

Ombudsman Notification Assessment

Form review February 2004

Ombudsman File No: C/2004/1462 Date of Assessment: 15/6/2004

SOA Name: Adrian Nisbett SOA Position: teacher / Housemaster

Main Agency: Knox Grammar Additional Agency:

Alleged Victim: Adrian Steer Age/DOB:

Agency Contact Person: John Weekes I.O.: Kylie Symons

Class of matter: Low risk/less serious allegation Higher risk/serious allegation*

If NJ at outset record this as the primary action (Issue 1 on Resolve)

NJ (do not record any other issues on Resolve for matters that are NJ at outset)

Initial most serious allegation (Only record the most serious abuse type on resolve and make sure it is marked as Issue 1 on resolve and is the first issue on the list)

- Physical
 - Hitting/Kicking
 - Indirect object use
 - Push/shove/grab/pinch/poke
 - Restraint/excess force
 - Shaking /throwing
- Sexual
 - Exploit – non physical
 - Harassment
 - Sexual Assault
 - Indecent touching/molestation
 - Penetration
- Emotional/psych
 - Exposure to violence
 - Hostility/rejection
 - Humiliation Belittling
 - Scapegoating
- Misconduct/Child
 - Inappropriate comments
 - Inappropriate relationship
 - Inappropriate touching
 - Other ill-treatment
 - Pornography
 - Child pornography
 - Other pornography
- Neglect
 - Clothing or food
 - Medical
 - Shelter
 - Supervision
 - Environment not supportive

* If misconduct that may involve child abuse is sustained you will need to record the type of abuse actually sustained as an additional sustained matter.

Description of the most serious allegation:

Additional Sustained Matters: (Only add to Resolve for each additional sustained matters)

- Physical
 - Hitting/Kicking
 - Indirect object use
 - Push/shove/grab/pinch/poke
 - Restraint/excess force
 - Shaking /throwing
- Sexual
 - Exploit – non-physical
 - Harassment
 - Sexual Assault
 - Indecent touching/molestation
 - Penetration
- Emotional/psych
 - Exposure to violence
 - Hostility/rejection
 - Humiliation Belittling
 - Scapegoating
- Neglect
 - Clothing or food
 - Medical
 - Shelter
 - Supervision
 - Environment not supportive

General Comments / Notable Positives:

- Documentation of investigation not sent by school, until I requested it (refer file note 10/6/04)
- Further documentation requested on 15/6/04 to allow assessment to occur. Request Volume 4 (Evidence & Findings).

Additional notes:

- ① Security of documents :- few
 Concern that report by Mr Pearson could not be located (1987) & the statement at page 8 of investigation report: "Note there are references in records relating to the alleged misconduct of other members of staff with students of other records disappearing" - Note the time that has passed & assumed school has ~~not~~ addressed this issue re. Securing documentation. (make comment in Final letter)

Finding :- Sustained - Grooming / sexual misconduct
 (Pattern of inappropriate behaviour)

Action :- Resignation.

Documentation :- In my assessment, I did not ask agency to provide each interview transcript (agency had not provided). Requested summary of evidence for each allegation.

- Summaries provided clear information & analysis of evidence to support finding made in each allegation. SATISFACTORY (except for missing report - point)

* Procedural Fairness - SATISFACTORY

- allegations put to SOA in letter dated 31/3/04.
- Prelim. Findings in letter to PSOA 17/5/04
- Response by PSOA - 20/5/04 in person - No notes

- ② Personnel File of SOA: Previous headmaster, Mr. Ian Patterson, had not recorded any 'disciplinary' process was involved in moving SOA from his position as Housemaster of Ewan House - appears to indicate how matters were handled prior to Omb's legislation / oversight.

Impediments to investigation :- ① Unavailability of Stuart Pearson's investigation report, attached records of interviews with students & parents, lack of memory by Ian Patterson former headmaster & records in PSOA's file.

Assessment of the Agency's Investigative Process

Ombudsman determination for additional mandatory issues

Agency Related Issues:

Agency overall investigation:

- Satisfactory Unsatisfactory Follow up was required Agency demonstrated good practice

Information Gathering:

- Satisfactory Unsatisfactory Follow up was required Agency demonstrated good practice

Documentation:

- Satisfactory Unsatisfactory Follow up was required Agency demonstrated good practice

(Only for higher risk allegations)

Investigation Planning:

- Satisfactory Unsatisfactory Follow up was required Agency demonstrated good practice

Risk Management:

- Satisfactory Unsatisfactory Follow up was required Agency demonstrated good practice

(Other important processes to consider during assessment. Add to resolve if critical and determine as "not applicable")

Initial Response:

- Satisfactory Unsatisfactory

Natural Justice:

- Satisfactory Unsatisfactory

Notification to CCYP (Add this to the additional information screen in Resolve)

CCYP proof of notification required Yes No

CCYP proof of notification received Yes No (refer letter from school dated 7/6/04)

Agency Findings and our assessment of agency finding

* In finalising NJ matters you will need to consider if the matter was NJ at the outset or if the agency investigation into the matter determined that the matter was NJ. If we accepted the matter as within jurisdiction then we will need to record the agency's finding (including those matters where the agency found the matter to be NJ) and we will need to assess their finding. If we declined the matter at the outset as NJ then we should not record an agency finding or an ombudsman determination.

Agency Finding (Final finding at closure)

- False
- Vexatious
- Misconceived
- Allegation Sustained
- Not sustained insufficient evidence
- Not child abuse
- Agency did not make a finding
- NJ child or employee (this should be the agency finding) *

Ombudsman Determination

- Agency finding reasonable
- Agency finding unreasonable
- C or K process satisfactory

(Sexual misconduct/grooming)

Agency finding on additional sustained matters (Sexual Indecent assault)

Agency Finding

- Sustained

Ombudsman Determination

- Agency finding reasonable
- Agency finding unreasonable

Agency Action:

- | | | |
|--|---|---|
| <input type="checkbox"/> DET refer back to school | <input type="checkbox"/> Verbal caution warning | <input type="checkbox"/> Dismissal |
| <input type="checkbox"/> Performance monitoring | <input type="checkbox"/> Demotion | <input type="checkbox"/> Restrict/change duties |
| <input type="checkbox"/> Management counselling | <input type="checkbox"/> Written caution/warning | <input type="checkbox"/> Training |
| <input type="checkbox"/> Training | <input type="checkbox"/> Non Disciplinary transfer | <input type="checkbox"/> DET clause 14(2) warning |
| <input type="checkbox"/> No action after investigation | <input checked="" type="checkbox"/> Allowed to resign | |
| <input type="checkbox"/> No action/conciliated-resolved | <input type="checkbox"/> Other disciplinary action | |
| <input type="checkbox"/> No action/decline at outset | <input type="checkbox"/> No action/discontinued | |
| <input type="checkbox"/> No action/conciliation failed | <input type="checkbox"/> Not to be employed | |
| <input type="checkbox"/> No action/decline after enquiries | <input type="checkbox"/> Counselling | |

Ombo Determination:

- Agency action satisfactory
- Agency action unsatisfactory
- Agency action unable to assess

Significant Outcome(s): (Record agency compliance with investigation recommendations here and also compliance with other informal requests)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> No significant outcome | <input type="checkbox"/> Agency initiated policy/procedure change | <input type="checkbox"/> Omb Initiated case review |
| <input type="checkbox"/> Agency initiates apology | <input type="checkbox"/> Agency initiates training | <input type="checkbox"/> Omb initiated legislation change |
| <input type="checkbox"/> Agency initiates case review | <input type="checkbox"/> Further information provided | <input type="checkbox"/> Omb initiated policy/procedure change |
| <input type="checkbox"/> Agency initiates legislation change | <input type="checkbox"/> Internal processes reviewed | <input type="checkbox"/> Omb initiated remedy - other |
| <input type="checkbox"/> Agency initiates other remedy | <input type="checkbox"/> Omb currently monitoring compliance | <input type="checkbox"/> Omb initiated training |
| <input type="checkbox"/> Agency initiates change in finding | <input type="checkbox"/> Omb reviews & changes procedure | <input type="checkbox"/> Omb initiated change in finding |
| <input type="checkbox"/> Special report to parliament | | |

Outstanding issues requiring follow up

- Yes No
- Yes No
- Yes No

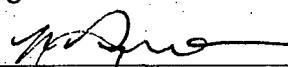
Compliance report required

Case for annual report

Date for follow up:

Date for follow up:

Date case study completed:

Feedback letter to agency			Unsatisfactory points to include in unsatisfactory pro forma letter
<input type="checkbox"/> Satisfactory Proforma	<input type="checkbox"/> DET	<input type="checkbox"/> CCER	<input type="checkbox"/> The initial response to the allegations
<input type="checkbox"/> Unsatisfactory Proforma	<input type="checkbox"/> DET	<input type="checkbox"/> CCER	<input type="checkbox"/> The planning process
<input type="checkbox"/> Add additional sentence to unsatisfactory proforma (see notes)			<input type="checkbox"/> The information gathering process
<input type="checkbox"/> Detailed feedback letter			<input type="checkbox"/> The record keeping and documentation of this matter
			<input type="checkbox"/> The risk assessment
			<input type="checkbox"/> The findings made regarding the allegation/s.
			<input type="checkbox"/> The action taken as a result of the investigation
Investigation Officer: 	Date: 19/6/04		Date letter sent:

Other Issues

<input type="checkbox"/> Agency related issues	<input type="checkbox"/> Agency overall investigation <input type="checkbox"/> Information gathering <input type="checkbox"/> Documentation <input type="checkbox"/> Attitudes to treatment of children <input type="checkbox"/> Investigation Planning <input type="checkbox"/> Risk management <input type="checkbox"/> Delay notifying Omb <input type="checkbox"/> Policies procedures <input type="checkbox"/> Quality control <input type="checkbox"/> Reporting abuse <input type="checkbox"/> Training recruiting staff <input type="checkbox"/> Understanding abuse	<input type="checkbox"/> Interagency issues <input type="checkbox"/> 1-2 mth <input type="checkbox"/> 3-4 mth <input type="checkbox"/> 5-6 mth <input type="checkbox"/> 7-12 mth <input type="checkbox"/> > 12 mth <input type="checkbox"/> Failure to report previous allegation	<input type="checkbox"/> DoCS <input type="checkbox"/> Non DoCS <input type="checkbox"/> Procedures/Policy <input type="checkbox"/> Action delayed <input type="checkbox"/> Factors not considered <input type="checkbox"/> Fail to act <input type="checkbox"/> Length of process <input type="checkbox"/> Not adhered to <input type="checkbox"/> Poor/ Inadequate/ flawed <input type="checkbox"/> Unfair <input type="checkbox"/> Witnesses not interviewed <input type="checkbox"/> Other	<input type="checkbox"/> Delays <input type="checkbox"/> Employee related risk <input type="checkbox"/> Failure to assist agency <input type="checkbox"/> Inadequate investigation <input type="checkbox"/> Information sharing <input type="checkbox"/> Failure to follow procedures <input type="checkbox"/> Lack of coordination <input type="checkbox"/> Delays <input type="checkbox"/> Information sharing <input type="checkbox"/> Jurisdiction legal issues <input type="checkbox"/> Lack of coordination
<input checked="" type="checkbox"/> Allegation related	<input type="checkbox"/> Behaviour management <input type="checkbox"/> Child abuse conviction <input checked="" type="checkbox"/> Historic abuse <input type="checkbox"/> Lawful chastisement <input checked="" type="checkbox"/> Multiple factors <input type="checkbox"/> Not work related <input type="checkbox"/> Third party report	<input type="checkbox"/> 1-5 yrs <input type="checkbox"/> 6-10yrs <input type="checkbox"/> 11-15yrs <input checked="" type="checkbox"/> 16-20yrs <input type="checkbox"/> 21+yrs <input type="checkbox"/> Multiple employees <input checked="" type="checkbox"/> Multiple incidents <input checked="" type="checkbox"/> Multiple victims	<input checked="" type="checkbox"/> Third party investigation <input type="checkbox"/> Other appeals <input type="checkbox"/> Investigator misconduct <input type="checkbox"/> Investigation	<input type="checkbox"/> DoCS <input type="checkbox"/> JIRT <input type="checkbox"/> Ombudsman <input type="checkbox"/> Police <input checked="" type="checkbox"/> Other <i>Independent</i> <input type="checkbox"/> IRC <input type="checkbox"/> ADT <input type="checkbox"/> Conflict of interest <input type="checkbox"/> Corruption - CP <input type="checkbox"/> Bias/prejudice/ malicious <input type="checkbox"/> Not all info taken into account <input type="checkbox"/> Wrong findings facts
<input type="checkbox"/> Child vulnerability	<input type="checkbox"/> ATSI <input type="checkbox"/> NESB <input type="checkbox"/> Disability <input type="checkbox"/> State ward <input type="checkbox"/> Other <input type="checkbox"/> Institutional	<input type="checkbox"/> Behavioural <input type="checkbox"/> Intellectual <input type="checkbox"/> Physical <input type="checkbox"/> Sensory <input type="checkbox"/> Other		

<input checked="" type="checkbox"/> Employee related	<input type="checkbox"/> Casual <input type="checkbox"/> Inexperienced <input type="checkbox"/> Person engaged <input checked="" type="checkbox"/> Prior child abuse allegation	<input type="checkbox"/> 0-2 years ago <input checked="" type="checkbox"/> 3-5 years ago <input type="checkbox"/> 6+ years ago <input type="checkbox"/> Dates unknown	<input type="checkbox"/> Information	<input type="checkbox"/> Fail to notify/give info <input type="checkbox"/> Improper disclosure <input type="checkbox"/> Inaccurate advice/info <input type="checkbox"/> Inappropriate access info <input type="checkbox"/> Inappropriate disclose info <input type="checkbox"/> Provide false info <input type="checkbox"/> Refusal to amend <input type="checkbox"/> Refusal to provide
	<input type="checkbox"/> Employee not engaged in sub res care		<input type="checkbox"/> Child protection	<input type="checkbox"/> Fail to notify parents <input type="checkbox"/> Fail to notify DoCS <input type="checkbox"/> Inadequate support <input type="checkbox"/> Fail to address risk <input type="checkbox"/> Otherwise inappropriate
	<input type="checkbox"/> Work related stressor	<input type="checkbox"/> Assaulted threatened <input type="checkbox"/> Victimised harassed <input type="checkbox"/> Other		
	<input type="checkbox"/> Multiple employers			
	<input type="checkbox"/> Clergy			
<input type="checkbox"/> Complainant	<input type="checkbox"/> Vexatious		<input type="checkbox"/> Union related issues	<input type="checkbox"/> Advise employee not to participate <input type="checkbox"/> Interfere in process <input type="checkbox"/> Misleading wrong advice <input type="checkbox"/> Pressure agency on finding
<input type="checkbox"/> Natural justice	<input type="checkbox"/> Bias <input type="checkbox"/> Deny proc fairness <input type="checkbox"/> Fail to give reasons <input type="checkbox"/> No chance to respond <input type="checkbox"/> Other procedural			
			<input type="checkbox"/> Local management (DET only)	
<input type="checkbox"/> Disciplinary action	<input type="checkbox"/> Otherwise inappropriate <input type="checkbox"/> Too lenient <input type="checkbox"/> Too severe		<input type="checkbox"/> Training Education	
			<input type="checkbox"/> NJ	<input type="checkbox"/> Agency NJ <input type="checkbox"/> Not allegation of child abuse <input type="checkbox"/> Not child <input type="checkbox"/> Not employee
<input type="checkbox"/> Communication/info	<input type="checkbox"/> Calls corresp no response <input type="checkbox"/> Delay/fail to provide <input type="checkbox"/> Fail to give reasons <input type="checkbox"/> Improper disclosures <input type="checkbox"/> Refusal to alter <input type="checkbox"/> Refusal to disclose <input type="checkbox"/> Wrong inaccurate		<input type="checkbox"/> Formal Action	<input type="checkbox"/> DET prescribed officer <input type="checkbox"/> Criminal charges laid