

FILE NOTE

DATE: 6 December 2010
AUTHOR: Sue Phelan
FILE REFERENCE: C/2003/8367 & C/2004/1462
AGENCY: Knox Grammar
SOA: Adrian Nisbett
SUBJECT: Case practice review given review of files

Please refer to my previous file reviews for more detailed background information.

Given the deficiencies in the agency's investigation and the fact that a police referral was not pursued in relation to C/2004/1462, I have conducted a case practice review to ensure that these deficiencies are not repeated in the future.

Since these matters were reviewed by us some years ago, there has been a significant evolution in the work of the ERCPD, including how matters are reviewed and the systems in place for considering police referral and consideration of quality of evidence, findings etc. I am confident that the current approach by the ERCPD is to ensure that whenever there is suggestion of criminal activity, these matters are referred to the police. We have also set up improved liaison with the police and in cases where there is doubt about whether a matter has been referred to the police (or should be) I have made contact with our contact in the Sex Crimes Squad and sought advice. I am confident that there are adequate systems in place in the ERCPD to ensure this is routine practice.

It should be noted that an earlier police referral may have resulted in police action at an earlier date, but there is no suggestion that more children were offended against by the SOA due to police not being informed at an earlier time.

It may be beneficial for this matter to be provided to the ERCPD as a case study to demonstrate the importance of remaining cognizant of this issue and I will follow this up in the next division meeting.

I have discussed the above with Steve Kinmond, Deputy Ombudsman, Bruce Barbour, Ombudsman and Tim Lowe, Legal Officer.



Sue Phelan
Principal Investigator
6 December 2010