

Terry Hayes - Gerry letter

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From: Terry Hayes
To: Christopher Fry
Date: 10/09/2007 8:00:26
Subject: Gerry letter

Hello Christopher

Further to our conversation on Friday find attached the first draft of my letter. Feel free to adjust/ alter/ change as appropriate. In fact, I appreciate your willingness to help with the proper wording.

Please reply asap so I can meet with Gerry asap!!! Any other advice very welcome! Feel free to give me a ring **REDACT** (direct) should you prefer to talk directly.

After speaking with you and Ian on Friday, Megan (APRE) took a phone call from another parent regarding this matter. I have included the nature of this conversation in my letter. The context of this second parent's phone call was the concern of two girls gossiping over what is a serious matter. It wasn't really a complaint as such but Megan has recorded, in writing, the conversation.

Cheers,

Terry Hayes
Principal

REDACTED

Toowoomba

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11 September 2007

Mr Gerry Bynes

REDACTED

Dear Gerry

As a follow up to our conversation on Wednesday 5 September, I wish to place in writing my expression of concerns regarding your recent alleged unprofessional conduct. As you know these concerns emanate from reports sourced from staff and parents of children in your current Yr 4 class.

A summary of these concerns includes:

- The distribution of lollies, by you, to girls, not only in your class, but also to Yr 7 girls. In particular, the placement of a chocolate bar in the desk of a Yr 7 girl.
- Frequent visits by Yr 7 girls to your classroom before and after school.
- The placement of girls in your class on your knee.
- The 'attention' of girls around you whilst performing playground duty.

Since our meeting last week, further reports of concern have surfaced. Within the past week, two parents of girls in your class have contacted me to outline their concerns about alleged incidents by you, with girls in your classroom. A summary of these concerns (the first three dot points were outlined directly by a girl in your class) include:

- Kissing a girl on the cheek.
- Placing your hand around a girl and down the front of the sports uniform shirt through the buttoned part which made her uncomfortable.
- Placing your hand on the upper leg of the same girl, that made this girl uncomfortable.
- Placing your hand down the pants of a girl.
- Frequently on the verge of saying the 'sh' and 'F' word.

Gerry, the reporting of these incidents follows a pattern that is worrying. As outlined in the CEO Student Protection and Risk Management Kit, this alleged behaviour can be seen as inappropriate behaviour. As outlined in this Risk Management Kit, I invite you to reply, in writing to me, with regards to these allegations, by Friday 21 September.

Find attached to this letter, Appendix 7 from Section 3 of this Kit that outlines the discipline procedures for staff. I encourage you to read this article closely. Also, enclosed is Appendix 8 from Section 3 of the CEO Kit which outlines the difference between 'appropriate and inappropriate' touching. Again, your close reading of this article is strongly recommended.

In conclusion, I reiterate my advice from our previous meeting. These are serious accusations about your behaviour that leave you vulnerable. It is your responsibility to amend your professional conduct so as to ensure any potential for further allegations do not surface.

Touching of any child is only appropriate if there is 'benefit to the child'. The starting point for any inappropriate touching of a child is the perception of the child rather than the intention of the adult. Therefore, if the child is uncomfortable then the behaviour is inappropriate.

Gerry, I look forward to your written reply. In the meantime, I request that you evaluate your conduct and amend your actions as necessary so that your professional relationships with students of the school can not be questioned.

Yours sincerely

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Terry Hayes
Principal

Cc: Christopher Fry, Senior Education Officer, Catholic Education Office.