

NSW Ombudsman

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Parent 28/7/10
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ASB
 Headmaster
 School 1
 REDACTED

Dear ASB

Ombudsman notifications concerning ARH (teacher, School 1)

Thank you for the additional documentation that you provided in relation to this matter.

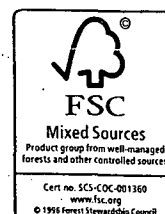
Related to our meeting on 21 July 2010, I am providing the following comments to assist you in completing your investigation of ARH

I note that prior to you seeking information from School 2, ARH told you certain things about his time at that school. In addition, he also told you certain things about his period at Knox Grammar. It would appear there is a need for you to assess whether the relevant information ARH told you about his time at these schools is at odds with the facts.

Furthermore, having reviewed the allegations which have been made against ARH over the years, I am concerned about what these allegations indicate. In particular, I note the consistency regarding the nature of the allegations which have been made - this includes a number of concerns about the nature of his physical contact with, and perceived inappropriate attention towards, certain students and other young people. I also note that these allegations have been made over a ten year period and cover three separate schools. In addition, these concerns have come from students, parents and ARH's colleagues.

In earlier advice, you indicated School 1 has reached a conclusion that ARH's behaviour towards students while employed at Knox Grammar and at your school has been inappropriate. Having reviewed the totality of the information provided, including the most recent information from School 2, I believe that there may be grounds to consider whether the evidence supports a finding of sexual misconduct. In my opinion, such a finding may be made in circumstances in which there is cogent evidence of persistent behaviour involving an inappropriate and overly personal or intimate:

- relationship with;



- conduct towards; or
- focus on;

a child or young person, or group of children or young persons.

Also relevant to whether a finding of this kind should be made, is the need to consider whether the teacher knew, or ought to have known, that their conduct breached professional boundaries. In this regard, any action that you, or others, have taken to bring to ARH's attention what is (and is not) acceptable behaviour also needs to be taken into account.

Finally, prior to reaching any concluded view about whether there has been sexual misconduct, ARH should be provided with your provisional opinion (and the evidence on which you are relying) and allowed an opportunity to state his case. I also suggest that given the complex issues associated with this matter, there would be benefit in you obtaining legal advice about the appropriate way forward in bringing this matter to an acceptable conclusion.

I trust that my comments above are of assistance. Should wish to discuss this matter with me further I can be contacted on REDACTED

Yours sincerely



Steve Kinmond 28/7/10
Deputy Ombudsman (Community & Disability Services Commissioner)