

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

Yes No

Support Person and information about EAP.

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

Yes – Description of activity:

No

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

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?

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

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

[Redacted]

3.3 Does the child have other vulnerabilities?

[Redacted]

3.4 Who has parental or carer responsibility for the child?

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

[Redacted]

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

[Redacted]

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

[Redacted]

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?

- 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?

4.2c What action was taken

4.2d Reference number

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

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?

N/A

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?

N/A

If no, why not?

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?

This is the final page of the s 17G Notification.
Please email this form to: act@ombudsman.gov.au

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 allegation¹ 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.

¹For 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.

Allegation 2 : Ill-treatment of a child - hostile use of force/physical contact towards a child and/or inappropriate forms of restrictive intervention

2.9b Date of alleged incident:

Or period: from:

to

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

Allegation 2 - It has also been alleged that on [redacted] in the course of [redacted] duties as a [redacted] physically lifted a student to remove them from the classroom.

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 the 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] via email on [REDACTED]
 A meeting has been scheduled on [REDACTED] to seek [REDACTED] response.

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

Support Person and information about EAP.

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

- 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

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?

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

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

[Redacted]

3.3 Does the child have other vulnerabilities?

[Redacted]

3.4 Who has parental or carer responsibility for the child?

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

[Redacted]

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

[Redacted]

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

[Redacted]

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?

[Redacted]

- 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?

4.2c What action was taken

4.2d Reference number

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

- 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?

N/A

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?

N/A

If no, why not?

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?

This is the final page of the s 17G Notification.
Please email this form to: act@ombudsman.gov.au



Outcome of Reportable Conduct Enquiry

On [REDACTED] you were advised by [REDACTED] that a Reportable Conduct Enquiry into allegations of inappropriate behaviour and reportable conduct was being conducted.

I am writing to advise that the enquiry has now been completed.

During the enquiry, the following allegations were assessed:


1. On [REDACTED] in the course of your duties as a [REDACTED] [REDACTED], you lifted your shirt to show your tattoos to a class of students you were teaching.
2. On [REDACTED], in the course of your duties as a [REDACTED] [REDACTED], you physically lifted a student to remove them from the classroom.

The process was conducted in accordance with Section 17EB of the *Ombudsman Act 1989*. The purpose of the enquiry was to determine whether the allegations of reportable conduct occurred and how [REDACTED] best manages this matter.

As delegate, I have reviewed the evidence and statements collected in the enquiry including your response provided at the meeting of [REDACTED] and include the considerations and findings below.

Allegation one

In relation to allegation one, you admitted that you did lift your shirt and showed students your tattoos. I acknowledge that you have showed insight into the inappropriateness of your actions in relation to this allegation. Although these actions were inappropriate, I have determined your actions did not constitute reportable conduct.



Allegation two

In your response, you confirmed that you lifted the student and that this action was necessary in order to separate the students from fighting. I also took into consideration that you have showed insight to consideration of other possible strategies that may be used in similar circumstances and based on information at hand, I have determined your actions did not constitute reportable conduct.

It is important to understand that as a teacher, you hold a special position of trust and your professional behaviour at all times is held to a high level of scrutiny. Whilst the allegations did not constitute reportable conduct, your conduct of [REDACTED] was considered inappropriate. As a result, I would like to remind you of your obligations under the [REDACTED] and to ensure going forward, that your behaviours reflect the principles and obligations within the [REDACTED]. A copy of [REDACTED] is provided to you for your reading.

Reportable Conduct

As advised to you on [REDACTED] is required to notify the ACT Ombudsman of this matter. [REDACTED] has notified the ACT Ombudsman and will also provide a final report. We now consider this matter to be closed however the Ombudsman will need to notify closure from their perspective.

Support

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



Alternatively, you can contact [REDACTED]
[REDACTED] If you have any queries, please contact [REDACTED]
[REDACTED]

Yours sincerely



s17J Final Report

ACT Ombudsman case Ref: [REDACTED]

Education Ref: [REDACTED]

Name of employee: [REDACTED]

Name of alleged victim: [REDACTED] and potentially the classroom and [REDACTED]

Date of allegations of reportable conduct: [REDACTED]

Date s17G notification filed:

Allegation/s:

Allegations notified to the Ombudsman in the s17G notification were that:

Allegation 1

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

Allegation 2

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

Background:

[REDACTED]

The allegations against [REDACTED] were reported to [REDACTED] [REDACTED] by staff and student witnesses on the day and following the incident on [REDACTED] [REDACTED] advised [REDACTED] to cease teaching for the day. [REDACTED] has not been re-engaged to work for the school since [REDACTED]. [REDACTED] [REDACTED] the notice of allegations have been provided to [REDACTED]

Process:

Following the incident on [REDACTED], witness statements and other evidence were collected to assist the reportable conduct enquiry. [REDACTED] provided a statement in relation to allegation one, [REDACTED] provided a statement in relation to allegation two and [REDACTED] provided a statement in relation to both allegations.

[redacted] was informed of allegations against [redacted] verbally on the day and in writing on [redacted]. The notice of reportable conduct enquiry letter provided to [redacted] on [redacted], invited [redacted] to meet with [redacted], [redacted] to respond to the allegations against [redacted] was offered the option of bringing a support person and to utilise the Employee Assistance Program.

Evidence

Allegation One

On [redacted], provided a dot point summary of events to [redacted], the following are extracts from the summary:

[redacted]

On [redacted] reported to [redacted] a summary of conversation had with a group of [redacted]. The following are extracts from the summary:

[redacted]

Allegation Two

On [redacted], emailed [redacted] a summary of events. The following are extracts from the summary:

[redacted]



statement provided on had information relevant to consider for allegation two. An incident report was also generated on following the incident. The incident report confirmed that there was a physical incident on class between students, of the students. The report stated that advised that a) had physically picked up to remove from class. This evidence was used to understand the context of the reported conduct.

Response

On responded to the allegations at the meeting. Below is response:

In response to first allegation:



In response to the second allegation:





Findings:

Allegation One

██████████ made self-admission to this allegation that ██████ did lift ██████ shirt to show a student ██████ tattoos. ██████████ provided further context as to how and why it happened advising that it occurred while ██████ was taking a layer of clothing off and a student saw ██████ tattoo on the stomach and asked if there were more. Responding to the student's question, ██████████ showed other tattoos on ██████ body. Information suggests some other students in the classroom were exposed to the act of ██████████ removing ██████ shirt and felt uncomfortable.

Reportable Conduct Finding

On ██████████, the 17G Notification submitted to the ACT Ombudsman's office categorised the allegation under *Misconduct of a sexual nature, subcategory of Crossing of Professional Boundaries*.

The ACT Ombudsman Practice Guide No. 2 on Identifying Reportable Conduct states that crossing professional boundaries includes behaviour that involves an inappropriate and overly personal or intimate relationship with, conduct towards or focus on a child or class of children.

There was no evidence to suggest that ██████████ actions were targeted at particular student(s) or contributed to forming an inappropriate or overly personal/intimate relationship. Whilst ██████████ actions included removing ██████ jumper and lifting ██████ shirt in order to show the tattoos, there was no suggestion that ██████████ was attempting to undress. Based on the practice guide and the information available, whilst the act occurred and was inappropriate, reportable conduct in the category of sexual misconduct and sub-category of crossing professional

Section 70A

Request for further information

Record 33.7



ACT
Government



Office Use Only

TQI Reference:

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

Email TQINotifications@act.gov.au

Details of Teacher

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

Information to be sent to TQI by close of business

Information requested under s70A of the TQI Act:

Following a disclosure as part of a registration request, TQI has become aware of an enquiry into two separate incidences at .

TQI is requesting a copy of the evidence and statements collected in the enquiry, a copy of response from meeting on the and the final report.

Details of employer contact managing the request:

Name: <input type="text"/>	
Telephone: <input type="text"/>	Email: <input type="text"/>

Details of TQI officer managing the matter:

Name: Claudia Hale	
Telephone: 6205 8207	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: Click here to enter a date.	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: Click or tap to enter a date.

Background

Upon reregistering w TQI, [REDACTED] made a disclosure in [REDACTED] application that [REDACTED] was involved in an investigation regarding two allegations. 1. On [REDACTED] in the course of your duties as a [REDACTED] at [REDACTED] you lifted your shirt to show your tattoos to a class of students you were [REDACTED]. 2. On [REDACTED], in the course of your duties as a [REDACTED] you physically lifted a student to remove them from the classroom. Information sought from [REDACTED] to determine appropriate response to request for registration.

Evidence Provided: See Case File

Initial Assessment

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

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

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

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

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

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

Final Determination

Factors influencing final determination:

Given teacher admitted to inappropriate practice, and also declare matter, no further sanction required

- 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: Click or tap to enter a date.

Regulatory Assessment Report

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



Record 33.8

Name Delegate Finalised

Corale McAlister

Date

**Document reviewed and updated*

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

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the *Freedom of Information Act 2016*, Schedule 2.2(b)(v)

Records are not released in accordance with Section 16 of
the *Freedom of Information Act 2016*, Schedule 1, 1.3

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)

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

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
	2021 – Case 42 – Ongoing case – Refer to 2019 Case 34 and 2020 Case 29			
42.1	Email – RE:		Partial release	Confidential information and management function

Hale, Claudia

From: [redacted]
Sent: [redacted]
To: Hale, Claudia
Cc: [redacted]
Subject: RE: [redacted]

OFFICIAL

Hi Claudia

All applications, including renewal applications undergo a risk assessment. A renewal application has been received by [redacted]

[redacted] current conditional registration remains valid until a risk assessment is concluded and the renewal application is decided, even if the decision about the renewal application is made after the expiry date of the current registration.

Please let me know if you have any further questions.

Kind regards

[redacted]

From: Hale, Claudia <Claudia.Hale@act.gov.au>

Sent: [redacted]
To: [redacted]
Subject: [redacted]

Good evening, [redacted]

I trust you are keeping well.

I was hoping you could clarify some details regarding [redacted] currently holds conditional registration, and we are wondering if this condition would be continued when [redacted] renews or will a further assessment process take place.

I am just reviewing our regulatory cases and have no details when this condition will be removed.

Happy to chat tomorrow if that's easier.

Thanks in advance

[redacted]

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



#CelebratingCanberraTeachers