

**Our reference:** ADM/7735  
**Contact:** Bridey Maguire  
**Telephone:** (02) 9286 0928

18 April 2013

Ms Kerry Boland  
 Acting Commissioner  
 NSW Commission for Children and Young People  
 Level 2, 407 Elizabeth Street  
 Surry Hills NSW 2010

Dear Ms Boland

**Request for information pursuant to Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998***

I am writing to request information from the NSW Commission for Children and Young People (the Commission) pursuant to Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (the Act).

Chapter 16A of the Act enables a prescribed body to request or release information from another prescribed body that relates to the safety, welfare or well-being of a particular child or young person or class of children or young persons.

**Background to the request**

This request is made in relation to a former teacher of School 1, Mr ARH ARH. Mr ARH was the subject of separate (but related) reportable conduct (sexual misconduct) investigations by School 1 in 2009 and 2010, which were sustained. A Category One Relevant Employment Proceeding was reported to the Commission in relation to Mr ARH in 2010.

Mr ARH was the subject of reportable allegations of sexual misconduct in 2009 and 2010 in relation to students of School 1, and students at his previous workplaces, including School 2. The reportable conduct was alleged to have occurred over a 10 year period. The allegations in relation to Mr ARH were sustained, and a category one Relevant Employment Proceeding was reported to the Commission in 2010. Mr ARH was allowed to resign from his position at School 1 School.

In 2012, our office had contact with the Commission for Children and Young People in relation to concerns raised by the Headmaster of School 1 that Mr ARH was privately tutoring students from School 1.

Recently, our office has been approached by the Business Manager of School 2 School who advised of concerns that Mr ARH was tutoring some School 2 students. Ms REDACTED the Business Manager of School 2 can be contacted on REDACTED REDACTED

The name and details of the employee this request relates to are:

- 1. Mr ARH  
Private tutor  
DOB: REDACTED  
Former teacher, School 1

*Maintained a relationship w/ parents. Tutoring some of our students. Concerned, not sure how concerned we need to be?*

The specific information requested is:

- 1. Advice as to whether Mr ARH still holds a current WWCC clearance to work as a private tutor.
- 2. What options, if any, are currently available to the Commission to assess any risks posed to children by Mr ARH

*Knox School 1*

*Sexual misc.*

The information is sought pursuant to Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 and will assist with:

*Advice to schools - Act legal advice*

- Making a decision, assessment or plan
- Managing a risk to a class of children or young persons

Please note that this request is made in confidence and we would ask that the employees mentioned in this letter are not made aware of this request.

Your assistance with this information would be greatly appreciated. Please provide the requested information by 16 May 2013. If you have any questions about this letter please contact Ms Bridey Maguire, Investigation Officer on (02) 9286 0928 or Terry Manns, Senior Investigation Officer on (02) 9265 0408.

Yours sincerely

Steve Kinmond  
Deputy Ombudsman  
Community and Disability Services Commissioner

*ESS - 2001 only  
CSEP - no certificate*