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Meeting of Hunter Aboriginal Children's Services with

The Office of the New south Wales Ombudsman

8 June 2011

Attendances:

Mr Terry Mann (Senior Investigator)

Ms Ruth Barlow (Principal Investigator)

Mr Stephen Kinmond (Assistant Ombudsman)

Ms Karen Elphick (Chair, HACS Management Committee)

Mr Adrian Elliott (Manager, HACS)

Mr Paul Davis (Lawyer, Integroe Legal – representing HACS)

Matters discussed:

1. Legal Responsibilities of the NSW Ombudsman

The Ombudsman outlined their responsibilities regarding their capacity to monitor cases of serious reportable conduct matters such as the SL matter. Of particular concern to them was the sequence of events that had transpired to cause HACS to have arrived in this position.

HACS indicated a willingness to assist the Police and the Ombudsman in respect of their specific legislative and investigative responsibilities.

HACS advised that the Police have provided direction not to proceed with any fact-finding process or employment proceeding at this time as their investigation remained current and the action of HACS has the potential to compromise the Police investigation.

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Mr Kinmond stated that while he respected the work of the police and the direction given, he would be happy to have a discussion with the Police to determine whether there was any scope to commence some enquiries into some areas that may not be as relevant to the interests of the NSW Police.

2. Recruitment procedures in respect of the appointment of Mr Larkin

There was conversation regarding the employment screening of SL and it was found that his employment preceded the commencement of the Working With Children Check (wwcc) in July 2000.

Notwithstanding this it was noted that Community Services should have undertaken some employment screening prior to his commencement. Documentation was provided to demonstrate that the wwcc was carried out when SL was promoted to a more senior role within HACS, at the time that Mr Elliott commenced his employment with the agency.

HACS recalls that there was some information about a mistaken identity regarding Police checks completed at this time. However there are no records of this and the advice that came back from Community Services is that SL is clear and poses no significant risk.

It is recommended that this matter be looked at more closely to ascertain what were the legal requirements related to employment screening of SL and to determine whether they were in fact carried out appropriately.

3. Parental responsibility of Mr Larkin for young person

The NSW Ombudsman was interested to obtain details regarding the processes that led to the placement of the young person AD into the care of SL. Of particular interest is whether or not due process was followed in respect of this placement. Whether there is evidence of a care plan and whether that plan was scrutinised by DoCS as per standard process are matters for investigation.


In addition to this a detailed outline of the process that led to AD going into the care of SL is required, with particular focus on the circumstances that gave rise to this situation.

Ms Elphick advised that SL informed the Management Committee in January 2011 that he had spoken to Wendy Wilson (DoCS) about his intention to get AD into his care. It was noted that, given his role SL should have demonstrated best practice processes relating to the placement. It was noted that this situation raises significant governance issues and a potential conflict of interest for SL.

It was noted that carer pays were signed off by senior staff of HACS.

An investigation into this matter is required by the NSW Ombudsman.

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Paul Davis
Partner