



NSW Ombudsman

Our reference: C/2004/1462

19 July 2004

Mr John Weeks
Headmaster
Knox Grammar School
Pacific Highway
Wahroonga NSW 2076

Level 24 580 George Street
Sydney NSW 2000

Phone 02 9286 1000

Fax 02 9283 2911

Tollfree 1800 451 524

TTY 02 9264 8050

Web www.ombo.nsw.gov.au

Dear Mr Weeks

Allegations involving Adrian Nisbett, Director of students, Knox Grammar School

Thank you for the information you provided as your final report for this matter, that we received on 9 & 11 June 2004 and 12 July 2004.

As you are aware, we decided to monitor this matter in accordance with section 25E of the *Ombudsman Act 1974*. Section 25F of the Act requires us to determine whether or not the child abuse allegations against Mr Nisbett were properly investigated and appropriate action was taken. After reviewing the information you have provided, I am satisfied that this matter was handled appropriately and do not require the Knox Grammar School (the school) to take further action in relation to this allegation at this time.

We noted that the school engaged Mr Grahame Wilson, an independent investigator to conduct the investigation on the school's behalf. We assessed the investigation on the following material which was provided by the school:

- a copy of the letter of allegations to Mr Nisbett dated 31 March 2004,
- a copy of the file which contained the details of the witnesses which were interviewed and the investigators opinion of each witnesses presentation, cooperation and recall of information (17 pages), and
- a copy of the file which contained the investigator's analysis of the evidence for each of the 17 allegations against Mr Nisbett and the preliminary finding for each.

We note for our record that the school did not provide the 350 pages of interview transcripts of the interviews which were conducted with each witness and Mr Nisbett. We have not requested this information as part of our assessment of the investigation or the action taken by the school.

The school's investigation was impeded by the following:

- the length of time since each of the incidents were alleged to have occurred,
- the unavailability of Stuart Pearson's investigation report and associated records of interviews with students and parents which was prepared in 1987 about the majority of the alleged incidents involving Mr Nisbett,
- the lack of any documentation in Mr Nisbett's personnel file about the allegations which had been made against him at the time and the decision made to remove

him from his position as housemaster of Ewan House, as a result of those allegations, and

- the lack of memory of Mr Ian Patterson, a former headmaster about his knowledge or the alleged incidents and actions he did or did not take in relation to them, at the time.

This matter is an example of the issues which were highlighted in The Paedophile Inquiry of the Woods Royal Commission into the NSW Police Service which identified a number of issues concerning agencies' systems for responding to allegations of child abuse involving their employees. In this case, we were concerned about the inability to locate the documentation of the original investigation, the lack of documentation about key decisions made about Mr Nisbett's employment at the time of the allegations and the evidence that some allegations were just rumours and therefore no investigation occurred in many instances. We were also concerned about the following statement in Mr Wilson's investigation report 'that there are references in records relating to the alleged misconduct of other members of staff with students of other records disappearing.'

We acknowledge that the school's systems for reporting and responding to reportable allegations has improved since these allegations first arose and since the commencement of *Part 3A of the Ombudsman Act* in 1999. We also conducted an audit of the school's child protection systems on 16 & 17 September 2003 and issued our audit report on 14 January 2004 which recognised that the school had demonstrated its commitment to good practice and ensuring the safety and welfare of students in its care. We also acknowledged this commitment was evidenced by the school's decision to investigate the allegations against Mr Nisbett due to the lack of information it had about each of the allegations and action allegedly taken previously.

The school indicated that it had sustained an allegation of sexual misconduct – grooming against Mr Nisbett. Mr Nisbett resigned from his position at the school prior to the school making its final decision about what action it would take. In your letter of 7 June 2004 you indicated that this matter is to be reported to the Commission for Children and Young People (CCYP). Prior to finalising this matter I would appreciate you providing:

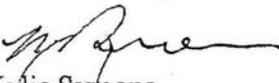
1. A copy of the school's notification to the CCYP.
2. Copies of any final letters to Mr Nisbett informing him of the school's final finding and its decision to notify this matter to the CCYP.

Please provide this information by **Thursday 29 July 2004**.

If you have any questions about this letter, please contact me on

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Yours sincerely


Kylie Symons
Principal Investigator
For the Ombudsman