

5.14.1 It is assessed that [redacted] has breached section [redacted] by using a gesture that has a sexual connotation in a photograph with a group of students, at a school event, in which students and parents are in attendance. It is further assessed that as the photograph was uploaded to a public website prior to a complaint being made and the fact that a complaint was made about the photograph is evidence of unacceptable damage to the esteem and standing of [redacted], specifically with regard to Child Protection.

5.15 [redacted]

5.15.1 It is assessed that [redacted] has breached section [redacted] by using a gesture that has a sexual connotation in a photograph with a group of students, at a school event, in which students and parents are in attendance. It is further assessed that as the photograph was uploaded to a public website prior to a complaint being made and the fact that a complaint was made about the photograph is evidence of unacceptable damage to the esteem and standing of [redacted], specifically with regard to Child Protection.

With regard to [redacted] Guidelines for Professional Conduct in the Protection of Children and Young People (the Guidelines). The following conclusions are made:

5.16 [redacted]

5.16.1 It is assessed that [redacted] has not breached [redacted] as no evidence in the investigation was present demonstrating students were harmed as a result of her actions.

5.17 [redacted]

5.17.1 It is assessed that [redacted] has breached section [redacted] by using a gesture that has sexual connotations in a photograph with a group of students, at a school event, in which students and parents are in attendance. Specifically, that the act of participating in the use of the gesture in the photograph demonstrates that the teacher failed in [redacted] obligation to maintain a professional relationship as a teacher with students in [redacted] care.

5.18 [redacted]

5.18.1 It is assessed that [REDACTED] has not breached [REDACTED] as evidence was present in the investigation that the process of taking the photograph was spur of the moment rather than planned. Further, no evidence was present to suggest that continuing interactions involving the gesture or other activities with sexual connotations occurred on the night.

5.19 [REDACTED]

5.19.1 It is assessed that [REDACTED] has breached [REDACTED] by using a gesture that has sexual connotations in a photograph with a group of students.

6. FINDING – ALLEGATION ONE

6.1 The photograph clearly shows [REDACTED] making a gesture in which [REDACTED]

6.2 It is assessed that a teacher of [REDACTED] experience should have been more attuned to the possibility that using such a gesture in the context in which it was used could have resulted in [REDACTED] breaching her professional obligations.

6.3 Given it has been assessed that [REDACTED] should have been more aware of the implications there is sufficient evidence of weight to substantiate that the conduct occurred with intent, an understanding of the meaning of the gesture or adequate knowledge of the implications of the conduct.

6.4 The finding of Allegation 1, based on the available evidence, is sustained.

7. SUMMARY OF EVIDENCE – ALLEGATION 2 & 3

8. ANALYSIS – ALLEGATION 2

- 8.1 [REDACTED] written response and the responses provided in [REDACTED] interview were largely consistent.
- 8.2 The evidence obtained through email discovery that [REDACTED] had possession of, and subsequently sent, [REDACTED] written response is indisputable. Further, the fact is supported by [REDACTED] evidence through [REDACTED] written response and the account [REDACTED] provided in [REDACTED] interview.
- 8.3 The evidence of [REDACTED], that [REDACTED] did not request [REDACTED] response be provided to [REDACTED], but that it had been done so by [REDACTED] of [REDACTED] own free will, is supported by [REDACTED] evidence.
- 8.4 The evidence of [REDACTED], that the reason [REDACTED] had possession of, and subsequently sent, [REDACTED] written response is supported by [REDACTED] evidence. Further, [REDACTED] evidence provides weight to [REDACTED] assertion that [REDACTED] was acting in support of [REDACTED] and that it was being done so at the behest of [REDACTED].
- 8.5 No evidence was present that [REDACTED] engaged in correspondence with [REDACTED] relating to the content of [REDACTED] written response or the *Show Cause* process that they were both respondents in. Evidence was present in the investigation which indicated that [REDACTED] continued corresponding with [REDACTED] regarding [REDACTED] wellbeing and regarding work related matters. It is acknowledged that [REDACTED] was permitted to engage in such correspondence.
- 8.6 Evidence was present in the investigation which demonstrated that [REDACTED] had a distressing personal matter to deal with on [REDACTED].

With regard to the Enterprise Agreement the following conclusions are made:

- 8.7 [REDACTED]
- 8.8 It is assessed that [REDACTED] has not breached [REDACTED] as no evidence was present in the investigation to indicate that [REDACTED] engaged in a process to either prepare for the interview, which was to be conducted on [REDACTED] or in an effort to deliberately interfere with the investigation process.

- 8.9 [REDACTED]
- 8.10 It is assessed that [REDACTED] has breached [REDACTED] as there is sufficient evidence to demonstrate that [REDACTED] failed to adhere to the written direction contained in the *Show Cause* notice issued to [REDACTED] in [REDACTED]. Evidence of [REDACTED] and [REDACTED] that [REDACTED] found being the subject of a Show Cause process distressing. It is assessed as plausible that this knowledge contributed to [REDACTED] decision to send the correspondence to another person. However, it is assessed as reasonable that [REDACTED] should have understood the direction in the Show Cause notice issued to [REDACTED] in [REDACTED] included [REDACTED] sharing [REDACTED] response with another person. Further, while it is acknowledged that on [REDACTED] was dealing with a difficult personal matter and that [REDACTED] was unable to access the email as [REDACTED] was driving, it is assessed as reasonable that [REDACTED] could have advised [REDACTED] to email [REDACTED] directly and provided [REDACTED] with [REDACTED] email address.
- 8.11 [REDACTED]
- 8.12 It is assessed that [REDACTED] has breached [REDACTED] as no evidence was present in the investigation, (and [REDACTED] did not attest) that any attempt was made by [REDACTED] to notify [REDACTED] that [REDACTED] was in possession of, or subsequently forwarded [REDACTED] written response. This failure to notify, while not a deliberate attempt to interfere with the investigation process. On balance it is assessed as causing an unacceptable risk of reputational damage to [REDACTED] as it could be interpreted, by virtue of their actions, that [REDACTED] staff members subject to investigations do not hold the investigations with the level of seriousness with which they should be afforded.

9. FINDINGS - ALLEGATION 2 & 3

- 9.1 Email discovery and the evidence of [REDACTED] and [REDACTED] clearly demonstrates that [REDACTED] both had possession of and subsequently sent [REDACTED] written response to a person not involved in the investigation.
- 9.2 It is assessed as reasonable that [REDACTED] should have been able to interpret the direction contained in the *Show Cause* notice issued to [REDACTED] in [REDACTED] correctly, especially given [REDACTED] evidence that [REDACTED] had verbally informed [REDACTED] that [REDACTED] was unable to read the response. Given this, it is assessed as reasonable that [REDACTED] could have both notified [REDACTED] of the correspondence between [REDACTED] and [REDACTED] in which [REDACTED] provided [REDACTED] written response, and given [REDACTED] email address so direct correspondence could occur and ensure further distance between [REDACTED] and [REDACTED].
- 9.3 The finding of Allegation 2, based on the available evidence, is sustained.
- 9.4 The finding of Allegation 3, based on the available evidence, is not sustained.

10. CONCLUSION

- 10.1 [REDACTED] is an experienced teacher, having taught at [REDACTED] for [REDACTED]. It is assessed as reasonable that a teacher of [REDACTED] should have a better understanding of the implications of [REDACTED] actions at any school function, including those outside of school hours.
- 10.2 Evidence present in this investigation has indicated that the issue of crossing of professional boundaries by staff be reviewed at [REDACTED].
- 10.3 It is recommended that [REDACTED] disallow the consumption of alcohol by staff at school sanctioned events in which students are present.
- 10.4 It is recommended that [REDACTED] review the processes they use for recruiting staff into the [REDACTED] program.
- 10.5 It is recommended that [REDACTED] review processes for, and teacher understanding of, the responsibility for leading and mentoring staff, especially younger or inexperienced staff.

KEY PARTIES			
Name	Position	Involvement in Incident	Evidence Provided
[REDACTED]	[REDACTED]	Respondent	Written response & Interview
[REDACTED]	[REDACTED] Assistant	Witness	Written account

11. ANNEXURES

1.	Email form [REDACTED]
2, 3 & 4	Photographs depicting a group of students with [REDACTED] staff members, [REDACTED] [REDACTED], engaged in different poses
5.	[REDACTED] Show Cause notice
6.	[REDACTED] written response to the Show Cause notice
7.	[REDACTED] written information
8.	[REDACTED] written account
9.	[REDACTED] interview transcript
10.	Email demonstrating prima facie breach of a lawful direction for [REDACTED] to maintain confidentiality regarding the investigation
11.	[REDACTED] answers to a set of questions regarding the circumstances in which [REDACTED] had obtained [REDACTED] response to the show cause notice
12.	Show Cause notice issued to [REDACTED]
13.	Letter of suspension issued to [REDACTED]
14.	File notes of meeting in which show cause and suspension letter were issues to [REDACTED]
15.	Written response [REDACTED] on behalf of [REDACTED] to the show cause notice dated [REDACTED]
16.	Email from [REDACTED] to [REDACTED] identifying a typographical error contained in the show cause
17.	List of questions sent by [REDACTED] for [REDACTED] to answer
18.	A file note of conversation between [REDACTED] and [REDACTED]
19.	[REDACTED] written confirmation that the responses [REDACTED] provided [REDACTED]
20.	[REDACTED] interview transcript
21.	[REDACTED] witness statement

Report Signatures / Authorities

Prepared by: (Investigator/Service Provider)

Signature:	[Redacted]
Name:	
Position:	
Date:	

Supported by: [Redacted]

Signature:	[Redacted]
Name:	
Position:	
Date:	

Approved by: (Agency Decision Maker)

Signature:	[Redacted]
Name:	
Position:	
Date:	

RE: NOTIFICATION OF A FINAL FINDING

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

[REDACTED] and/or [REDACTED]

These processes were communicated to you by letter on [REDACTED] and on [REDACTED]

A Preliminary Finding letter was issued to you on [REDACTED] which informed you of the outcome of the allegations as assessed per the [REDACTED] and the Enterprise Agreement as set out below:

Allegation One - Sustained

- The photograph clearly shows you making a gesture in which [REDACTED]
[REDACTED]
- It was assessed that a teacher of your experience should have been more attuned to the possibility that using such a gesture in the context in which it was used could have resulted in you breaching your professional obligations.
- Given the assessment that you should have been more aware of the implications of your conduct there is sufficient evidence of weight to substantiate that the conduct occurred with intent, an understanding of the meaning of the gesture or adequate knowledge of the implications of the conduct.

Allegation Two - Sustained

- Email discovery and other evidence gathered in the investigation clearly demonstrates that you both had possession of and subsequently sent [REDACTED] written response to a person not involved in the investigation.
- It is assessed as reasonable that you should have been able to interpret the direction contained in the Show Cause notice issued to you in [REDACTED] correctly, especially given your evidence that you had verbally informed [REDACTED] that you were unable to read the response. Given this, it is assessed as reasonable that you could have both notified [REDACTED] of the correspondence between yourself and [REDACTED] in which [REDACTED] provided [REDACTED] written response, and given [REDACTED] email address so direct correspondence could occur and ensure further distance from you.

Allegation Three – Unsustained

- No evidence was present in the investigation that you engaged in correspondence with [REDACTED] relating to the content of [REDACTED] written response or the *Show Cause* process you were both respondents in. Accordingly, it is assessed that you were not trying to interfere with the investigation process.

In the Preliminary Finding letter of [REDACTED] you were invited to submit a response to the findings by [REDACTED]. You were advised that if no response to this letter is received by that date the matter will be closed and you will be informed of the outcome. We note that a response was not received for consideration.

Disciplinary Measures

I have carefully considered all evidence presented by [REDACTED] to the allegations. I now issue you a **warning** in relation to these breaches.

Please be reminded that further failure to adhere to [REDACTED] policies and exercise professional judgement may result in further disciplinary action.

I am directing you to:

- review the [REDACTED] to ensure you understand your child protection obligations and report in writing to your Principal that you have done by no later than Week 1 of [REDACTED]
- ensure at all times your relationship with students is that of a teacher only in accordance with [REDACTED] Policies and Procedures, and
- if you find yourself in a situation with any student in which you are at risk of breaching your child protection obligations you are to immediately to declare the situation and seek support from your Principal or their delegate.

The seriousness of this incident

The protection of children is paramount for [REDACTED]. A key aspect of your duty as a teacher is to ensure that you interact in an appropriate manner with students, and at all

times are mindful of appropriate professional boundaries when interacting with young people. It is incumbent on me to stress the seriousness of instances in which teachers cross their professional boundaries with students. Such instances can be considered to be sexual misconduct and accordingly have the potential to cause significant harm to students. Sexual misconduct in any form by teachers is an incredibly serious matter and is a breach of the position of trust and respect teachers hold with students, families and within the community.

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 [REDACTED], please do not hesitate to contact them on [REDACTED]

Yours sincerely

[REDACTED]

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 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 [REDACTED], while attending the Year [REDACTED] Formal in the capacity as a teacher, photographs were taken of [REDACTED] with a group of students. In these photographs [REDACTED] appeared to: - Be holding a glass of wine, despite a direction to remained seated while consuming alcohol, given by [REDACTED]. - Making a gesture in which [REDACTED]

It is widely accepted that this gesture indicates: [REDACTED]

It is noted that a number of other people in the photograph are making the same gesture.

Evidence Provided: See case files

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: [REDACTED]

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:

Risk Factors: It is assessed as reasonable that a teacher of [REDACTED] experience should have a better understanding of the implications of [REDACTED] actions at any school function, including those outside of school hours. It was also assessed that a reasonable person would find it implausible that [REDACTED] did not know the sexual connotations associated with the gesture made in the photos.

Mitigating factors: [REDACTED] is an experienced teacher, having taught at [REDACTED] for [REDACTED] remains in ongoing employment at the school, with a written warning as a result of this investigation. The investigation has indicated that the issue of crossing of professional boundaries by staff be reviewed at [REDACTED] It was also recommended that [REDACTED] disallow the consumption of alcohol by staff at school sanctioned events in which students are present. It was also recommended that [REDACTED] review processes for, and teacher understanding of, the responsibility for leading and mentoring staff, especially [REDACTED]

*Document reviewed and updated [REDACTED]

Regulatory Assessment Report

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



younger or inexperienced staff. At the meeting of [REDACTED], [REDACTED] and [REDACTED] confirmed that all Delegate actions had been completed, [REDACTED] had engaged in [REDACTED] PL relating to professional boundaries, and that systems had been strengthened, such as the purchase and use of 'work' mobile phone for use after hours (VET).

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]

From: [REDACTED]
To: [REDACTED]
Subject: In Confidence
Date: [REDACTED]

Dear [REDACTED]

Thank you for meeting with me today [REDACTED]. I appreciated meeting in person to discuss the matters that occurred last year while in employment at [REDACTED]. I have reviewed all the relevant information, including the information we discussed in relation to a) actions the Delegate asked you to undertake b) Professional Boundaries professional learning undertaken, and c) strengthened systems (i.e. work mobile phone).

From the information provided at our meeting, I am satisfied that appropriate profession practice and supervision is occurring in relation to your role at the school and that it sounds like you are making an important contribution.

I consider therefore that no further action in relation to professional registration, as it relates to the information provided under s70B, is required and I wish to advise you that I will not be taking any further action. I would encourage you to reflect upon the professional learning you spoke of through the TQI teacher portal, as 'teacher identified' professional learning.

Thank you for making the time to discuss these matters in person. Do not hesitate to contact Ms Claudia Hale (Senior Director Professional Standards, Professional Learning and Regulation) on 62058207 if you have any questions regarding this correspondence, or any matters relating to my contact with you.

Regards

Coralie

Coralie McAlister | Chief Executive Officer

Phone: +61 2 6207 1918 | Email: tqi@act.gov.au

ACT Teacher Quality Institute | ACT Government

PO Box 263 Jamison Centre ACT 2614 | www.tqi.act.edu.au

Section 70B Notification Form

Record 19.8



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



ACT
Government



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

- 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: [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 s70B <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

Click or tap here to enter text.

Evidence Provided:

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:

2nd notification – CEO spoke to [REDACTED] re professional boundaries [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

<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.
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Name Delegate Finalised

Corale McAlister

Date: Click or tap to enter a date.

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(a)(iii)

Freedom of Information Schedule

[REDACTED] – 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 22			
22.1	Performance Improvement Plan		Non-release	Schedule 2.2(a)(ii)
22.2	Letter – Notice of intention to impose a condition on teacher registration		Partial release	Schedule 2.2(a)(ii)
22.3	Email – FW: Probation meeting and Performance Improvement Plan process		Partial release	Schedule 2.2(a)(ii)
22.4	Letter – Notice to attend compulsory meeting to discuss highlighted performance issues		Partial release	Schedule 2.2(a)(ii)

22.5	Letter of Outcomes	[REDACTED]	Partial release	Schedule 2.2(a)(ii) and Outside of scope
22.6	Meeting Notes - Performance Improvement Plan meeting to monitor performance	[REDACTED]	Non-release	Schedule 2.2(a)(ii) and Confidential Information and Management Function
22.7	Email – FW:	[REDACTED]	Non-release	Schedule 2.2(a)(ii) and Confidential Information and Management Function
22.8	Email – Record of conversation	[REDACTED]	Non-release	Schedule 2.2(a)(ii) and Confidential Information and Management Function
22.9	Letter – Employment	[REDACTED]	Partial release	Schedule 2.2(a)(ii) and Confidential Information and Management Function
22.10	Email – Without Prejudice	[REDACTED]	Non-release	Schedule 2.2(a)(ii)
22.11	Email – Returning to work	[REDACTED]	Non-release	Schedule 2.2(a)(ii)
22.12	Section 70B Notification Form	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
22.13	Section 70C Request for further information	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
22.14	Letter – Employment	[REDACTED]	Partial release	Schedule 2.2(a)(ii) and Outside of scope
22.15	Email – Concerns about letter	[REDACTED]	Non-release	Schedule 2.2(a)(ii)
22.16	Letter – Notice of condition on teacher registration	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
22.17	Letter – Registration card – condition on teacher registration	[REDACTED]	Partial release	Schedule 2.2(a)(ii)

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



PRIVATE AND CONFIDENTIAL

TQI Reference: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

Notice of intention to impose a condition on teacher registration

I have been advised by [REDACTED] under s.70B of the *ACT Teacher Quality Institute Act 2010* that your [REDACTED].

Your response outlining six reasons for the problems with your previous employer was provided in writing on [REDACTED] prior to our meeting on [REDACTED]. In this written statement you accepted that you failed to treat your colleagues professionally; were dismissive of their opinions and abrupt. You disclosed that you accepted full responsibility for the angst that led to your termination.

During our meeting I outlined how this incident constituted a breach of the TQI *Code of Professional Practice and Conduct* (the Code). We discussed that 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.

In light of matters raised in the [REDACTED] notification to TQI; your written statement provided on the [REDACTED] and our conversation on [REDACTED] I propose to amend your registration under s.56 of the Act by imposing a condition that you complete in [REDACTED] a professional development plan which has been agreed by TQI to further develop your demonstration of professional integrity and respect. The reasons for this proposed decision are set out below.

Reasons for decision

I acknowledge your reflection, both written and verbal, that the professional fit between yourself and the school was not suitable. However, the evidence provided by [REDACTED] along with your admission leads me to believe that, over the course of the extended probation period with your previous employer, you breached the Code.



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...

I consider therefore that on balance it is appropriate for the purposes of the Act that you be required to undertake professional learning and development to address the importance of:

Demonstrating *Integrity* by:

- displaying professional behaviour and practice appropriate to the role of a teacher;
- creating and maintaining professional relationships with students, parents and carers, colleagues and the community;
- maintain standards of professional and personal conduct consistent with community expectations and complying with this code and other professional codes; and
- demonstrating *respect* by communicating appropriately with students, parents and carers, colleagues and other people.

If this decision is taken, you will be able to renew your registration for [REDACTED] on the condition that you undertake the professional learning agreed in a plan to be devised by you and agreed by TQI.

You have 14 days from the date of your receipt of this notification to provide me with reasons why the decision to impose conditions as set out above should not be taken. If you choose to provide me with reasons, I will take them into account along with the information set out above to arrive at a final decision, of which you will be notified 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



Coralie McAlister
Chief Executive Officer



[REDACTED]

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: Probation meeting and Performance Improvement Plan process

Hi [REDACTED]

[REDACTED] and I attempted to meet with [REDACTED] today to discuss [REDACTED] Performance Improvement Plan with [REDACTED]

I flagged with [REDACTED] last week that that would be happening but that I did not wish to meet with [REDACTED] last week [REDACTED] indicated that that would be fine.

[REDACTED] had a routine catch up scheduled with [REDACTED] this afternoon, and earlier today [REDACTED] indicated to [REDACTED] that we thought that me attending that meeting would be a suitable way to advance the matter of [REDACTED] Performance Improvement Plan.

At the meeting this afternoon I presented the plan to [REDACTED] and asked [REDACTED] to either read it while we sat together, indicating that that was my preference, or [REDACTED] could take it away with [REDACTED].

Without reading the document [REDACTED] handed it back to me saying that [REDACTED] has obtained advice and will not be signing any performance improvement plan. [REDACTED] again acknowledged the need to extend [REDACTED] probation.

I reiterated that the process was designed to be a positive and constructive one. [REDACTED] reaffirmed [REDACTED] position that [REDACTED] will not be signing the PIP.

I indicated that I would need to seek advice myself, as the advice from our HR team was that in order to extend probation the process needed to be accompanied by a PIP. [REDACTED] acknowledged this.

I seek your advice as to how to proceed from here please.

Thanks

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: [REDACTED]

To: [redacted]
Cc: [redacted]
Subject: Probation meeting and Performance Improvement Plan process

[redacted]

thanks for taking the time to meet with [redacted] and I today for our scheduled discussion regarding your probation with [redacted]

We had hoped to engage in an open and inclusive dialogue with you around the concerns that we had regarding work performance during your probationary period and, in particular, these last 3 months with the school. I provided you with a copy of your 3-month Probation report, and a copy of the [redacted] Performance Improvement Plan procedure to seek to ensure that you understood fully the process that we were going to follow [redacted]

[redacted] had met with you on [redacted] to make you aware of the nature of our discussion today and our intention to extend your probation. You indicated in that discussion with [redacted] that you understood the nature of the concerns that [redacted] raised with you and that you accepted the need to extend your probation.

In our discussion today, after I outlined to you our proposed approach, you stated that you were not willing to engage in the style of conversation that we were proposing but rather, you requested that we present to you a written Performance Improvement Plan that clearly stated the performance issues that we wished to address. I stated to you that that was your prerogative and that that approach seemed more confrontational than we had hoped the process would be.

I have kept Human Resources within [redacted] advised of the process to date and have also advised them of the status of things following our meeting today.

As indicated, I will work with you to identify a suitable time for us to reconvene to discuss your probation and the accompanying Performance Improvement Plan that we will now be presenting to you. If you wished to bring a support person to our next discussion (and any subsequent meetings) you would be welcome to do so; alternatively, human resources can also offer a support person in the conversation(s) if you were to request one.

Please note, that while this process is being undertaken your probation period with [redacted] has been extended for a further [redacted].

If you wish to discuss any questions or concerns that you have you can direct these to either myself or to [redacted] (copied in here).

Thanks

[redacted]

[redacted]



**NOTICE TO ATTEND COMPLUSORY MEETING TO DISCUSS
HIGHLIGHTED PERFORMANCE ISSUES**

[REDACTED]

You are requested to attend a meeting to discuss performance concerns that have been raised with you. These concerns include:

- Behaving in a manner that is not respectful of others
- Using language inconsistent with the Cultural Code
- Interactions that have negatively affected relationships with team members
- Working in a non-collaborative manner
- Shown an absence of tolerance of other perspectives
- Not receiving constructive feedback in a manner that demonstrated understanding.

[REDACTED] has raised these concerns with you, however you have refused to sign a prepared Performance Improvement Plan. Our aim is to inform you of our concerns and to develop a plan with you to support you in improving the issues identified.

Present at the meeting will be:

[REDACTED]

Meeting details:

- Date:
- Time:
- Location:

You may invite a person to accompany you to this meeting. This may be a union representative or another person. Please note that the accompanying person is there to provide you with support, not to act as an advocate. We would prefer that you not use a colleague or another employee due to that placing them in a difficult and possibly conflicting situation; however we will not deny you that option. Please provide to me the name, contact details and relationship of your support person prior to the meeting.

Please be assured that the meeting will be private, confidential and impartial.

Please note that you are entitled to access Employee Assistance Program (EAP) at any time during this process. This program is a free confidential counselling service provided to all employees by You can contact the provider,

If you have any questions about this process, please do not hesitate to contact me on

Yours Sincerely

Letter of Outcomes

[REDACTED]

Thank you for attending the meeting on [REDACTED]. At the meeting I explained to you that there were no formal meeting notes taken at the previous meetings with [REDACTED] there are some emails regarding the performance improvement process.

You asked who would be responsible for recording the meeting and I indicated that I would do so and provide a letter of outcomes by today, [REDACTED].

I explained the clause in your employment contract which sets out the standards that apply to all employees, including completing training and development and fulfilling your position, duties and responsibilities with due diligence, honesty and in a professional manner. I explained that the Performance Management Framework and the associated Performance Improvement Plans (PIP) are a positive and professional way that [REDACTED] seeks to provide the necessary training and development for our employees. The PIP process is a way to work together to achieve the expected goals of your position. This is not an underperformance process which is separate from our development framework.

I provided you with a copy of your employment contract, position description, the guide to the Individual Development Program and a copy of your PIP.

You indicated that you are happy to work with 'management' but not within [REDACTED] established framework. You also stated that you would not sign the PIP until it had been cleared by your lawyer which may take some time.

I explained that [REDACTED] will enact the PIP when you return in [REDACTED]. There will be weekly meetings regarding the expectations set out in the PIP and how you are progressing toward those goals.

There was discussion around how the PIP had been provided to you and the following was noted:

- You were offered an opportunity to have input into the PIPs development but declined.
- You requested that a completed PIP be provided to you
- You were provided a copy of the completed PIP at the subsequent meeting with [REDACTED] offered for you to either review the PIP at the time or take it with you for review; however you handed the copy back to [REDACTED] at the meeting giving it only a cursory review stating that you would not be signing it.

- [redacted] advised you at that time that [redacted] would need to seek advice as to what the next steps would be
- At our meeting of [redacted] you noted that you had asked for a copy of the PIP to be provided to you via email so that you could reflect on the contents, however [redacted] had not done this (a copy of the completed PIP is attached).

[redacted]

The meeting ended with a re-statement that the PIP will be enacted when school resumes in [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

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

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

Employment [REDACTED]

I am writing to you in relation to your employment with us at [REDACTED]

You are currently the subject of a Performance Improvement Plan (PIP).

From the material that I have seen and my recent discussions with [REDACTED]

[REDACTED] my present view is that the PIP has not resolved and, in my preliminary view, is unlikely to resolve, the matter of concern that led to its implementation: your workplace-related behaviour.

The PIP was introduced following several incidents of concern.

To give one example, on [REDACTED] raised with you an allegation that the previous day you had said, [REDACTED] you had exclaimed, "It would have been nice to have been fucken told." He also raised with you the fact that you had recently sent a [REDACTED] message to your colleagues [REDACTED] with a message that stated [REDACTED]

On [REDACTED] met with and explained to you that [REDACTED] intended to extend your probation period because it was not convinced that your behaviour was sufficiently satisfactory for your [REDACTED] employment to be confirmed.

On [REDACTED] met with you to advise that your probation period would be extended for a further three months. They provided you with a copy of your three month probation report and [REDACTED] PIP procedure document. You glanced at both documents, and then promptly handed them back to them, rather than retain them. When [REDACTED] then attempted to address the contents of those documents and the specific issues of concern, you said "I'm not willing

to engage in the style of conversation that you're proposing. I want to be given a written performance improvement plan that clearly states the performance issues that you wish to address". [redacted] replied that that was your prerogative, but that he considered that such an approach was more confrontational than [redacted] had hoped that the process would entail. The meeting ended on that note.

Or [redacted] met with you again. In accordance with the request that you made during the meeting on [redacted] handed you a PIP document prepared by [redacted] offered for you to either review the document there and then or to take it away with you and come back to [redacted] with your comments and any suggested amendments. However, you took a cursory look at the document and handed it straight back to [redacted] saying "I will not be signing it". The meeting ended at that point on a similar note to the one on [redacted]

[redacted] then met with you on [redacted] to follow up on [redacted] meeting with you. As outlined in [redacted] letter to you of [redacted] during that meeting [redacted] reiterated to you that the reason why [redacted] had decided to implement the PIP was because it considered that aspects of your workplace-related behaviour remained unsatisfactory. As [redacted] had done on [redacted] handed you a copy of the PIP document and invited you to provide input in relation to its contents. You declined, saying "I will not do so until it's been cleared by my lawyer, which may take some time. Can you send me an electronic copy", and handed the document back to [redacted] went on to say that the PIP would commence upon your return to work [redacted] in response to your request [redacted] sent you an electronic copy of the PIP document later that day.

The first PIP meeting between you, [redacted] occurred on [redacted] Before addressing the PIP document [redacted] noted that there had been some speculation among staff during [redacted]

When the conversation turned to the PIP document, you confirmed to [redacted] that you had received [redacted] letter of [redacted] and an electronic copy of the PIP document on that date. However, you said that you were not prepared to sign the document until such time as you had obtained advice from your solicitor. You said that your solicitor was on leave until mid-February.

[redacted] said that regardless of whether you were going to sign the document, the PIP would continue. You then asked that a written agenda be provided to you ahead of the PIP meetings. [redacted] replied that

the agenda was what was stated in the PIP document and that, whilst [redacted] was prepared to consider your request, [redacted] present position was that it was not necessary to provide such ahead of discussions of matters (that is, your workplace-related behaviour) that were essentially 'operational'.

[redacted] then returned to the PIP document and asked you if you had read it and whether you needed any clarification or had any questions about what was stated in it. You said that you had read it, that you did not need any clarification, and that you had no questions.

[redacted] then addressed the *Agreed actions to improve* at page 3 of the document, emphasising that [redacted] hoped that the stated *key outcomes, task/responsibilities* and *performance measures* could be agreed. You stated that you agreed with what had been stated in the document in that regard.

As to the first key outcome, [redacted] asked you how you felt that you were going in terms of achieving positive professional relationships with other [redacted]. You said "good". In response, [redacted] expressed concern that you had spoken disrespectfully to some of your colleagues on occasion and noted both that some staff had raised concerns with [redacted] about how they felt that you had behaved towards them and that other staff had expressed concern to [redacted] about your behaviour towards other staff that they had witnessed. You requested the names of the staff concerned and asked why they had not approached you directly with their concerns. [redacted] said that each staff member concerned had requested not to be identified due to the unease that they had around how you might respond to them. You stated it was hard to rectify your behaviour when you did not know who you needed to put more effort in with.

As for the second key outcome [redacted] asked you how you felt that you were going in terms of ensuring that your interactions with other staff were respectful and courteous. You replied, "I'm not going to get into a 'guessing game' around this. I just want to be told what the issues are." [redacted] replied that the essential concern was simply that your interactions with some staff had not been respectful or courteous. You appeared to acknowledge this inasmuch as you said that, in respect of several [redacted] campus staff last year and one [redacted] campus staff member this year, you had 'stepped back' your interactions to maintain a 'strictly professional only' stance.

You went on to assert that these issues had not been raised with you previously, and asked why mediation had not been offered. [redacted] took issue with that assertion, noting that [redacted] had raised the issue of your unsatisfactory behaviour towards [redacted] with you last year and that you had acknowledged that feedback at the time and stated that you would work on improving your behaviour in that regard. You then asked whether staff had raised any concerns about your behaviour this term. [redacted] replied that some had, and asked if you would like some specific examples. You replied, "No, I don't".

An example of your behaviour this term that [redacted] had intended to address was that during a discussion in the staff office at the [redacted] on the afternoon of [redacted] after school had finished, you had asserted to the several staff members who were present that [redacted] was part of the [redacted] that females and males were treated differently within that denomination religion, that 'this' was also evident within [redacted] – inferring that [redacted] was responsible for the alleged differential treatment, that [redacted] did not like people who were not 'religious', and that any staff member who was not 'religious' should be wary of him.

[redacted] then turned to the third key outcome (Participates in the operations of the school in a collaborative and respectful manner), and said that there remained some concerns around your behaviour in that regard too. Your response at that point (around 3:30 p.m.), was to begin to collect the belongings that you had brought to the meeting [redacted] asked, "Are you leaving?", to which you replied, "Yes". You then left the room, went straight to the staff office, collected some other belongings of yours, and left the premises.

I consider that that email is illustrative of the concerns that [REDACTED] and other colleagues a [REDACTED] [REDACTED] have about your behaviour, and that [REDACTED] were trying to address with you. I read the first paragraph as being somewhat sarcastic. I also consider that your accusation of 'unpleasantness' towards [REDACTED] to be unjustified: it is their job to draw a staff member's attention to aspects of their behaviour that they and others consider to be unsatisfactory, and I find it difficult to believe, knowing their personalities and their general good reputation within [REDACTED] that they were, in fact, unpleasant towards you. As for the second paragraph, it is true that [REDACTED] believe that you have interacted with staff with a lack of civility; however, it is not reasonable to disparagingly (as I read it) refer to that belief as being *their* "problem".

[REDACTED]

[REDACTED]

A further PIP meeting between you [REDACTED] was held on [REDACTED] as a continuation of the one the previous week. [REDACTED] spoke to the third key outcome. [REDACTED] then addressed the fourth key outcome (*Receives constructive feedback with an openness and genuineness and responds professionally*). [REDACTED] then asked you if you had anything to add. You said that you did not. The meeting ended that point.

Putting all of the above together, my present 'read' of the situation is that: you do not accept that your workplace-related behaviour has been and remains unsatisfactory; you are not 'listening' to what [REDACTED] are trying to impress upon you in that regard; your approach to the PIP is argumentative indeed, in some respects, hostile; that you do not really want to be at [REDACTED] and, if all that is so, the PIP is not going to result in a positive outcome.

Accordingly, my preliminary view is that [REDACTED] should terminate your employment on the ground of your conduct. Before I make a final decision, I invite you to provide a response as to why it should not do so. I will take into account anything that I receive in writing from you by [REDACTED] [REDACTED] In the meantime, to enable you to spend as much time as you wish in considering your position, you are not to attend work. You will remain on full pay. You are also directed not to communicate with any employee [REDACTED] If you need anything for the purposes of your response, you are to address your request to me at [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)

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 22.12



ACT
Government



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 22.13



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:

Sector:

School name:

Information to be sent to TQI by close of business

Cause for reporting a notification event under section 70B

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

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

Employment

Thank you for your email of

I will take it that your email is intended to be a response to my letter to you of in which I outlined concerns about your workplace behaviour and invited your response.

In my letter I outlined a number of particular instances of your workplace behaviour that illustrated concerns.

I summarised my concerns by saying:

Putting all of the above together, my present 'read' of the situation is that: you do not accept that your workplace-related behaviour has been and remains unsatisfactory; you are not 'listening' to what are trying to impress upon you in that regard; your approach to the PIP is argumentative – indeed, in some respects, hostile; that you do not really want to be at; and, if all that is so, the PIP is not going to result in a positive outcome.

My read of your email is that you still do not really accept that your workplace-related behaviour has been unsatisfactory. As you say, your recollection of the content and context of the examples listed in my letter is somewhat different. I also do not understand what you mean by saying "this list has for the first time provided me with a pathway to modify my behaviour in order to provide the school with satisfaction in this matter". You know what you have said and done. There are the incidents that raised with you on There is your behaviour during the various PIP meetings between you, from onwards referred to in my letter. There is your behaviour in the staff office at the on the afternoon of Despite the warranty that you provide, given past behaviour is an indicator of future behaviour, I am afraid that I cannot muster sufficient confidence that you will, in fact, modify your behaviour to the

necessary extent. All attempts to assist you in modifying these behaviours have not yielded the required changes. I am mindful in this regard that you have considerable years of teaching experience. It does concern me that you seem to have conceived "the problem" as being "somewhat nebulous" to date. That, to me, displays a considerable lack of self-awareness.

Accordingly, I have decided to terminate your employment with [REDACTED] with immediate effect. You will receive the required payment in lieu of notice and be paid the value of your unused annual leave (if any) in our next pay run.

I thank you for the teaching contribution that you have made a [REDACTED] and wish you well for the future.

Yours sincerely

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



PRIVATE AND CONFIDENTIAL

TQI Reference: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

Notice of condition on teacher registration

I refer to my notification to you [REDACTED] of my intention to amend your registration as a teacher under s.56 of the *ACT Teacher Quality Institute Act 2010* (the Act) to impose a condition requiring you to undertake agreed professional learning.

As indicated in that notification, I have reviewed your registration in light of matters raised by [REDACTED] under s.70B of the *ACT Teacher Quality Institute Act 2010* that your [REDACTED] was terminated from [REDACTED]. I have also taken into consideration your written response and our discussion on [REDACTED] along with your response to proposed action, received [REDACTED].

Taking all the relevant information into account, I now give you notice that I have amended your registration under s.56 of the Act and impose a condition that you undertake 20 hours of targeted professional learning during the [REDACTED] registration year addressing three mutually agreed professional learning goals related to continuing to develop your professional practice.

You will need to provide me with a professional learning plan by the end of [REDACTED] identifying your proposed learning goals and suggested activities which may include professional reading you have already completed this year. 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. After verification by TQI this targeted professional learning would satisfy the 20 hours required for the renewal of your registration in [REDACTED].

Reasons for decision

I acknowledge your reflection, both written and verbal, [REDACTED] [REDACTED]. However, the evidence provided by [REDACTED] [REDACTED] along with your admission leads me to believe that, over the course of the extended probation period with your previous employer, you breached the Code.



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...

I consider therefore that on balance it is appropriate for the purposes of the Act that you be required to undertake professional learning and development to address the importance of:

Demonstrating *Integrity* by:

- displaying professional behaviour and practice appropriate to the role of a teacher;
- creating and maintaining professional relationships with students, parents and carers, colleagues and the community;
- maintain standards of professional and personal conduct consistent with community expectations and complying with this code and other professional codes; and
- demonstrating *respect* by communicating appropriately with students, parents and carers, colleagues and other people.

The amendment of your registration will take effect on [REDACTED]. The condition will remain in effect until you have satisfied the verification requirements for the professional learning undertaken.

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. Ms Hale will also be able to provide you with a scaffold for developing a PL plan and support you in selecting relevant PL opportunities to meet your identified goals.

Yours sincerely

[REDACTED]

Coralie McAlister
 Chief Executive Officer

[REDACTED]





ACT
Government



PRIVATE AND CONFIDENTIAL

TQI Reference: [REDACTED]



Registration card - condition on teacher registration

I refer to the notification sent to you [REDACTED] outlining that your registration has been amended under s.56 of the *ACT Teacher Quality Institute Act 2010* (the Act) to impose a condition requiring you to undertake agreed professional learning.

Please find attached your new [REDACTED] registration card that specifies this condition. You will need to return your card issued this year, dated [REDACTED] or destroy it by [REDACTED]

You need to provide a copy of this card to your employer and any future employers.

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

Yours sincerely



Claudia Hale
Senior Director Professional Standards, PL and Regulation



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 23			
23.1	Section 70B Notification Form		Partial release	Schedule 2.2(a)(ii)
23.2	Section 70C Request for further information		Partial release	Schedule 2.2(a)(ii)
23.3	Letter – Response to information request under section 70c		Partial release	Schedule 2.2(a)(ii) and Confidential Information and Management Function

23.4	Report – Investigation Report Code of Conduct		Partial release	Schedule 2.2(a)(ii) and Confidential Information and Management Function Pages that are wholly redacted have been removed
23.5	Letter – Notification of Final Finding		Partial release	Schedule 2.2(a)(ii) and Confidential Information and Management Function
23.6	Regulatory Assessment Report		Partial release	Schedule 2.2(a)(ii) and Confidential Information and Management Function
23.7	Coversheet s 17J Report		Partial release	Schedule 2.2(a)(ii)

Section 70B Notification Form



Record 23.1



Office Use Only
TQI Reference: [REDACTED]

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: [REDACTED]

Employment Status: [REDACTED]

Date of Notification Event: [REDACTED]

TQI Number: [REDACTED]

Sector: [REDACTED]

School name: [REDACTED]

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: [REDACTED]

Telephone: [REDACTED]

Email [REDACTED]

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 23.2



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

Details of Teacher

Name: [REDACTED]

TQI Number: [REDACTED]

Date of Notification Event: 1 [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;

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: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

Details of TQI officer managing case:

Name: Claudia Hale

Telephone: 62058207

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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

[redacted]

[redacted]

On [redacted] disclosed to [redacted] parents that during class when they were completing patterns. [redacted] was leaning on [redacted] chair where [redacted] approached [redacted] and grabbed [redacted] hand telling [redacted] needed to complete [redacted] pattern. [redacted] disclosed [redacted] [redacted] squeezed [redacted] hand hurting [redacted] and this caused [redacted] to become distressed.

On [redacted] parents contacted the [redacted] and discussed the matter where they were advised to contact [redacted]

On [redacted] the parents contacted the [redacted] and informed [redacted] of the matter and forwarded an email. [redacted]

[redacted]

[redacted]

[redacted]

[REDACTED]

[REDACTED]

[REDACTED]

Other related information

[REDACTED] has not been suspended and continues to perform [REDACTED] role.

[REDACTED] have commenced a Reportable Conduct investigation with the matter being reported to the ACT Ombudsman Office.

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]



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1. EXECUTIVE SUMMARY

1.1

[REDACTED]

1.2

On [REDACTED] received notification of a complaint by [REDACTED] father of [REDACTED] student, [REDACTED] of [REDACTED] regarding the alleged conduct of [REDACTED] teacher, [REDACTED]

1.3

This complaint from [REDACTED] was initially made to [REDACTED] – [REDACTED] on [REDACTED]. The allegation related to an incident occurring during the week between [REDACTED] and [REDACTED]

1.4

The complainant provided information that has resulted in one allegation that relates to [REDACTED] taking hold of [REDACTED] hand, squeezing and hurting [REDACTED] hand whilst teaching the [REDACTED] class.

1.5

On [REDACTED] [REDACTED] commenced a formal investigation into the allegations. During the investigation information was obtained from [REDACTED] relating to the victim and [REDACTED] [REDACTED] were interviewed as well as the respondent.

1.6

The respondent advised:

- [REDACTED] did complete [REDACTED] duty in a professional, competent, and conscientious manner.
- [REDACTED] denied the allegation in the context that it was presented.
- [REDACTED] when teaching the [REDACTED] mathematical patterns [REDACTED] was not sitting on [REDACTED] chair as the pattern lessons were conducted with the class sitting on the floor.
- [REDACTED] categorically denied squeezing [REDACTED] hand and at no stage has [REDACTED] ever had contact with [REDACTED] that would cause [REDACTED] pain or hurt [REDACTED].
- [REDACTED] is not a student in [REDACTED] class that leans on [REDACTED] chair or moves around during seated activities.
- [REDACTED] during the week relating to the allegation there were [REDACTED] [REDACTED] assisting [REDACTED] on different days.

It has been established there is a lack of evidence of weight to sustain that the alleged conduct occurred. Therefore, it has been established that no breach has been sustained against the framework of the relevant [REDACTED] School Policies and Procedures, most notably, those of professional standards, conduct and behaviour.

The investigation has concluded the allegation is not reportable conduct upon assessing the allegation, in consultation with the ACT Ombudsman Office. The alleged conduct could be considered as conduct that was intended to exercise appropriate control over the child or prevent the child from harming themselves or others. This does not rise to the threshold of reportable conduct under the ACT Reportable Conduct Scheme.

A table summarising the allegation and respective finding can be found at page 5 of this report.

The conclusions regarding the complaint have been considered against the framework of relevant [REDACTED] and School Policies and Procedures, most notably, those of professional standards, conduct and behaviour as well as the definitions of reportable conduct pursuant to the Ombudsman Act 1989 (ACT).

1.7

[REDACTED]

1.8

[REDACTED] r advised that it was [REDACTED] belief the allegation was made against [REDACTED] due to the [REDACTED] being unhappy with [REDACTED] response to an email regarding details of classroom support for [REDACTED]

1.9

This investigation has highlighted the need for continued professional development and support for [REDACTED].

1.10

This Investigation Report is submitted to [REDACTED] for information and further consideration.

[REDACTED]