongoing risks to the AVs mentioned in the allegations or any other students in [REDACTED]

In the interests of procedural fairness to the PSOA, [REDACTED] has been informed and will be reminded again at the time of provision of the proposed findings of the inquiry, that should [REDACTED] seek to re-enter the [REDACTED] that the preliminary assessment may be resumed and progressed.

To mitigate further risks due to the PSOA to other employers, information regarding the matter have been shared with the ACT Ombudsman's Office, ACT Teachers Quality Institute and WWVP Risk Assessment team. The final findings will also be shared accordingly with all of the above regulatory bodies.

#### ACTIONS

- On [REDACTED], the PSOA was provided with a letter of proposed reportable conduct findings via email and was provided an opportunity to respond the proposed finding of sustained reportable conduct within 7 days (by [REDACTED]). He was informed that any response will be fully considered prior to finalising the reportable conduct finding.
- Upon consideration of the PSOA's response or comment to the finding and in the absence of the same, the finding will be finalised and provided to the PSOA via email.

The PSOA has been notified that in accordance with [REDACTED] legal reporting obligations, the final reportable conduct findings will be shared with the ACT Ombudsman's Office, the ACT



Commissioner for Fair Trading and the ACT Teachers Quality Institute.	
Report prepared by:	[REDACTED]
People and Performance Delegate Signature	[REDACTED]
Decision Date:	[REDACTED]
<b>COMPLAINANT/RESPONDENT ADVISED OF OUTCOME</b> <i>(Information provided in accordance with the provisions of the Information Privacy Act 2014)</i>	
Date respondent advised of outcome:	[REDACTED]

### Outcome of Reportable Conduct Inquiry – Proposed Findings

I refer to the written notice of preliminary assessment and reportable conduct inquiry dated [REDACTED].

I acknowledge that on [REDACTED], [REDACTED] received your resignation effective [REDACTED].

As notified to you on [REDACTED] via an email by [REDACTED] [REDACTED] owing to your resignation, the preliminary assessment has been paused however, the reportable conduct inquiry has progressed to completion due to the Directorate's obligations under the ACT Reportable Conduct Scheme.

The following allegations were assessed through the reportable conduct inquiry:

1. On [REDACTED], student [REDACTED] approached you to inform you 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 you 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 [REDACTED] was looking outside the classroom, you waved your hand in front of [REDACTED] face, approximately 3cm away from [REDACTED] face.
2. While teaching year [REDACTED] on [REDACTED], you said to student [REDACTED] "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 █ class, student █ was trying to find some information regarding the task you had allocated to the class. It is alleged that you approached █ and:
  - Started counting down while █ looked for the information and when █ couldn't find it, the PSOA said "my █-year-old █ could find it faster and easier"
  - When █ chrome book was not charged, you 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 █ "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 █ classes, you:
  - Called students 'dumb' and 'stupid' on multiple occasions and said that the students are not smart enough to multitask
  - Swore under your breath to the effect of "you're all being arseholes why are you being fucking arseholes"
  - Walking away from a █ student, you said "you fucking █"
  - 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"
  - laughed at the students who struggled with their classwork and laughed while talking about [the] war
  - said to another student █, "That's not the respect I deserve – you don't deserve any respect from me"

It is important you note that during the information gathering, the Directorate became aware of the below additional allegation which was also examined during the inquiry:

5. Around █, on several occasions you made degrading comments to student █ such as "you are going to amount to no good anyway," and said words to the effect of – "you're not going to go far." This made the student disengage from the class and █ instead of attending your class.

### **Inquiry Process**

As per the requirement of the inquiry process, evidence was gathered from identified witnesses. You were also provided with an opportunity to provide your responses to the allegations as part of the preliminary assessment process initially.

On █, following the receipt of your resignation, █ contacted you via email to inform you of that the reportable conduct inquiry will proceed to completion and invited you to respond to the allegations as part of the inquiry process. On █, you responded via email to █ stating you will consider your participation in the inquiry. Following this, multiple attempts were made to contact you with no avail. You were also provided an

extension until [REDACTED] to respond to the allegations. However, no response was received.

You were informed that if no response is received, [REDACTED] will make a reportable conduct decision based on the information available and that the reportable conduct finding will be shared with the ACT Ombudsman's Office, the ACT Teacher Quality Institute and the Commissioner for Fair Trading in accordance with [REDACTED] legal obligations.

This letter is to confirm the inquiry has now concluded and to provide you with the proposed findings.

### Proposed Findings

In the absence of any information regarding the allegations from you, the inquiry considered the information available sufficient to propose the findings regarding the reportable conduct.

In making a determination regarding the proposed findings, due consideration has been given to relevant codes of conduct that outlines the nature of professional conduct and practice that is recommended for a classroom teacher applicable to you at the time of allegations.

Specifically:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In accordance with the ACT Ombudsman Practice Guide No. 6, the following findings are proposed:

#### Allegation 1

With regards to allegation one, it was found there was some evidence of weight, however the available evidence was insufficient to determine whether the alleged behaviours towards student [REDACTED] occurred or not. Therefore, the proposed finding is that reportable conduct is **not sustained due to insufficient evidence**.

#### Allegation 2

With regards to allegation two, there was evidence that you made comments similar to those described, on multiple occasions, to students in your class or while addressing the class of students. However, there was no evidence that you made the alleged comment particularly towards student [REDACTED] as detailed in the allegation. After careful consideration, it is considered that the behaviour, although inappropriate, does not rise to reportable conduct.

Therefore, the proposed finding is that the allegation is **not reportable conduct**.

### **Allegation 3**

With regards to allegation three, there was consistent evidence from multiple witnesses that indicated that the alleged behaviour towards [REDACTED] likely occurred. Your behaviour towards [REDACTED] was considered inconsistent with the expectations of a teacher in the [REDACTED]

Whilst the behaviour was deemed inappropriate, the individual comments made to [REDACTED] when viewed in isolation, did not meet the threshold of reportable conduct.

Therefore, the proposed finding is that allegation is **not reportable conduct**.

### **Allegation 4**

With regards to allegation four, multiple witnesses provided corroborated evidence that indicated you said to the class of students, “you are going to amount to no good anyway” and “you’re not going to go far.”

Majority of the student witnesses confirmed that they had witnessed you swearing under your breath and specifically making comments described in the allegation. Evidence indicated there are multiple instances when students stated you called the whole class ‘arseholes.’ Multiple students also verified that you were repeatedly rude and sarcastic to students you taught.

Therefore, the proposed finding is that reportable conduct is **sustained** in the category of ill-treatment of a child – emotional abuse (humiliation and intimidation) and (a pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour).

### **Allegation 5**

With regards to allegation five, there was evidence that indicated you made comments similar to those described to at least one student and potentially more students. However, there is no direct evidence to verify whether the alleged statements were made specifically towards student [REDACTED] as detailed in the allegation. It is considered that there is insufficient evidence to determine whether or not the alleged behaviour described in allegation five occurred.

Therefore, the proposed finding is that reportable conduct is **not sustained due to insufficient evidence**.

### **Other Considerations**

The Delegate noted that the evidence highlighted a pattern of behaviour with several comments of similar nature made towards multiple students which was considered concerning and inconsistent with the obligations of a teacher under the [REDACTED]

### **Opportunity to Respond**

You have an opportunity to respond to the above proposed findings of reportable conduct. Should you wish to do so, please forward your written response within 7 days of the date of this letter to [REDACTED]. Any responses should be received before close of business on [REDACTED].

After consideration of your response or if no response is received by the above date, the proposed reportable conduct finding will be finalised. You will be notified of the final reportable conduct findings in writing via another letter.

### **Reportable Conduct Information Sharing**

#### **The ACT Ombudsman's Office**

In accordance with the legal obligations of [REDACTED] under section 17J of the *Ombudsman Act 1989*, a detailed report outlining the final reportable conduct findings will be provided to the ACT Ombudsman's office.

#### **The Commissioner for Fair Trading**

As notified earlier, please be advised that [REDACTED] will share the final findings of the reportable conduct inquiry with the Commissioner for Fair Trading in accordance with its legal obligations under *Section 53 of the Working with Vulnerable People (Background Checking) Act 2011*.

#### **Teacher Quality Institute (TQI) Notification**

As notified earlier, in accordance with its legal obligations under *s70B of the ACT Teacher Quality Institute Act 2010*, [REDACTED] has legal obligations to notify TQI when a teacher, who is subject of a preliminary factual inquiry, resigns. I can confirm that an initial notification was made to the TQI. Please be advised that the Directorate will upon finalisation, accordingly, share the final findings of the reportable conduct inquiry with TQI in accordance with *s70C of the ACT Teacher Quality Institute Act 2010*.

### **Confidentiality**

I would like to remind you of the need to maintain confidentiality in relation to this inquiry and related matters. Any breach of this direction will be recorded and treated seriously.

### **Support**

Should you require support in relation to this matter, you can contact [REDACTED].

If you have any questions in relation to this letter, please contact [REDACTED]  
[REDACTED] on [REDACTED]

Yours sincerely



## The ACT Reportable Conduct Scheme S17G Notification

**This form is to be used by employers (designated entities under the ACT Reportable Conduct Scheme) for notifying the ACT Ombudsman of a reportable conduct allegation or conviction.**

Reportable conduct is defined in s 17E of the *Ombudsman Act 1989*. An employer must provide a notification to the Ombudsman about:

1. an allegation<sup>1</sup> of reportable conduct against a person, whether or not in the course of employment with the entity (See ACT Ombudsman Practice Guide: Reportable Conduct, including offences and convictions), or
2. a conviction, finding of guilt or an offence involving reportable conduct.

The *s 17G Notification* requires details about an allegation of reportable conduct or an offence or conviction and the people involved. The report also documents the designated entity's initial response to the matter.

This notification must be sent to the Ombudsman's office **as soon as possible but within 30 days of the head of the employer (designated entity) becoming aware** of the reportable allegation or conviction against an employee. The Ombudsman encourages contact as soon as possible after an employer learns of an allegation or conviction or reportable conduct to allow for early consultation.

If an employer (designated entity) has written a report, for example to a regulator, outlining the details requested in the *s 17G Notification*, that report may be submitted. There is no need to fill the *s 17G Notification* out in the order of the questions asked. If a risk analysis or other document contains the necessary information, those documents may be submitted in lieu of filling out the *s 17G Notification*.

A signed version of *s 17G Notification*, or the documents which contain the requested information, should be sent to the ACT Ombudsman at the email below. An email confirming receipt will be sent in return.

If the employer (designated entity) has completed the investigation within those 30 days, the employer should also file a *s 17J Report* which details the findings of the investigation. The *s 17J Report* should be accompanied by copies of all documentation relevant to the investigation and decision making. This material should be provided via email to the address below.

<sup>1</sup>For purposes of the notification, the term allegation refers to express assertions that reportable conduct has happened or may have happened (including a statement or declaration with or without proof).



## 1. Designated Entity (employer) details

1.1 Your case/reference number:

1.2 If this notification relates to any other notification(s) or inquiries made to the Ombudsman, please provide reference number(s) or other details:

1.3 Designated entity name (employer):

1.4 Head of designated entity:

1.5 Position title:

1.6 Telephone:

1.7 Email address:

1.8 Postal address:

1.9 Signature:

Date:

**If an officer other than the head of entity is the preferred contact for the Ombudsman, please provide their details below:**

1.10 Contact officer/delegate name

1.11 Position title

1.12 Address (if different to above)

1.13 Telephone

1.14 Email address

## 2. Employee who is the subject of the allegation or conviction details

(Please complete a separate form for each employee)

2.1 Name of employee :

2.2 Date of birth :

2.3 Sex:

2.4 Home address:

2.5 Position title with employer at the time the allegation was made:

2.6 Working With Vulnerable People number (if applicable)

2.7 Employment status with employer at the time the allegation was made.

- Permanent – full time
- Permanent – part time
- Volunteer or Contractor
- Casual
- Other

2.8 Site of employment (e.g. school, health practice, office). Include address:

2.9 Information about the allegation or conviction:

2.9a Type of allegation or conviction: ill-treatment, psychological harm, misconduct of a sexual nature, sexual or physical offences where a child is a victim or present, reportable conviction.

Ill treatment - emotional abuse (multiple students)

2.9b Date of alleged incident: Or period: from: to 

2.9c Detailed description of allegation or conviction (for example, the conviction number)

Allegation 1: On [redacted] student [redacted] approached [redacted] (PSOA) to inform [redacted] 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 [redacted] was looking outside the classroom, PSOA waved their hand in front of [redacted] face, approximately 3cm away from [redacted] face.

Allegation 2: While teaching [redacted] on [redacted] PSOA said to student [redacted] "I find that a lot 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."

Allegation 3: While teaching a [redacted] class, student [redacted] 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] could find it faster and easier"
- when AV's 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 [redacted] "You're going to get a D - no one [the whole class] will get higher than a C/D"

Allegation 4: It is alleged that while teaching [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 there 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 "That's not the respect I deserve - you don't deserve any respect from me"

2.9d How and when the allegation or conviction came to the attention of the employer?

The Directorate became aware of the allegations on [redacted] when the AV's spoke to teacher [redacted] and filled out a student statement explaining what had happened. The AV [redacted] also emailed [redacted] that day.

2.9e Please attach an initial risk analysis. Include what action has been taken or is proposed in respect to the employee while the current allegation is being investigated until final decisions are made. If no action is proposed, state why that is the case.

No action is proposed

Please see attached

2.9f Is the employee aware that a reportable allegation has been made against them?

Yes  No

2.9g If the employee has made any written submission to the employer about the allegation or conviction that the employee has asked the employer to take into account when deciding upon appropriate action, the employer must provide those to the Ombudsman with this report.

2.10 If yes, include the date informed and how the employee was informed.

In a face to face meeting, on [redacted] the PSOA was verbally informed that allegations have been received and [redacted] was invited to a meeting to receive the written notice of Preliminary Assessment. [redacted] was invited to have a support person present with [redacted]. On [redacted] in a face to face meeting, the notice of Preliminary assessment and Suspension with Pay was provided to the PSOA. The PSOA did not bring a support person to this meeting.

2.11 If no, explain why the employee has not been informed.

2.12 Has support been offered/provided to the employee? If yes, what kind? If not, why not?

Yes  No

EAP, [REDACTED]  
 Support Person  
 Welfare Check-ins  
 Provided points of contact at school and [REDACTED]

2.13 Does the employee have any known child-related extracurricular activities (for example, volunteer, coach etc.?)

[REDACTED] – Description of activity:

2.14 If the allegation involves more than one employee, the name of others involved.

### 3. Alleged victim (child's) details

(Please complete a separate form for each child)

3.1 Does this notification contain allegations of reportable conduct involving more than one child or young person?

Yes – how many?   No

For each child, please provide:

3.1a Name

3.1b Gender

Male  Female

3.1c Date of birth

3.1d Age at the time of the alleged reportable conduct if different from above

3.1e Is the child Aboriginal or Torres Strait Islander?

Yes  No  Unknown

3.1f Is the child from a culturally or linguistically diverse background? (answer 'unknown' if you are unsure).

Yes  No  Unknown

3.2 Does the child have a disability? If yes, please provide details.

Yes  No  Unknown

3.3 Does the child have other vulnerabilities?

Yes  No  Unknown

3.4 Who has parental or carer responsibility for the child?

Specify if parental responsibility for the child with the Community Services Directorate

3.4a Is the child's parent or guardian aware of the allegation? If not, why not?

Yes  No

3.5 Has support been provided/offered to the alleged victim?

Yes  No

If yes, what type of support and when did it commence? If no, why not?

#### 4. Prior allegation or conviction details

- 4.1 Have prior allegations/convictions, which would have amounted to reportable conduct under the scheme, been made against the employee in the past?

Yes  No

- 4.2 If yes, please answer the following for each allegation/conviction:

4.2a When was the allegation made?

4.2b What was the finding?

Sustained - Emotional / Not sustained

4.2c What action was taken

Formal Counselling / No action

4.2d Reference number

- 4.2e If no action was taken, state the reason for this decision.

In the second matter, [redacted] was not notified of the allegations due to serious concerns for [redacted] wellbeing and [redacted]

4.2f Has the employee been suspended pending investigation?

Yes  No

4.2g If so, is the employee on a leave with pay or without pay status?

Yes  No

4.2h Has the employee not been re-engaged?

Yes  No

#### 5. Other reporting obligations

- 5.1 Has Child and Youth Protection Services been informed of this allegation? for example, through a mandatory report?  Yes  No

If yes: Date of report

Report identifying number

- 5.2 If no, why not?

Based on the available information, there is no reason for CYPS to be notified at this stage.

5.3 Has this allegation been reported to ACT Policing?  Yes  No

5.3a If yes: Date of report  Event number

What was the response?

If no, why not?

Based on the available information, there is no indication that a criminal offence has occurred.

5.4 Has Access Canberra (WWVP) been informed of the investigation or any disciplinary proceeding?

Yes  No

5.5 Have other regulators (such as the Teacher Quality Institute, the Children's Education and Care Assurance (CECA), the Public Advocate, the Human Services Registrar, AHPRA or the Health Services Commissioner) been notified?

Yes  No

If so, which regulator was contacted and when was a report made?

The requirement to notify any of these regulators to be assessed at the conclusion of the preliminary assessment.

**This is the final page of the s 17G Notification.**  
**Please email this form to: [act@ombudsman.gov.au](mailto:act@ombudsman.gov.au)**



## 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
	<b>2021 – Case 30</b>			
30.1	Section 70B Notification Form		Partial release	Schedule 2.2(a)(ii)
30.2	Section 70C Request for further information		Partial release	Schedule 2.2(a)(ii)
30.3	Regulatory Assessment Report		Partial release	Schedule 2.2(a)(ii)
30.4	Report – Final Determination Letter		Partial release	Schedule 2.2(a)(ii)

30.5	Report - S17J Final Report		Partial release	Schedule 2.2(a)(ii), Confidential information and Management Function  Pages that are wholly redacted have been removed
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# Section 70B Notification Form



Record 30.1



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](mailto: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 30.2



ACT  
Government



Office Use Only  
TQI Reference: [REDACTED]

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](mailto: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

- the employer of an approved teacher tells the teacher that the employer has decided to begin a formal investigation;
- the employer removes, cancels or ends the access of the teacher to casual employment;

### Information requested under s70C of the TQI Act:

Provide the following:

- a description of the notification event
- copy of the investigation report
- copy of any correspondence to the teacher and their response
- 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

# 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: [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

On the afternoon of the incident on [REDACTED], the alleged victim's father emailed the Year [REDACTED] a complaint that casual teacher [REDACTED] told his child [REDACTED] to stick [REDACTED] head out of the classroom window. He alleged that the child did and then the casual teacher deliberately shut the horizontal sliding window onto the student's head, resulting in significant bruising to the student's forehead. Photos showing bruises/welts on the child's forehead were attached to the email complaint.

**Evidence Provided: See case file**

### Initial Assessment

- Notified teacher to request meeting
- Date of meeting: [REDACTED] 1
- 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:

See factors outlined in correspondence of [REDACTED]

- 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: Click or tap to enter a date.

Case Closed

Date [REDACTED]

# Regulatory Assessment Report

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



ACT  
Government



TQI  
Teacher  
Quality  
Institute

<b>Name Delegate Finalised</b>	Corale McAlister	Date
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**PRIVATE AND CONFIDENTIAL**

TQI Reference: [REDACTED]

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

### Final Determination Letter

I have been advised by [REDACTED] under s.70B of the *ACT Teacher Quality Institute Act 2010* that an investigation has been carried out regarding an incident that occurred on the 22 April 2021 involving a year [REDACTED] student who sustained a head injury from a window being closed. The incident resulted in your [REDACTED] teaching status being terminated from [REDACTED]. This letter is to advise you that I will not be taking any action in relation to this matter.

### Background

I have reviewed the final report provided to the ACT Ombudsman which included your written response to the allegation, typed transcript of your interview dated [REDACTED] and written statements from witnesses.

This incident constituted a breach of the TQI *Code of Professional Practice and Conduct*. As you are aware, compliance with the Code is a condition of registration as a professional teacher in the ACT. Failure to comply with conditions of registration with TQI may provide grounds for the suspension or cancellation of your registration. Under s.56 of the Act, TQI may also impose any additional conditions which it may consider appropriate for the purposes of the Act.

Following our meeting on [REDACTED] I have reviewed all the relevant information and taken into account that you have enrolled into a 10-week course '*Classroom Management for Casual Relief Teachers*' of your own initiative. As discussed in our meeting, I ask that you reflect on this program considering the classroom management strategies that have specifically been targeted for casual relief teachers in your TQI portal.



As agreed, I will contact an executive staff member of a school approved by you at the end of [REDACTED] to confirm that you are using appropriate student management strategies. Due to you taking the initiative to participate in this targeted PL program and that you are amenable to me confirming your professional practice at the end of the term I have determined that both these remedial actions warrant no further action being taken at this time. The reasons for this decision are set out below.

### Reasons for decision

The evidence provided by [REDACTED] as outlined in the S17J Final report to the Ombudsman sustains an allegation of Ill Treatment (intentional hostile use of force against a child).

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...

From the information provided at our meeting of [REDACTED], I am satisfied that *completion of the 'Classroom Management for Casual Relief Teachers'* and a *written reflection* of what you have learnt from this program, as well as a follow up *confirmation call* regarding your *professional practice* occurs is appropriate remedial action.

I consider therefore that no further action relating to the information provided under s70B, is required.

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

Yours sincerely

[REDACTED]

Coralie McAlister  
Chief Executive Officer

[REDACTED]



**S17J FINAL REPORT****Reference number/ACT Ombudsman reference number:**

ACT Ombudsman reference: [REDACTED]

[REDACTED]

**Name of the employee who is the subject of the allegation:** [REDACTED]**Name of alleged victim:** [REDACTED]**Dates of allegations of reportable conduct:** [REDACTED]**Date that s 17G Notification was filed:** [REDACTED]**Allegation:** Ill Treatment (intentional hostile use of force against a child)**Sustained/not sustained/false/not reportable conduct:** Sustained**Recommendations/Consequences/Action:**

- [REDACTED] will no longer employ [REDACTED] as a casual teacher.
- [REDACTED] will ask [REDACTED] to provide the alleged victim and [REDACTED] parents with an apology.
- [REDACTED] will continue to provide regular formal training to staff on behaviour management and reportable conduct.

**Background:** (Include contextual information to assist the designated entity to fully consider the matter and recommendations including:

- On the afternoon of the incident on [REDACTED], the alleged victim's father emailed the Year [REDACTED] a complaint that casual teacher [REDACTED] told his child [REDACTED] to stick [REDACTED] head out of the classroom window. He alleged that the child did and then the casual teacher deliberately shut the horizontal sliding window onto the student's head, resulting in significant bruising to the student's forehead. Photos showing bruises/welts on the child's forehead were attached to the email complaint.
- The employee who is the subject of allegation is a casual teacher at [REDACTED].
- The alleged victim is a Year [REDACTED] male student, [REDACTED].

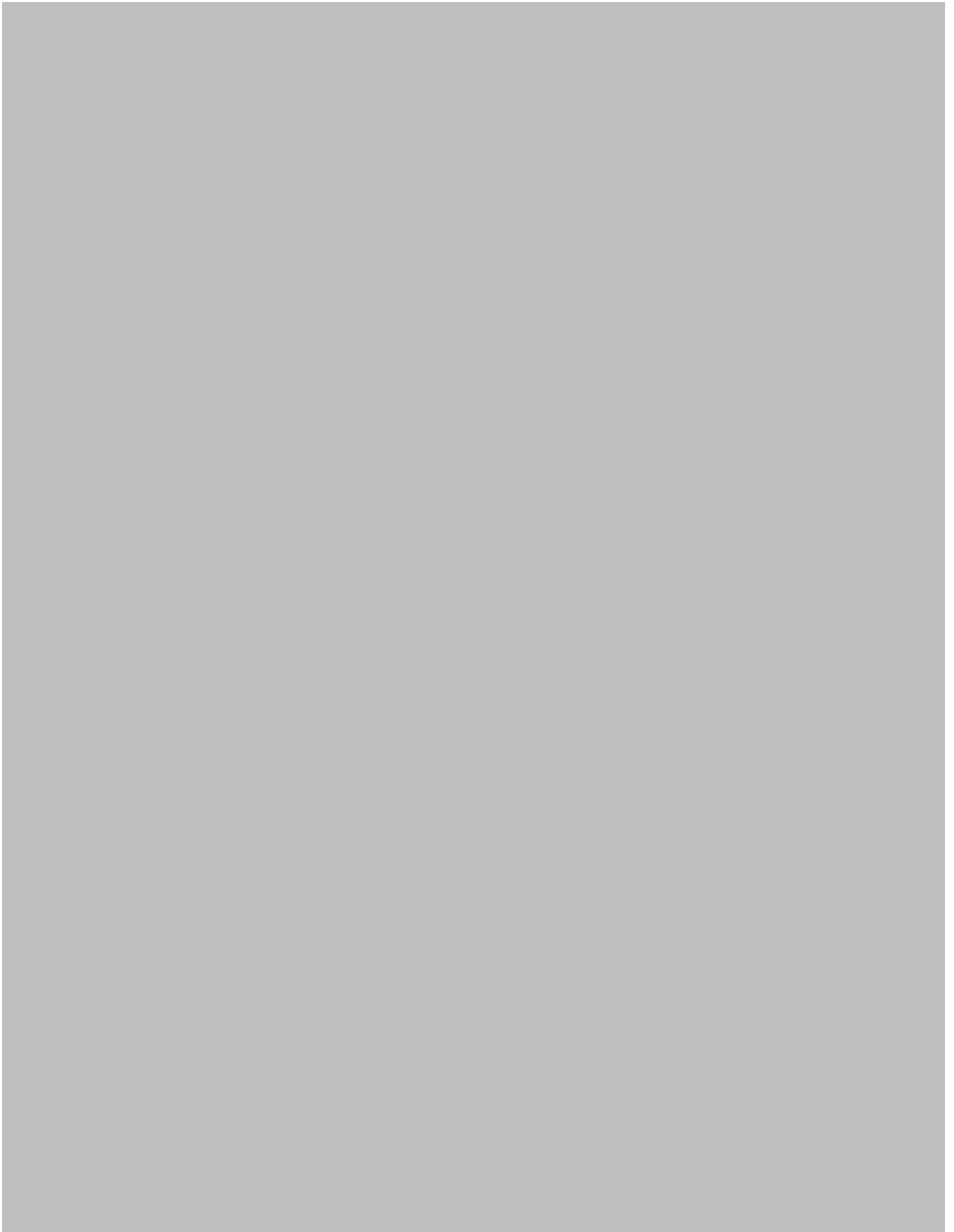
**Key Process Information including:**

- The risk analysis was completed on [REDACTED]
- The employee subject of the allegation was notified of the allegation via a phone call by the Principal on [REDACTED].

**Allegations:**

The complaint was received from the parent of the student regarding an alleged injury received by [REDACTED]. The complaint was received via email [REDACTED] by the Student's Year [REDACTED] and subsequently forwarded on to the Principal, Deputy Principal and [REDACTED] at [REDACTED] on the same evening (see email below).

**From:** [REDACTED]  
**Sent:** [REDACTED]



How was the employee (subject of the allegation) informed of and asked to respond to the allegation:

In writing and verbally. The employee subject of the allegation [redacted] was informed [redacted] that a complaint was received and to attend a meeting [redacted]. In that meeting [redacted] the employee was told about the complaint by the Principal and asked to write an initial report on the incident. [redacted] was also told that we were seeking advice from the Ombudsman's Office as to if it was Reportable Conduct. Advice received in the affirmative on [redacted], the employee was verbally told in meeting [redacted] [redacted] ad provided with written notification the same day.

By what method did the employee (subject of the allegation) respond to the allegation/s?

In writing and interview. The employee subject of the allegation wrote an email to the Principal on [redacted] outlining [redacted] response to the complaint. [redacted] emailed [redacted] a formal response on [redacted] [redacted] was verbally interviewed and recorded on [redacted].

If the employee (subject of the allegation) was interviewed, was the employee invited to have a support person?

Yes.

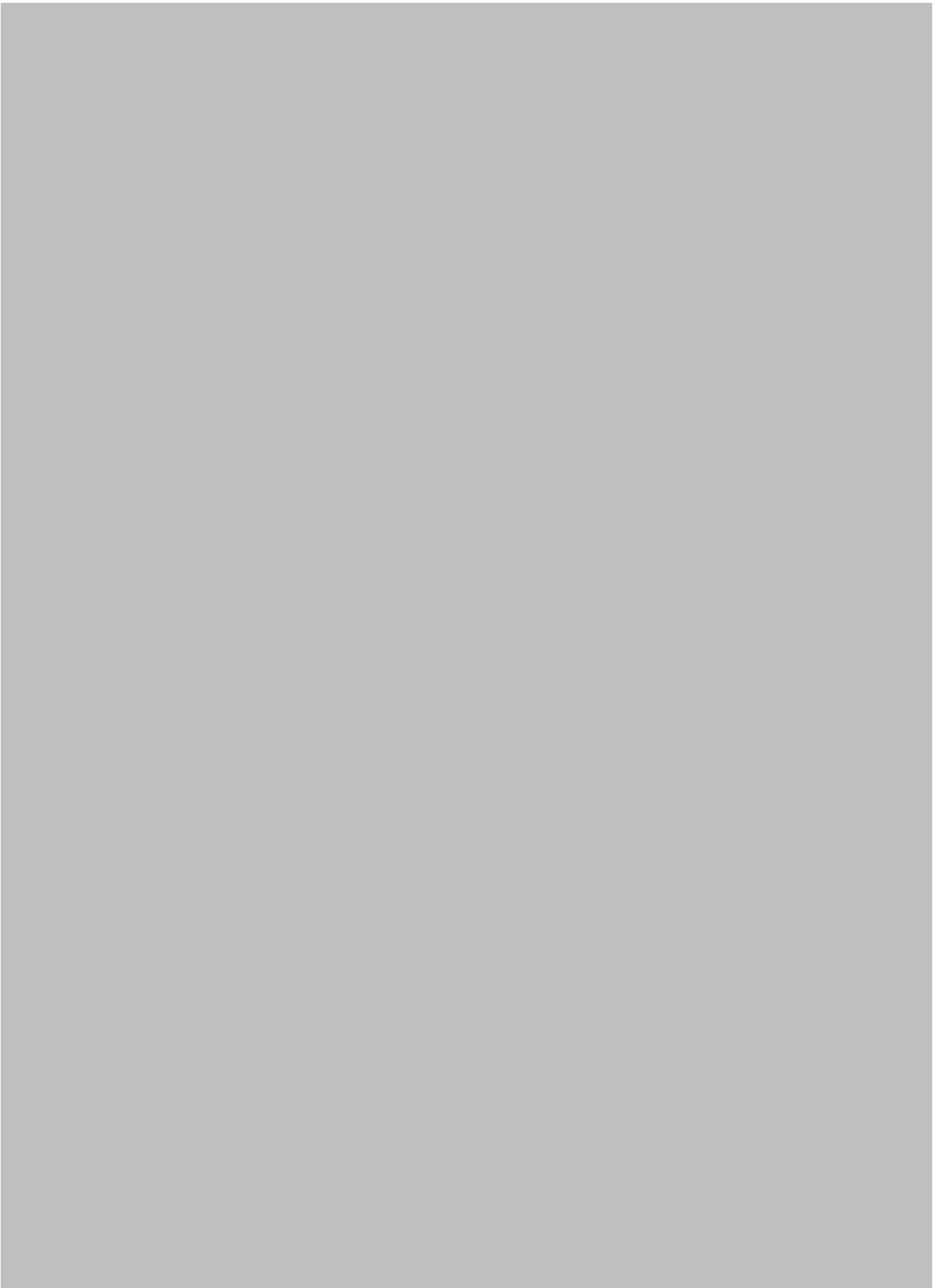
Did the employee (subject of the allegation) opt for a support person?

No.

Allegation 1: Insert Complaint (Copy chart for each allegation)

Evidence from the alleged victim





Evidence from the employee subject of the allegation

Evidence from witnesses



**Analysis: Did the behaviour occur as alleged?**

Weigh up the evidence, draw a conclusion on the balance of probabilities as to whether the conduct occurred as alleged.

Make a determination: sustained, not sustained (insufficient evidence), not sustained (lack of evidence of weight), not sustained (false), not reportable conduct

Provide reasons for findings.

A photograph of the injury supports the claim that the alleged victim was injured on [redacted] forehead in a straight line, which tends to corroborate the allegation that the edge of the window came into contact with the student's forehead, that [redacted] head was partially in and out of the window, that [redacted] was facing the teacher and that there was some degree of force in the contact. [redacted] did not refute that the alleged victim was injured as a result of contact between the window and the student's head.

The alleged victim and the [redacted] witnesses had no opportunity to collude before they separately wrote their initial statements of what occurred, and their statements were consistent in terms of the allegation.

There are two conflicting stories. On the one hand, the alleged victim and the [redacted] witnesses agreed that [redacted] instructed the alleged victim to place his head outside the window and that [redacted] deliberately closed the window on [redacted] head. On the other hand, [redacted] claimed that [redacted] bumped his head on the window through [redacted] own action as [redacted] was pulling [redacted] head back into the classroom. This was not supported by the alleged victim or the witness statements.

On balance, the deliberate action of [redacted] to close the window while [redacted] acknowledged [redacted] head was still outside the window suggests that the injury was caused (whether the window bumped [redacted] head, or [redacted] head bumped the window) by [redacted] actions. If the window had remained open, [redacted] head would not have been injured. If [redacted] had waited and ensured that the student's head was not in the window or had not closed the window in the first instance, there would have been no injury.

Action Taken by the Employer (Designated Entity)	
Head of entity (employer)	[redacted]
Actions: <ul style="list-style-type: none"> <li>• [redacted] will no longer employ [redacted] as a casual teacher.</li> <li>• [redacted] will ask [redacted] to provide the alleged victim and [redacted] parents with an apology.</li> <li>• [redacted] will continue to provide regular formal training to staff on behaviour management and reportable conduct.</li> </ul>	
Risk Assessment See attached Risk Assessment.	

Report prepared by: [redacted]

Investigation Report reviewed by: [redacted]

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



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

## 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
	<b>2021 – Case 33</b>			
33.1	Letter – Notice of Reportable Conduct Enquiry		Partial release	Schedule 2.2(a)(ii)
33.2	Email – RE: Record of meeting – response to the allegations of reportable conduct		Non-release	Schedule 2.2(a)(ii), Confidential Information and Management Function
33.3	The ACT Reportable Conduct Scheme S17G – Incident 1		Partial release	Schedule 2.2(a)(ii)

33.4	The ACT Reportable Conduct Scheme S17G – Incident 2	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
33.5	Letter – Outcome of Reportable Conduct Enquiry	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
33.6	s17J Final Report	[REDACTED]	Partial release	Schedule 2.2(a)(ii), Confidential Information and Management Function
33.7	Section 70A Request for further information	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
33.8	Regulatory Assessment Report	[REDACTED]	Partial release	Schedule 2.2(a)(ii)

### Notice of Reportable Conduct Enquiry

I am writing to inform you that allegations of inappropriate behaviour by you have been reported to me.

It has been alleged that on [REDACTED] in the course of your duties as a [REDACTED] you lifted your shirt to show your tattoos to a class of students you were teaching.

It has also been alleged that on [REDACTED] in the course of your duties as a [REDACTED] you physically lifted a student to remove them from the classroom.

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

It is important to understand that the reportable conduct scheme is an allegations-based scheme, and this is not an indication that any judgement has been made. If you require any further information about the reportable conduct scheme you can access the ACT Ombudsman's website at <http://www.ombudsman.act.gov.au/reportable-conduct-scheme>.

In consultation with [REDACTED] I will be conducting a reportable conduct enquiry into the above allegations to determine whether or not the alleged behaviour occurred. This enquiry will also assist the [REDACTED] to determine what actions, if any, are required to address the allegations. The enquiry will be conducted in accordance with the ACT Ombudsman's Reportable Conduct Scheme.

In accordance with the principles of procedural fairness, to provide you with an opportunity to respond to the allegations, a meeting has been scheduled on [REDACTED]. This meeting will be held in the [REDACTED]. You are invited to have a support person present with you at this meeting.

If you are unable to attend this meeting, please advise of a reasonable alternate date and time or alternatively, you can also provide a written statement in response to the allegations.

While the reportable conduct enquiry is being undertaken, you are reminded that you are not to discuss the allegations against you with anyone including employees of the [REDACTED] students, parents or members of the community other than a nominated support person of your choice or those approved by myself.

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.

[REDACTED]

If you have any queries, please contact me on [REDACTED] or you can alternatively contact [REDACTED]

Yours sincerely

[REDACTED]

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

# The ACT Reportable Conduct Scheme

## S17G Notification

This form is to be used by employers (designated entities under the ACT Reportable Conduct Scheme) for notifying the ACT Ombudsman of a reportable conduct allegation or conviction.

Reportable conduct is defined in s 17E of the *Ombudsman Act 1989*. An employer must provide a notification to the Ombudsman about:

1. an allegation<sup>4</sup> of reportable conduct against a person, whether or not in the course of employment with the entity (See ACT Ombudsman Practice Guide: Reportable Conduct, including offences and convictions), or
2. a conviction, finding of guilt or an offence involving reportable conduct.

The *s 17G Notification* requires details about an allegation of reportable conduct or an offence or conviction and the people involved. The report also documents the designated entity's initial response to the matter.

This notification must be sent to the Ombudsman's office as soon as possible but within **30 days of the head of the employer (designated entity) becoming aware** of the reportable allegation or conviction against an employee. The Ombudsman encourages contact as soon as possible after an employer learns of an allegation or conviction or reportable conduct to allow for early consultation.

If an employer (designated entity) has written a report, for example to a regulator, outlining the details requested in the *s 17G Notification*, that report may be submitted. There is no need to fill the *s 17G Notification* out in the order of the questions asked. If a risk analysis or other document contains the necessary information, those documents may be submitted in lieu of filling out the *s 17G Notification*.

A signed version of *s 17G Notification*, or the documents which contain the requested information, should be sent to the ACT Ombudsman at the email below. An email confirming receipt will be sent in return.

If the employer (designated entity) has completed the investigation within those 30 days, the employer should also file a *s 17J Report* which details the findings of the investigation. The *s 17J Report* should be accompanied by copies of all documentation relevant to the investigation and decision making. This material should be provided via email to the address below.

<sup>4</sup>For purposes of the notification, the term allegation refers to express assertions that reportable conduct has happened or may have happened (including a statement or declaration with or without proof).

## 1. Designated Entity (employer) details

1.1 Your case/reference number:

1.2 If this notification relates to any other notification(s) or inquiries made to the Ombudsman, please provide reference number(s) or other details:

1.3 Designated entity name (employer):

1.4 Head of designated entity:

1.5 Position title:

1.6 Telephone:

1.7 Email address:

1.8 Postal address:

1.9 Signature:  Digitally signed by

Date:

Date:

**If an officer other than the head of entity is the preferred contact for the Ombudsman, please provide their details below:**

1.10 Contact officer/delegate name

1.11 Position title

1.12 Address (if different to above)

1.13 Telephone

1.14 Email address



## 2. Employee who is the subject of the allegation or conviction details

(Please complete a separate form for each employee)

2.1 Name of employee :

2.2 Date of birth :

2.3 Sex:  Indeterminate/Intersex/Unspecified

2.4 Home address:

2.5 Position title with employer at the time the allegation was made:

2.6 Working With Vulnerable People number (if applicable)

2.7 Employment status with employer at the time the allegation was made.

Permanent – full time

Permanent – part time

Volunteer or Contractor

Casual

Other

2.8 Site of employment (e.g. school, health practice, office). Include address:

2.9 Information about the allegation or conviction:

2.9a Type of allegation or conviction: ill-treatment, psychological harm, misconduct of a sexual nature, sexual or physical offences where a child is a victim or present, reportable conviction.

Allegation 1 : Crossing of professional boundaries

2.9b Date of alleged incident:

Or period: from:

to

2.9c Detailed description of allegation or conviction (for example, the conviction number)

Allegation 1 - It has been alleged that on [redacted] in the course of [redacted] duties as a [redacted] lifted [redacted] shirt to show [redacted] tattoos to a class of students [redacted] was teaching.

2.9d How and when the allegation or conviction came to the attention of the employer?

The alleged behaviour was reported to [REDACTED]  
 by staff and student witnesses.

2.9e Please attach an initial risk analysis. Include what action has been taken or is proposed in respect to the employee while the current allegation is being investigated until final decisions are made. If no action is proposed, state why that is the case.

No action is proposed

Risk analysis is attached

2.9f Is the employee aware that a reportable allegation has been made against them?

Yes  No

2.9g If the employee has made any written submission to the employer about the allegation or conviction that the employee has asked the employer to take into account when deciding upon appropriate action, the employer must provide those to the Ombudsman with this report.

2.10 If yes, include the date informed and how the employee was informed.

The PSOA was verbally informed of two allegations against [REDACTED]  
 A formal letter was sent to [REDACTED] with an invitation to provide a response to the two allegations was sent to [REDACTED]  
 A meeting has been scheduled on [REDACTED] to seek [REDACTED] response.

2.11 If no, explain why the employee has not been informed.