

Tuesday 16th October 2012

Dear **REDACTED**

RE: OMBUDSMAN NOTIFICATION CONCERNING ROYCE COMBER – C/2012/2731

I am again writing in regards to The Disability Trust's review of our decision regarding the employment of Royce Comber.

Following discussions with you last week it seems The Disability Trust had some confusion over the definition of "Not sustained – Lack of evidence of weight". The Disability Trust made this decision due to the Police stating in the information received under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* that there was insufficient evidence to proceed criminally. It is also noted that Mr. Comber is a "person causing harm" on the FaCS database. The Disability Trust were also informed of the allegations by the family in our interview with them.

As there were clear and consistent statements made by the client and family both to The Disability Trust and JIRT, on the balance of probability it can be seen as the allegations may be sustained.

Due to this finding The Disability Trust has submitted a report to the NSW Commission for Children & Young People. A copy of this report is attached.

The Disability Trust has again reviewed its decision regarding the risk to future employment of Mr. Comber. At the time of interview we informed him that we could no longer employ him in a situation where he could potentially come in contact with the client and family but that he was technically still employed by The Disability Trust on a casual basis. Mr. Comber agreed to this decision due to the high risk of further allegations against him or the organisation. The Disability Trust has now also determined due to the nature of the allegations made to JIRT that Mr. Comber will not be employed to work in any child related service or with anyone under the age of 18 years of age. The Disability Trust does not have extensive services in the Shoalhaven area and therefore would not have any suitable shifts where potential contact could be guaranteed not to occur. This decision has again been flagged on our staff data base.

The Disability Trust would also like to reaffirm that Mr. Comber has continued to receive no employment since the allegations were brought to our attention. The Disability Trust chose to cease his employment in this manner rather than formally dismiss him due to the fact that the investigation did not show sufficient evidence to proceed criminally and we had concerns of a potential unfair dismissal case being brought against us.

If you have any questions I am happy to be contacted during business hours on REDACTED or REDACTED

Yours faithfully,

Ryan Kiddle
Manager
Sport & Recreation Services
The Disability Trust

