

PART B

Outcome of the Investigation

To be completed at the conclusion of the investigation of the reportable allegation. Please attach copies of supporting final documentation and complete the following:

7. Details of Agency

Name of agency:	School 1	
Your case/ref number:		Ombudsman reference: C2009/1225 C2009/7009

24

8. Procedural fairness (please use one form for each allegation of reportable conduct)

8.1	Describe the alleged reportable conduct that you put to the employee once you collected all evidence relating to the investigation. Attach copies of all relevant documents including records of interview with the employee, emails etc. CROSSING PROFESSIONAL BOUNDARIES - INVOLVING INAPPROPRIATE AND OVERLY PERSONAL FOUR ON A CHILD OR YOUNG PERSON: REPORTABLE CONDUCT INVOLVING SEXUAL MISCONDUCT
8.2	Was the employee invited to have a support person attend the interview with them? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> BUT HE DECLINED TO BRING ONE
8.3	What was the employee's response to the alleged reportable conduct? BUT HE WAS ENGAGED IN THE BEHAVIOUR I DESCRIBED, BUT BUT IT WAS NOT INAPPROPRIATE
8.4	If no allegation of reportable conduct was put to the employee for response, please state your reason for this

9. Investigation outcome

9.1	Were you able to make a finding ⁴ for each allegation of reportable conduct?	<input type="checkbox"/> YES, please go to Question 10 <input checked="" type="checkbox"/> NO, please complete Section 9.2 and then go to Question 11
9.2a	<p>For those allegations where you were <u>unable to make a finding</u> please state your reasons:</p> <p> THERE WAS INSUFFICIENT EVIDENCE FOR ME TO FIND INAPPROPRIATE PHYSICAL CONTACT HAD TAKEN PLACE </p>	
9.2b	<p>For those allegations where you were <u>able to make a finding</u>, please complete Question 10 for each allegation</p>	

⁴ For more information about making a finding, including not being able to make finding go to *Practice Update 1/2009 – Making a finding*

10. Agency Finding for the purposes of reporting to the Commission for Children and Young People

10.1	Finding	Category of conduct	CCYP requirement
	<input checked="" type="checkbox"/> Alleged reportable conduct was found to be - sustained <input type="checkbox"/> Alleged reportable conduct was found to be – not sustained, insufficient evidence	<input type="checkbox"/> Physical assault <input type="checkbox"/> Sexual offence <input checked="" type="checkbox"/> Sexual misconduct <input type="checkbox"/> Behaviour causing psychological harm <input type="checkbox"/> Neglect <input type="checkbox"/> Ill-treatment	These findings require notification to the CCYP as a relevant employment proceeding (REP)
	Alleged conduct was found to be: <input type="checkbox"/> Exempted due to Class or Kind agreement with the CCYP, but was: <input type="checkbox"/> Sustained <input type="checkbox"/> Not sustained <input type="checkbox"/> Not reportable conduct ⁵ <input type="checkbox"/> False <input type="checkbox"/> Vexatious and without substance <input type="checkbox"/> Misconceived	<input type="checkbox"/> Physical assault <input type="checkbox"/> Sexual offence <input type="checkbox"/> Sexual misconduct <input type="checkbox"/> Behaviour causing psychological harm <input type="checkbox"/> Neglect <input type="checkbox"/> Ill-treatment	These findings are not reportable to the CCYP as REPs
10.2	State the reason(s) for your finding(s): I FELT THE CONTINUOUS REPEITION OF THE BEHAVIOUR AS WITH YOUNG PEOPLE WARRANTED IT		
10.3	Was the matter sent to the CCYP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No What category was the matter reported as? <input checked="" type="checkbox"/> Category 1 <input type="checkbox"/> Category 2		
10.4	State your reasons for the CCYP category: IT WAS SEXUAL MISCONDUCT		
10.5	Date sent to CCYP: 6.9.10 Note: Please attach a copy of the CCYP notification form		

⁵ Includes trivial or negligible use of force, the behaviour was reasonable for the circumstances, or the behaviour was accidental, or that it was misconduct, but not reportable conduct.

11. Final action taken at the end of the agency investigation

11.1	<p>Describe the action taken by your agency (including risk assessment and management) at the conclusion of the investigation in respect of the employee who was the subject of the reportable allegation:</p> <p>ARH [redacted] was on leave at the time the investigation concluded. My Risk Assessment identified students at risk in another school</p>				
11.2	<p>What other issues arose during the investigation that your agency considers relevant?</p> <p>Two previous schools had failed to follow up their concerns by investigating [redacted] ARH [redacted] <u>Review</u></p>				
11.3	<p>What other action has been taken or is proposed by your agency as a result of the investigation? (eg training, changes to policies).</p> <p>ARH [redacted] has resigned his position effective 24.9.10 when his current leave ends</p>				
11.4	<p>Date investigation completed: 6.9.10</p>				
11.5	<p>Date notification completed: 6.9.10</p>				
11.6	<p>Name, title and signature of person completing notification to Ombudsman:</p>				
	<table border="1"> <tr> <td data-bbox="287 1529 865 1622"> <p>Name: ASB</p> </td> <td data-bbox="865 1529 1470 1622"> <p>Signature:</p> </td> </tr> <tr> <td data-bbox="287 1622 865 1738"> <p>Title: <u>HEADMASTER</u></p> </td> <td data-bbox="865 1622 1470 1738"> <p>ASB</p> </td> </tr> </table>	<p>Name: ASB</p>	<p>Signature:</p>	<p>Title: <u>HEADMASTER</u></p>	<p>ASB</p>
<p>Name: ASB</p>	<p>Signature:</p>				
<p>Title: <u>HEADMASTER</u></p>	<p>ASB</p>				