

5 ANALYSIS AND ASSESSMENT ALLEGATIONS ONE-THREE

- 5.1 The evidence has identified consistent evidence between [REDACTED] and [REDACTED] in the following areas.
- [REDACTED] was teaching a Year [REDACTED] class on [REDACTED] which has been a [REDACTED] off site and returned to the school around [REDACTED]
 - Upon returning to the school some of the students went with [REDACTED] to their classroom to collect some belongings and this included [REDACTED];
 - [REDACTED] provided the students a short time to collect their belongings and [REDACTED] did so in the timeframe and left the room and [REDACTED] was still doing this when the time concluded; and
 - [REDACTED] did grab [REDACTED] bag and apply some pressure to this and motion [REDACTED] out of the room.
- 5.2 The evidence has identified conflicting evidence in the following areas:
- the nature of the grabbing of the bag. [REDACTED] has stated that this was a violent grab by [REDACTED] has stated that on a scale of 1-5 it was a 4 level of force and [REDACTED] has stated using this same scale it was a 1 and soft and [REDACTED] took the steps with [REDACTED];
 - whether [REDACTED] did pull [REDACTED] across the room;
 - [REDACTED] thought this was being done in good spirit and [REDACTED] was interpreting it this way;
 - the investigation has also identified a conversation [REDACTED] had shortly after the incident with another staff member [REDACTED] in which [REDACTED] stated, [REDACTED] said [REDACTED] asked them to get out and [REDACTED] said, "Make me." [REDACTED] told me that as a joke, [REDACTED] grabbed [REDACTED] by the bag (I assume of which was on [REDACTED] back) and started pulling [REDACTED] fell over and [REDACTED] then kept dragging [REDACTED] out of the classroom"; and
 - [REDACTED] does not recall this aspect of the conversation and denying [REDACTED] made a mistake.
- 5.3 If the evidence obtained is considered in relation to the allegations it is assessed that the above actions of [REDACTED] breached [REDACTED] of the Enterprise Agreement as they [REDACTED];
- [REDACTED]
- 5.4 This assessment is made as [REDACTED] did through [REDACTED] interactions in the allegation not act professionally in grabbing [REDACTED] backpack and undertaking a physical motion to make [REDACTED] leave the room in [REDACTED] required timeframe.

- 5.5 In terms of the allegation that [redacted] did pull [redacted] across the room by the backpack the evidence between [redacted] is conflicting to that of [redacted]. It is assessed that if this evidence alone was relied on this would make it difficult to determine whether the incident occurred in the manner stated by these witnesses given the conflicting accounts.
- 5.6 It is however assessed that the evidence of [redacted] whilst not direct evidence contains an admission by [redacted] that [redacted] was involved in an incident where [redacted] did pull a student and [redacted] had recognised this was not appropriate. There was no reason identified in the investigation why [redacted] evidence should not be relied on and whilst it is not direct evidence of something [redacted] saw as a witness it is evidence of an admission by the respondent shortly after the incident.
- 5.7 It is accordingly assessed that [redacted] did drag [redacted] in the room when [redacted] did not want to be dragged and to do so constitutes inappropriate physical conduct. It is not possible to assess the distance by which [redacted] was dragged given the conflicting evidence.
- 5.8 It is further assessed that the allegations are sustained and are a breach of [redacted] [redacted] which are the relevant obligations for the current [redacted]
- 5.9 [redacted] of the [redacted] states [redacted]
[redacted]
[redacted]
[redacted]
- 5.10 For this section to be breached it needs to be determined whether the behaviour of a worker may cause psychological harm to a student. The term psychological is not defined and accordingly a definition of an impact on mental health is considered to be appropriate.
- 5.11 It is assessed that the conduct of physically dragging a student, in the circumstances identified had the potential to cause physiological harm and on balance this section is breached.
- 5.12 It is assessed that in terms of reportable conduct the appropriate reportable conduct category is, ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, neglect and restrictive intervention).
- 5.13 The Reportable Conduct Practice Guide No 2 Identifying Reportable Conduct states:

Ill-treatment includes those circumstances where an employee treats a child in an unreasonable and seriously inappropriate, inhumane or cruel manner. This behaviour may be intentional or unintentional. The focus is on the alleged conduct rather than the actual effect of the conduct on a child.

Further emotional abuse may occur when treatment towards a child is unreasonable and seriously inappropriate, inhumane or cruel. This includes a verbal assault.

Hostile use of force/physical contact occurs when a person applies unreasonable and seriously inappropriate, inhumane or cruel force/physical contact against a child or causes a child to fear the imminent use of such force/physical contact. Decision makers may also consider whether the alleged conduct is an assault.

- 5.14 It is assessed that the actions of [REDACTED] are unreasonable and seriously inappropriate as it involved a degree of physical force.
- 5.15 In this matter the respondent's [REDACTED] was advised on [REDACTED], to refer the matter to ACT Police should [REDACTED] think this appropriate. The respondent's [REDACTED] advised [REDACTED] was not sure if [REDACTED] wanted to as [REDACTED] was concerned about [REDACTED] welfare.
- 5.16 Given the nature of the incident and the advice of [REDACTED] father it was determined [REDACTED] should not refer the matter to ACT Police and let the family make this decision. The reasons for this decision were:
- the conflicting evidence of how far [REDACTED] was pulled across the room; and
 - the conflicting evidence of [REDACTED] to [REDACTED] and [REDACTED] about whether this was done in a nature of good spirit.

- 5.17 It was also assessed that the most appropriate offence would appear to be, on the facts a common assault pursuant to section 26 of the *Crimes Act 1900* (ACT). This section states:

A person who assaults another person is guilty of an offence punishable, on conviction, by imprisonment for 2 years.

- 5.18 The Crimes Act does not define the term assault. The NSW Judicial Commission has stated at <https://www.judcom.nsw.gov.au/publications/benchbks/criminal/assault.html>:

An assault is any act — and not a mere omission to act — by which a person intentionally — or recklessly — causes another to apprehend immediate and unlawful violence: R v Burstow; R v Ireland [1998] 1 AC 147. Thus it is the fear which is the gist of assault.

- 5.19 The Reportable Conduct Fact Sheet states:

Offences against the person, including physical assault, relates to an offence against any of the provisions of the Crimes Act 1900 listed in the Act. Offences against the person are reportable conduct if they are committed against, with or in the presence of a child. Assault may include hitting, kicking or punching of a child.

A serious threat or fear of physical harm may also constitute an offence. Words or gestures can lead the child to apprehend the imminent application of physical force, regardless of whether the person actually intends to apply any force. Again, it does not matter whether the conduct is alleged to have occurred in the professional or personal capacity as long as the person was an employee at the time the alleged conduct was said to have occurred.

For an assault to occur, it is not necessary that the person act with hostility or that the child sustain an injury. However, the presence or absence of any hostility or injury may be

significant when deciding whether the physical force used, or the apprehension created, constituted an assault. A range of variables should also be taken into account, having regard for the circumstances of each case. These variables may include matters such as the age, maturity, health or characteristic¹³ of the child involved.

- 5.20 In this case it was assessed that whilst it is possible the allegations could constitute a criminal assault this was prima facie not certain, given the inconsistent evidence and it was most appropriate to let the [REDACTED] decide whether this should occur.

6 FINDING – ALLEGATION ONE

- 6.1 There is sufficient evidence to sustain the allegations in relation to a breach of the Enterprise Agreement and [REDACTED].
- 6.2 It is sustained that the conduct is reportable conduct.

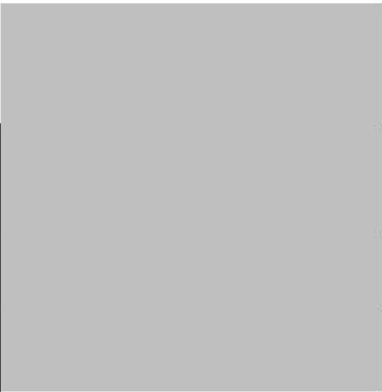
7 CONCLUSION

- 7.1 [REDACTED]
- 7.2 [REDACTED] was cooperative in the investigation.

KEY PARTIES				
Name	Position	Involvement in Incident	Evidence Provided	Attachment
	Teacher	Respondent	Written response; recorded interview.	6 & 7
	Student	Student involved in incident	Recorded statement Notes	2&3
	Student	Student involved in incident	Recorded statement	4
	Student	Witness	Written Statement	5

Report Signatures / Authorities


Prepared by: (Investigator/Service Provider)

Signature:	
Name:	
Position:	
Date:	

Supported by: (HR as appropriate)

Signature:	
Name:	
Position:	
Date:	/ /

Approved by: (Agency Decision Maker)

Signature:	
Name:	
Position:	
Date:	

8 ATTACHMENTS

1.	Notification of Allegation dated [REDACTED]
2.	Transcript of Record of Interview with [REDACTED]
3.	Notes made by [REDACTED]
4.	Transcript of Record of Interview with [REDACTED]
5.	Email of [REDACTED]
6.	Written Response of [REDACTED]
7.	Transcript of Record of Interview with [REDACTED] dated [REDACTED]

Delivered by email [REDACTED]

Dear [REDACTED]

RE: NOTIFICATION OF A FINAL FINDING

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

These allegations were outlined in an allegation letter dated [REDACTED] which related to an alleged incident at [REDACTED] on [REDACTED].

On [REDACTED], you were provided with a Preliminary Finding. On [REDACTED], you provided a written response in which you stated:

[REDACTED]

I have considered this response and determined that the Final Findings of this investigation are that the allegation is sustained and that your actions for the allegations sustained did

breach [REDACTED] of the Enterprise Agreement in that through your actions you:

[REDACTED]

[REDACTED]

This Final Finding has been based on evidence obtained from the student involved in the incident as well as the other witness, your conversation with a fellow staff member shortly after the incident and your response and the evidence obtained in your interview.

I have also determined that the Allegation is reportable conduct and this outcome will be advised to the ACT Ombudsman. The ACT Teachers Quality Institute will also be advised of the investigation outcome for the allegation.

The seriousness of this incident

The protection of children is paramount for [REDACTED] and a primary and key duty of a teacher. A key aspect of this duty is appropriate physical interactions with students, even in difficult circumstances. Central to this is the utilisation of appropriate strategies to manage difficult student behaviour at all times.

Disciplinary Measures

[REDACTED] has carefully considered all evidence presented by [REDACTED] including your responses to the allegations.

I advise that you are now issued a **first and final** warning in relation to this breach. You are advised that:

- the conduct was not appropriate;
- you must ensure that you understand [REDACTED] Policies and comply at all times;
- you should reflect on how you interact with students when they are in your care and manage adverse behaviours;
- you are required to engage with [REDACTED]), [REDACTED], where you are engaged [REDACTED] and discuss the appropriate behaviour management strategies to use in a [REDACTED] School;
- you are required to be monitored by [REDACTED] for the remainder of the year and [REDACTED] to ensure you are undertaking appropriate behaviour management strategies; and
- you are required to attend/participate in a professional development activity relating to behaviour management with students within the next 6 months.

I also advise that I will be providing a copy of this letter to [REDACTED] so [REDACTED] is aware of this matter and [REDACTED] requirement to engage with you when you return to duties at the School.

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 myself or [REDACTED].

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

I advise that per your request I am available to meet you to discuss this process. Alternatively I am available to discuss this by a pre -arranged telephone conversation or receive any comments you have in writing. Please make this arrangement with [REDACTED] who is contactable at [REDACTED].

Yours sincerely

[REDACTED]

Freedom of Information Schedule

TQI - [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 [REDACTED] – DECISION DUE 15 MARCH 2022

Record Number	Description	Record Date	Decision (Full release, Partial release, Non-release)	Reason for Partial release or Non-release
	2019 – Case 20 – Refer to 2020 Case 2 and 2021 Case 1			
20.1	Section 70B Notification Form	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
20.2	Section 70C Request for further information	[REDACTED]	Partial release	Schedule 2.2(a)(ii)

Section 70B Notification Form



ACT
Government

RECORD 20.1



Office Use Only
TQI Reference:

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

Email TQINotification@act.gov.au

Details of Teacher

Name:

Employment Status:

Date of Notification Event:

TQI Number:

Sector:

School name:

Cause for reporting a notification event under section 70B

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

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

Tick if the following information is available:

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

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

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

Details of notifier for the reported matter:

Name:

Telephone:

Email

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

Section 70C

Request for further information



ACT
Government

RECORD 20.2



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 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:

During the formal investigation as notified above the teacher will be:

- employed in the same role as when the allegation was received
 employed in a different role, contact with students
 employed in a different role, no contact with students
 suspended / stood down on pay
 suspended / stood down without pay

Provide the following:

- a description of the notification event
 details about the planned, on-going or completed investigation of the notification event
 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: Cherie Kelly

Telephone: 62077643

Email: cherie.kelly@act.gov.au

Records are not released in accordance with Section 17 of the *Freedom of Information Act 2016*, Schedule 2, 2.2(a)(iii)

Records are not released in accordance with Section 17 of the *Freedom of Information Act 2016*, Schedule 2, 2.2(a)(iii)

Freedom of Information Schedule

TQI - [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 - [REDACTED] – DECISION DUE 15 MARCH 2022

Record Number	Description	Record Date	Decision (Full release, Partial release, Non-release)	Reason for Partial release or Non-release
	2019 – Case 23			
23.1	Section 70B Notification Form	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
23.2	Section 70C Request for further information	[REDACTED]	Partial release	Schedule 2.2(a)(ii)

Section 70B Notification Form



ACT
Government

RECORD 2B.1



Office Use Only

TQI Reference:

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

Email TQINotification@act.gov.au

Details of Teacher

Name:

Employment Status:

Date of Notification Event:

TQI Number:

Sector:

School name:

Cause for reporting a notification event under section 70B

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

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

Tick if the following information is available:

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

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

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

Details of notifier for the reported matter:

Name:

Telephone:

Email

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

Section 70C

Request for further information



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: <input type="text"/>	TQI Number: <input type="text"/>
Date of Notification Event: <input type="text"/>	Employment Status: <input type="text"/>
Sector: <input type="text"/>	School name: <input type="text"/>

Information to be sent to TQI by close of business

Cause for reporting a notification event under section 70B

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

Information requested under s70C of the TQI Act:

During the formal investigation as notified above the teacher will be:

- employed in the same role as when the allegation was received
 employed in a different role, contact with students
 employed in a different role, no contact with students
 suspended / stood down on pay
 suspended / stood down without pay

Provide the following:

- a description of the notification event
 details about the planned, on-going or completed investigation of the notification event
 any other information related to the notification event

Details of notifier for the reported matter:

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

Details of TQI officer managing case:

Name: Cherie Kelly	
Telephone: 62077643	Email: cherie.kelly@act.gov.au

Section 70C

Request for further information



ACT
Government

RECORD 23.2



Description of Notification Event

A number of allegations have been made by [redacted] students that [redacted] has engaged in inappropriate and overly personal or intimate conduct towards them when [redacted] had physical contact with them.

Following preliminary interviews with the students the following allegations have been made:

- Placing [redacted] hand on their hand to use a computer mouse in class
- Leaning in very close to students when assisting on the computer
- Placing [redacted] hand on a [redacted] face and making a complimentary remark about their skin
- Placing [redacted] hand on a [redacted] shoulder and then stroking down towards [redacted] shoulder
- Standing very close to students when assisting in the [redacted] where [redacted] teaches
- Reaching over a student to assist them with [redacted] in the [redacted] where [redacted] teaches

From these initial interviews it was considered that the allegations need a formal investigation.

Details about the planned, on-going or completed investigation of the notification event

The School has engaged [redacted] to undertake the investigation. The School will also notify the ACT Ombudsman as it is considered to be a reportable allegation.

The investigation plan will be drawn up and then the investigation commenced immediately following this.

Any other information related to the notification event

This current notification follows a previous s70B notification about similar allegations sent to TQI on [redacted] and then discussed with Anne Ellis on [redacted]. The investigation for this previous event is also being conducted by [redacted] and is nearing completion.

Freedom of Information Schedule

TQI - [REDACTED] – TEACHERS REGISTRATION S70

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

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- 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 - [REDACTED] – DECISION DUE 15 MARCH 2022

Record Number	Description	Record Date	Decision (Full release, Partial release, Non-release)	Reason for Partial release or Non-release
	2019 – Case 24			
24.1	Section 70B Notification Form	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
24.2	Section 70C Request for further information	[REDACTED]	Partial release	Schedule 2.2(a)(ii)
24.3	Investigation Report – Workplace Misconduct Investigation	[REDACTED]	Partial release	Schedule 2.2(a)(ii), Confidential Information and Management Function

Section 70B Notification Form



ACT
Government

RECORD 24.1
TQI
Teacher Quality
Institute

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 TQINotification@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 24.2



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: [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:

During the formal investigation as notified above the teacher will be:

- employed in the same role as when the allegation was received
 employed in a different role, contact with students
 employed in a different role, no contact with students
 suspended / stood down on pay
 suspended / stood down without pay

Provide the following:

- a description of the notification event
 details about the planned, on-going or completed investigation of the notification event
 any other information related to the notification event

Details of notifier for the reported matter:

Name: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

Details of TQI officer managing case:

Name: Cherie Kelly

Telephone: 62077643

Email: Cherie.kelly@act.gov.au

TQI_139

Section 70C – Request for further information

1. A description of the Notification event

On the afternoon of [REDACTED] the [REDACTED] had a student doing a test in the corridor outside [REDACTED] classroom. [REDACTED] heard student voices in the corridor and when [REDACTED] went out [REDACTED] saw that [REDACTED] student speaking to the student doing the test. [REDACTED] asked them to stop and provide their names when they started walking away.

The [REDACTED] student responded as requested.

The Year [REDACTED] student kept walking away. [REDACTED] repeated the instruction and was ignored by the [REDACTED] student. The [REDACTED] student went to a locker nearby and [REDACTED] followed [REDACTED]. Near the locker it is asserted by the student that [REDACTED] grabbed/pushed [REDACTED] arm and tried to take the book/booklet that was in the student's hand.

The student then shouted at [REDACTED] "You can't touch me."

The student then walked off and [REDACTED] returned to [REDACTED] class.

The student's parent was contacted by [REDACTED] because the student was in an agitated state when found by [REDACTED]

The parent then came into the school. Discussions were held between the parent, [REDACTED] [REDACTED] and the Deputy Principal who has responsibility for managing the process being undertaken.

2. Details of planned/on-going/completed investigation

The Deputy sought advice from the Office of the ACT Ombudsman which was provided on [REDACTED]

The school determined then that it would be best to have an external investigator - [REDACTED] [REDACTED] who was contacted late on [REDACTED] [REDACTED] will be doing interviews with the student on [REDACTED] after which the investigator will advise us of the next steps. (NOTE: [REDACTED])

The Principal notified the TQI as required on [REDACTED] morning after unsuccessfully trying to do so late [REDACTED] afternoon.

Once the investigator completes [REDACTED] work, the results of the investigation and any subsequent action/follow up will be sent to the TQI and the Ombudsman's Office, if required.

3. Other information

None at this stage. [REDACTED]

Principal
[REDACTED]



INVESTIGATION REPORT

CONFIDENTIAL - WORKPLACE MISCONDUCT
INVESTIGATION

Subject/Respondent [REDACTED]

Client [REDACTED]

Investigator: [REDACTED]

Date: [REDACTED]

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1. EXECUTIVE SUMMARY

- 1.1. On [REDACTED], an alleged incident occurred between a Year [REDACTED] Student [REDACTED] and a [REDACTED] [REDACTED] [REDACTED] at [REDACTED].
- 1.2. It was alleged that [REDACTED] engaged in inappropriate physical contact with [REDACTED] when removing something from [REDACTED] possession. This is in breach of the [REDACTED] Code of Conduct.
- 1.3. An investigation was conducted during which it was identified there were no other direct witnesses to the incident. [REDACTED]
[REDACTED]
- 1.4. [REDACTED] and [REDACTED] have different recollections of the incident and a finding has been determined that the allegation is not sustained due to insufficient evidence.
- 1.5. It has also been assessed the allegation is not reportable conduct.

2. BACKGROUND

- 2.1. On [REDACTED] was engaged by [REDACTED] to investigate an alleged incident between a Year [REDACTED] Student, [REDACTED] and a [REDACTED].
- 2.2. The allegation related to an interaction between [REDACTED] and [REDACTED] on School premises; specifically, in the hallway outside a classroom in the [REDACTED].
- 2.3. The alleged incident occurred at approximately [REDACTED] on [REDACTED]. No direct witnesses to the incident the subject of the allegations were identified. The only accounts provided to the investigation were those of [REDACTED] and [REDACTED].

2.4. [REDACTED]

- 2.5. [REDACTED] made the allegation against [REDACTED] just after the incident was alleged to have occurred. Written accounts were obtained from [REDACTED] and from [REDACTED] on this same day. These accounts were obtained by [REDACTED]. Additionally, accounts were also obtained from two other witnesses, neither witness having actually witnessed the alleged incident itself.

3. METHODOLOGY

- 3.1. On [REDACTED] prepared and submitted an Investigation Plan to [REDACTED].
- 3.2. On [REDACTED] of [REDACTED] attended [REDACTED] and conducted an interview with [REDACTED]. The interview was conducted in the presence and with the consent of [REDACTED] father [REDACTED].
- 3.3. On [REDACTED] was provided with a Letter of Allegation prepared and signed by [REDACTED]. This Letter was provided to [REDACTED] by [REDACTED] Deputy Principal, [REDACTED]. In addition to setting out the particulars of the allegation against [REDACTED] this letter also provided [REDACTED] the opportunity to submit a written response to the allegation and to participate in an interview in relation to it.
- 3.4. [REDACTED] provided a written response to the allegations.
- 3.5. On [REDACTED] participated in an interview in relation to the allegations at [REDACTED] of the [REDACTED]. [REDACTED] was present whilst this interview was conducted at the request of [REDACTED].

INVESTIGATION REPORT

Witness Name	Position	Relevant to incident	Evidence provided
[REDACTED]	Year [REDACTED] Student	Victim	Version of Events dated [REDACTED] Transcript of Interview conducted on [REDACTED]
[REDACTED]	Year [REDACTED] Student	Involved in the lead up to the incident Did not witness the incident	Version of Events dated [REDACTED]
[REDACTED]	Teacher	Teaching in the area where the incident occurred Did not directly see the incident.	Email stating what recalled occurring dated [REDACTED]

4. ALLEGATION

It is alleged that in Period [REDACTED] between [REDACTED] and [REDACTED] on [REDACTED], you were involved in an interaction with a [REDACTED] Year [REDACTED] Student, [REDACTED]

[REDACTED]

It is alleged that:

- your physical interaction with [REDACTED] was not appropriate and acceptable for the duty being performed and was not reasonable for the purpose of the management of [REDACTED] and was not necessary for [REDACTED] physical safety or well being; and
- you did not in this interaction treat [REDACTED] with respect.

The particulars of the allegation are:

- a) You were teaching a Year [REDACTED] class;

[REDACTED]

INVESTIGATION REPORT

- b) There were [redacted] students of your class who were seated on desks outside the classroom, individually completing a catch up test;
- c) The door to your classroom was closed;
- d) Two students were walking past the classroom, one of whom was [redacted] and the other a [redacted] student. You did not at this time know [redacted] name;
- e) [redacted] was talking to one of the students seated at a desk completing the catch up test;
- f) You exited your classroom and engaged with these two students in a verbal interaction and said words to the effect "You two come here" and "Stand over there I want to talk to you". The [redacted] student engaged with you and followed you and kept on walking down the hallway away from your classroom and you said to [redacted] "I need you to come back";
- g) You followed [redacted] and went to where [redacted] was;
- h) [redacted] was at this time at [redacted] student locker which was on the bottom row in a hallway near the classroom where you were [redacted];
- i) [redacted] removed something from [redacted] locker and then stood up;
- j) You asked [redacted] when [redacted] was at [redacted] locker several times for [redacted] name and [redacted] refused;
- k) You removed from [redacted] the [redacted] Booklet which [redacted] was holding;
- l) You took the [redacted] Booklet from [redacted] without consent and in the process engaged in a physical interaction with [redacted] to remove the booklet;
- m) In this process you physically grabbed and pulled [redacted] on [redacted] arms; and
- n) Your actions upset [redacted] and [redacted] walked away from [redacted] locker shouting words to the effect "Don't touch me".

The conduct described above, if proven, may represent a breach of the [redacted]

[redacted]