

Our reference: ADM/7735

Contact: Bridey Maguire

Telephone: (02) 9286 0928

18 April 2013

Ms Kerryn Boland
Acting Commissioner
NSW Commission for Children and Young People
Level 2, 407 Elizabeth Street
Surry Hills NSW 2010

Dear Ms Boland

Request for information pursuant to Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*

I am writing to request information from the NSW Commission for Children and Young People (the Commission) pursuant to Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (the Act).

Chapter 16A of the Act enables a prescribed body to request or release information from another prescribed body that relates to the safety, welfare or well-being of a particular child or young person or class of children or young persons.

Background to the request

This request is made in relation to a former teacher of **School 1**, Mr **ARH**. Mr **ARH** was the subject of separate (but related) reportable conduct (sexual misconduct) investigations by **School 1** in 2009 and 2010, which were sustained. A Category One Relevant Employment Proceeding was reported to the Commission in relation to Mr **ARH** in 2010.

Mr **ARH** was the subject of reportable allegations of sexual misconduct in 2009 and 2010 in relation to students of **School 1**, and students at his previous workplaces, including **School 2**. The reportable conduct was alleged to have occurred over a 10 year period. The allegations in relation to Mr **ARH** were sustained, and a category one Relevant Employment Proceeding was reported to the Commission in 2010. Mr **ARH** was allowed to resign from his position at **School 1**.

In 2012, our office had contact with the Commission for Children and Young People in relation to concerns raised by the Headmaster of School 1 that Mr ARH was privately tutoring students from School 1

Recently, our office has been approached by the Business Manager of School 2 House, who advised of concerns that Mr School was tutoring some School 2 students. Ms REDACTED, the Business Manager of School 2 can be contacted on REDACTED REDACTED

The name and details of the employee this request relates to are:

- 1. Mr ARH
Private tutor
DOB: REDACTED
Former teacher, School 1

Maintained a relationship of parents tutoring some of our students. Concerned, not sure how concerned we need to be?

The specific information requested is:

- 1. Advice as to whether Mr ARH still holds a current WWCC clearance to work as a private tutor.
- 2. What options, if any, are currently available to the Commission to assess any risks posed to children by Mr ARH

Knox School 1

Sexual mis.

The information is sought pursuant to Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 and will assist with:

*Advice to schools
Act legal advice*

- Making a decision, assessment or plan
- Managing a risk to a class of children or young persons

Please note that this request is made in confidence and we would ask that the employees mentioned in this letter are not made aware of this request.

Your assistance with this information would be greatly appreciated. Please provide the requested information by **16 May 2013**. If you have any questions about this letter please contact Ms Bridey Maguire, Investigation Officer on (02) 9286 0928 or Terry Manns, Senior Investigation Officer on (02) 9265 0408.

Yours sincerely

Steve Kinmond
Deputy Ombudsman
Community and Disability Services Commissioner

*ESS - 2001 only
CSEP - no certificate*