

Our reference: C/2006/8479
 Your reference: 2446
 Contact: Rebecca Di Bartolomeo
 Telephone: (02) 9286 0966

COMPLAINT

30 JUN 2009

ASSESSMENT & REVIEW

REGISTERED

30 JUN 2009

D.G.P. 69/110580A

INPUT TO TRAMS

30 JUN 2009



NSW Ombudsman

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26 June 2009

Ms Jennifer Mason
 Director General
 Department of Community Services
 Locked Bag 4028
 ASHFIELD NSW 2131

Attention: Denise Connolly, A/ Assistant Director, Allegations Against Employees

Dear Ms Mason

Ombudsman notification concerning Ms REDACTED aka REDA (authorised carer)

Thank you for your investigation report in relation to this matter, which we received on 9 April 2009.

As you are aware, we decided to monitor this matter in accordance with Section 25E of the *Ombudsman Act 1974* (the Act). Section 25F of the Act requires us to determine whether or not the reportable allegations against Ms REDA were properly investigated and if appropriate action was taken.

I have assessed the information provided, and determined that no further information is required by the Department of Community Services to fulfil its reporting obligations to the Ombudsman at this time. However I make the following comments for your consideration.

Findings

I noted that a finding of 'Not Reportable Conduct' was made regarding the allegation that [] years ago Ms REDA directed that [] Section 29 undress and imitate sexual intercourse with each other while the other [] Section 29 took photographs. The allegation is clearly an allegation of a sexual misconduct and therefore reportable conduct. The inconsistent evidence provided by the alleged victims and the department's considerations of the context of the alleged conduct some [] years ago, in my view would support a finding of 'not sustained - insufficient evidence' in relation to these allegations.

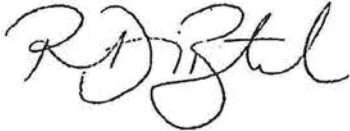
Procedural Fairness

I noted the rationale for not putting the allegation to Ms REDA included health and safety concerns for Ms REDA, the sensitive nature of the allegations, the destabilising effect the allegations may have on the current placement of 11 children under Ms REDA's care and the fact that no adverse findings were made. However, if the department decides to change the findings, the department will

need to discuss any reporting requirements with the Commission for Children and Young People and Ms **REDA** will need to be made aware of the allegation and finding against her.

We will not be taking any further action in regard to this matter at this time. If you have any questions about my assessment of this matter please contact me on (02) 9286 0966.

Yours sincerely



Rebecca Di Bartolomeo
A/ Assistant Investigation Officer
for the Ombudsman