

School 1

From the Headmaster

REDACTED

COPY

27 January 2010

PRIVATE & CONFIDENTIAL

ARH

Dear ARH

Further to our conversations on 20 January and 25 January, and my receiving further information from you in response to my request to that effect in my letter of 20 January, I have set out below the final findings of the investigation which has been conducted into certain allegations made against you.

Final Findings

Allegations	Findings
<p>Allegation 1 – Misconduct that may involve reportable conduct</p> <p>It is alleged that whilst you were an employee of Knox Grammar School in 2000 and while you were an employee of School 1 in 2008 / 2009, you engaged in a pattern of inappropriate behaviour with and towards students of Knox Grammar School and towards a child known as REDA surname believed to be REDAC and a student at the School 2).</p> <p>That behaviour may constitute misconduct that may involve reportable conduct. Specifically, it is alleged that you:</p> <ul style="list-style-type: none"> 1.1 Photographed male students in their swimwear who were students of Knox Grammar School and who were in the water polo team that you coached. 1.2 Permitted male students of Knox Grammar School to travel in your private car to sports training out of school hours at Curagul Oval in North Turramurra. 	<p>The allegation was not one of reportable conduct, but constituted a breach of professional judgement.</p>

School 1

<p>1.3 Permitted male students of Knox Grammar School to travel in your private car to play squash out of school hours and including on weekends.</p> <p>1.4 Continued that behaviour (described in points 1.1, 1.2, 1.3 above) despite being advised by Mr Peter Crawley, the then Headmaster of Knox Grammar School, to stop that behaviour on at least two occasions.</p> <p>1.5 Photographed a male student believed to be named REDACTED up to 130 times when he was in his swim wear, playing soccer and/or in a vehicle.</p>	
<p>Allegation 2 – Professional misconduct</p> <p>In a document titled "School 1 – Letter of Appointment" you were informed that you had been appointed to the position of Head of English of School 1 from 1 January 2008. That letter outlined 19 terms and conditions that related to your appointment to the position at School 1. You accepted that appointment and the terms and conditions of your employment at School 1 as indicated by your signature on that document dated 24 October 2007.</p> <p>2.1 It is alleged that on your appointment to School 1 you failed to inform the College that you had resigned and/or had your employment contract terminated in 2000 at Knox Grammar School after allegations had been made about your improper conduct with male students at that School (refer allegation 1 points 1.1 – 1.4).</p> <p>2.2 As you did not inform School 1 of that information, it is further alleged you may have breached condition 16 of your letter of appointment that stated: "By accepting this appointment you are taken to have given the School an assurance that you have not:</p> <p>(b) Been dismissed from any previous employment on the grounds that you were involved in improper conduct of a sexual nature with a student or child; or</p> <p>(c) Retired or resigned from your previous employment following allegations that you were involved in improper conduct of a sexual nature with a student or child".</p>	<p>Not Sustained (professional misconduct)</p>

<p>Allegation 3 – Misconduct that may involve reportable conduct</p> <p>It is alleged that between Term 1 in 2008 and 18 September 2009 and whilst an employee at School 1 you engaged in a pattern of inappropriate behaviour with and towards middle school students and specifically a student named REDACTED. That behaviour may constitute misconduct that may involve reportable conduct as defined by the NSW Ombudsman Act 1974 and amended by the <i>Child Protection Legislation Amendment Act 2003</i>. Specifically, it is alleged that you:</p> <p>3.1 On numerous occasions at recess and lunchtimes you went to the middle school playground and stared at the students who were in that playground at those times.</p> <p>3.2 On numerous occasions you walked from the English staff room to your class room via the middle school student's locker room without there being a reason for you to go via that locker room.</p> <p>3.3 On a number of occasions during 2008 you came to REDA's class room door and asked to speak to REDA out of the class room. REDA would leave the class room and speak to you on his own.</p> <p>3.4 On 7, 8, 9, 10, 15, 17 September 2009 and not limited to those dates, you were with REDA in a class room at lunchtimes working closely with him on a laptop computer. On some of those occasions other students had been present and on at least one of those occasions, the door to the room you and REDA were in was shut.</p>	<p>The allegation was not one of reportable conduct, but constituted a breach of professional judgement.</p>
<p>Allegation 4 - Professional misconduct</p> <p>It is alleged that you used and/or permitted your School 1 issued laptop computer (Dell D630 laptop, serial number 17BCV1S) to be used for purposes that were unrelated to the educational and/or administrative functions of School 1. Specifically, you connected and/or permitted an external storage device to be connected to your computer and a file named B:\Kids Work 2008\HARDDICK.doc to be accessed, that file last being accessed from your computer on 4 March 2009.</p>	<p>Not Sustained (professional misconduct)</p>

<p>Allegation 5 – Professional misconduct</p> <p>It is alleged that you used and/or permitted your School 1 issued laptop computer (Dell D630 laptop, serial number 17BCV1S) to be used for purposes that were unrelated to the educational and/or administrative functions of School 1. Specifically, you visited and/or permitted to be visited a website named www.tooshocking.com from your laptop computer on at least 5 occasions. The last visit to that site had occurred on 28 May 2009.</p>	<p>Not Sustained (professional misconduct)</p>
<p>Allegation 6 – Professional misconduct</p> <p>It is alleged that you used and/or permitted your School 1 issued laptop computer (Dell D630 laptop, serial number 17BCV1S) to be used for purposes that were unrelated to the education and/or administrative functions of School 1. Specifically, you stored and/or permitted to be stored on your computer the following photographs:</p> <p>6.1 Approximately 180 thumbnail images containing a male child named Tom Daley, believed to be an Olympic Diver from Britain.</p> <p>6.2 Approximately 130 images of a male child named REDACTED surname believed to be REDACTED and a student at School 2 School 2 engaged in sport activities such as water polo, soccer and/or in a vehicle (see attachment iii).</p>	<p>Not Sustained (professional misconduct)</p>

In reaching these findings, I have carefully considered the additional information with which you provided me both orally on 20 January and in your letter dated 21 January.

I reiterate that there will be no employment-related action taken in relation to these matters.

As I explained to you, and as you understood, under NSW Child Protection legislation, the School has an obligation to make a report to the NSW Ombudsman.

This matter will not be reported to the NSW Commission for Children and Young People, however.

Yours sincerely

REDACTED

