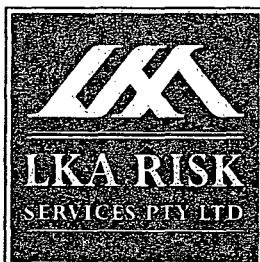


1021



4 December 2003

Our Ref: 230957
Investigator: Grahame Wilson

Mr Peter Crawley
Headmaster
Knox Grammar School
WAHROONGA NSW 2076

HIGHLY CONFIDENTIAL

Dear Sir

MATTER: ADRIAN NISBETT

CHILD PROTECTION INVESTIGATION REPORT

Thank you for your instructions on 20 November 2003.

We have completed our investigation and submit our report as follows:

Re: Adrian Nisbett

INVESTIGATOR'S QUALIFICATIONS AND EXPERIENCE

Grahame Wilson is a Licensed Private Investigator employed by Lee, Kelly and Associates Pty Ltd.

He holds a Master's Degree in Education and the Certificate in Investigations Management from the Australian Centre for Security Research at the University of Western Sydney along with other tertiary qualifications.

He was employed for 35 years by the NSW Department of Education and Training holding positions of teacher, school principal and senior educational administrator. When he ceased employment with the Department, he held the position of Director of Child Protection Investigation. He led a team of 25 investigators who investigated allegations of child abuse made against the Department's employees.

EXECUTIVE SUMMARY

The mother of an ex-student, ASA, contacted the Headmaster of Knox Grammar School on 20 November 2003 (FOLIO 1003).

She relayed allegations that had apparently been made by her son to his father. The mother and father are separated.

Both the mother and father have spoken with the Headmaster about the allegations made by ASA. ASA They have both strongly conveyed to the Headmaster that neither they nor their son will be involved in any investigation.

The allegations fall into the following areas:

- Misconduct that may involve child abuse.
- Behaviour that is not in keeping with your professional responsibilities and the standards expected of you as Director of Students at Knox Grammar School.

The allegations were detailed in a formal letter to Adrian Nisbett (FOLIO 1008).

The *Recommended Protocols for Internal Investigative and Disciplinary Proceedings –2001* (The Protocols) between The Association of Independent Schools N.S.W. and The NSW/ACT Independent Education Union (The Union) have been followed (refer FOLIO 1020).

The definition of child abuse from page 22 of the *Ombudsman Act 1974* (refer FOLIO 1019) has been applied.

This report contains preliminary findings in terms of the protocols for all allegations.

ENCLOSURES

The complete investigation file is attached. The file includes all documents that were provided to the investigator in the course of the investigation, in the form they were provided, except where it was requested that copies be made.

Re: Adrian Nisbett

The file also includes the original tape recordings of all interviews. No copies of the tapes have been made or retained by LKA Risk Services.

The only investigation documentation retained by LKA Risk Services is electronic copies of all documents compiled by the investigator.

You are respectfully advised that you should ensure the secure and confidential storage of this file, the attachments and tapes.

THE CLIENT

Name: Knox Grammar School
Nature of operation: Educational services for students
Trading address: Pacific Highway, Wahroonga
Telephone No: REDACTED (Headmaster's Secretary)

THE PERSON SUBJECT OF THE ALLEGATIONS (PSOA)

Name: Adrian John Anderson Nisbett
Address: c/- Knox Grammar School
Date of birth: REDACTED 1949
Position: Director of Students

Re: Adrian Nisbett

INVESTIGATION SUMMARY

Investigation Plans are at FOLIOS 1006 and 1007.

An interview plan for Mr Nisbett's interview is at FOLIO 1009.

The analysis of all evidence is at FOLIOS 1015 and 1016.

ENQUIRIES WITH THE EMPLOYER

The enquiries of at Knox Grammar School were undertaken with the assistance of the Headmaster, Mr Peter Crawley.

WITNESSES INTERVIEWS

We interviewed Mr Nisbett:

Name: Adrian John Anderson Nisbett (FOLIO 1010)
Position: Director of Students

Attitude and response to the investigation:

Mr Nisbett was very co-operative.

His responses were prompt, frank and considered.

He gave no reason by his words or demeanour to doubt what he was saying. He was not evasive and particularly in relation to allegation 1, in reference to the alleged offer of a hug, gave more information than was required to respond to the allegation.

ALLEGATIONS FOR RESPONSE BY PSOA

1. In 2002, after the end of Business Week, you went to the home of a Year 10 student, namely ASA [redacted], at 7.30 p.m. one evening. With his mother's permission you took him to your home. During the time ASA [redacted] was at your home you offered him alcohol, cigarettes and a hug.
2. In 2002, soon after the date of allegation 1, you contacted Mrs. REDA [redacted] and indicated that you wanted to be the English Coach for ASA [redacted], even if he left Knox.

Re: Adrian Nisbett

ANALYSIS OF EVIDENCE

Refer to FOLIOS 1015 and 1016.

PRELIMINARY FINDINGS

The NSW Ombudsman's publication, Child Protection: Responding to Allegations of Child Abuse Against Employees (FOLIO 1019, p33-34) states:

"Sexual abuse

Child sexual abuse is any sexual act or sexual threat imposed on a child. Sexual abuse refers to the involvement of children in sexual acts. Adults or older children who perpetrate child sexual abuse exploit the dependency and immaturity of children. Physical or psychological coercion based on the power imbalance between an adult and a child is part of sexual abuse.

Grooming

Grooming may be the first phase of sexual assault. The Royal Commission recognised that grooming plays a critical role in the majority of incidents of child sexual assault. Sexual assault occurs when a person in power or authority takes advantage of trust or respect to involve a child in sexual activity

The Ombudsman identifies distinct steps in the grooming process:

1. Building trust
2. Testing of boundaries
3. Engaging in sexual activity.

The Ombudsman also refers to a pattern of behaviour rather than isolated incidents in relation to grooming.

The Ombudsman (FOLIO 1019, p37) defines misconduct that may involve child abuse. The publication states:

"The type of misconduct that may fall under this type of child abuse is characterised by:

- breach of boundaries or code of conduct
- inappropriate use of power relationship
- targeting children for specialised treatment
- inappropriate touching (not sexual)
- inappropriate language"
- an inappropriate relationship (not sexual) between an adult and a child that breaches community standards

These definitions have been used in arriving at preliminary findings.

Re: Adrian Nisbett

ISSUES

- Our enquiries have not revealed that there is a Code of Conduct that specifies behaviour expected of staff, particularly teachers at the Knox Grammar School.

General

We have taken the following steps in arriving at a preliminary finding for each allegation:

- (a) Is the allegation false?
- (b) Is the allegation vexatious?
- (c) Is the allegation one of child abuse or a breach of professional behaviour?
- (d) Is the allegation misconceived in relation to child abuse or a breach of professional behaviour?
- (e) If the allegation is one of child abuse, does it fall within section 25A part
 - 1(a) assault (including sexual assault) of a child, or
 - 1(b) ill-treatment or neglect of a child, or part or
 - 1(c) exposing or subjecting a child to behaviour that psychologically harms the child, of the Ombudsman Act 1974.
- (f) Is the allegation:
 - not sustained
 - not one of child abuse, but might constitute a breach of professional behaviour or judgement which requires further professional disciplinary action; or
 - sustained as child abuse and requires disciplinary action.

FINDINGS

Allegation	Preliminary Finding
1. In 2002, after the end of Business Week, you went to the home of a Year 10 student, namely ASA [redacted] at 7.30 p.m. one evening. With his mother's permission you took him to your home. During the time ASA [redacted] was at your home you offered him alcohol, cigarettes and a hug.	I find that the allegation was not one of child abuse, but might constitute a breach of professional behaviour or judgement which requires further professional disciplinary action.
2. In 2002, soon after the date of allegation 1, you contacted Mrs. REDA [redacted] and indicated that you wanted to be the English coach for ASA [redacted], even if he left Knox.	Misconceived

Re: Adrian Nisbett

OBSERVATIONS AND RECOMMENDATIONS

The risk assessment is at **FOLIO 1017**. Without in any way suggesting a course of action on the part of the Employer, this Assessment has been undertaken at today's date.

It should be noted that the following legislation applies to the notification and investigation of allegations of child abuse:

- **Children and Young Persons (Care and Protection) Act 1998** (refer Chapter 3, Part 2, Section 27 Mandatory Reporting)
- **Ombudsman Act 1974** (refer Part 3A Child Protection, Section 25A Definitions)
- **Commission for Children and Young People Act 1998** (refer Part 7, Section 33 definitions – Relevant disciplinary proceedings and Section 39 Duties of employers with respect to disciplinary proceedings)

LKA Risk Services do not accept any responsibility in terms of the reporting obligations under this legislation but we will assist you where possible and appropriate.

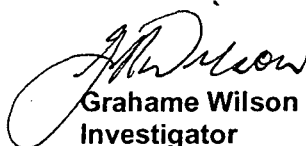
We note that the Investigation Protocols (**FOLIO 1020**) indicate that based on the preliminary findings neither of the allegations would be reportable to the Commission for Children and Young People.

QUALIFICATIONS

The comments made and conclusions drawn in this report are based on information obtained during the course of this investigation. We do not purport to advise you in any way, on liability or the future conduct of this matter.

We again thank you for your instructions and trust the information contained herein assists in the conduct of this matter.

Yours faithfully,
LKA RISK SERVICES PTY LTD


Grahame Wilson
Investigator