

School 1

New Notification (circle) <u>Complaint</u> Review (circle)	
Date processed	
Records-case creation	
SIO intake	<u>Phelan</u>
Acknowledge (circle)	Admin <u>Allocated Officer</u> None
Case officer	<input checked="" type="checkbox"/>
Other:	<u>Tharu</u> <input checked="" type="checkbox"/>

From the Headmaster

ASB

20 July 2012

PRIVATE AND CONFIDENTIAL

The NSW Ombudsman
Level 24
580 George Street
SYDNEY NSW 2000

For Attention : Mr Terry Manns

Dear Terry

ARH

I am writing to seek your advice.

One of my English teachers who was one of the original complainants against ARH when his matter was before you, has let me know that ARH is tutoring REDACTED, one of the original alleged victims of his inappropriate attention. As RED is still a student at School 1 I thought I should know as Headmaster and Head of Agency.

Your office provided the following advice last time we had dealings about ARH when we heard he was still seeing two of our students after he left our employ. You had sought legal advice from his staff before providing the opinions below.

You said the CCYP procedures for someone doing what ARH does is lower than the threshold for employment in an agency. People in ARH's position are not fully screened but only make a Prohibited Persons Declaration. ARH is not a prohibited person.

You said that School has no legal reporting responsibilities due to:

- ARH no longer being an employee,
- the boys were over 16, and therefore it was not a Community Services matter, and
- no complaint had been received.

You said the issues then for the School are:

- protection of the School's reputation, and
- possible duty of care for the boys.

Key questions were : *Did we know there was a risk? Did we do anything about that risk?*

You actually said then that you had expected this would happen, and predicted ARH would work his way back into contact with boys, or he would have gone overseas.

Kelvin - gives Terry. Steve involvement in this matter, please consult them re how to proceed.

*WLL
Kliverde
Bh.
SP+TM.
27-7-12*



School 1

REDACTED

You said that we needed to be careful of any actions, discussions or conversations that could be defamatory and you expected that a slip up in that regard would be vigorously defended and pursued.

You finally said it would be in the interests of the School to get some legal advice as doing nothing could be a problem, not necessarily for compliance or legislative reasons but for the two dot points above.

I imagine that this would still be your position : that we should obtain legal advice as to how to respond.

Presumably REDA's parents are aware of the tutoring. REDA is now in his final year, with a term to go in Year 12.

My risk assessment is that REDA is at less risk of harm from ARH at this stage, but I hope that is not to be naïve.

I would be grateful for any insight you can provide as we endeavour to take this matter forward.

The longer term issue for broader consideration is what can be done to protect other unsuspecting kids and parents from ARH in the future.

Thank you for considering my request for your advice.

With all best wishes,

Yours sincerely

ASB

[Redacted signature area]