

Notification form

Part A

Instructions for completing and sending the notification form to the Ombudsman

Completing the form

This is a pdf template and does not save automatically. To save the document use 'save as' and place on your system before completing.

Note: The text boxes are a fixed size. If additional space is required, please attach separately with the form.

This form is to be used for reporting a reportable allegation to the Ombudsman's Office. A reportable allegation is defined in s25A of the *Ombudsman Act*. The *Ombudsman Act* states that a reportable allegation means either:

- an allegation of reportable conduct against a person (see Practice Update 2013/1: Defining Reportable Conduct for the current definitions of reportable conduct), or
- an allegation of misconduct that may involve reportable conduct.

Part A of the notification form, relating to the details of the people involved, the allegation and the agency's initial response, is to be sent to the Ombudsman's office within 30 days of the head of agency becoming aware of the reportable allegation or conviction against an employee.

If the investigation has been completed within those 30 days, please also complete **Part B** of the notification form, which details the findings of the investigation. Part B should be accompanied by copies of all documentation relevant to the investigation and decision making. This material should be secured but does not need to be bound or contained in a folder.

Delivery instructions

To maintain a high level of confidentiality, the notification form and any other documents relating to the investigation of a reportable allegation or conviction against an employee **must only be sent to the Ombudsman by:**

- **registered mail**
- **hand delivery, or**
- **courier.**

Addressed to:

Attention – Employment Related Child Protection Division
NSW Ombudsman
Level 24
580 George Street
Sydney NSW 2000

PART A

1. Agency details

1.1 Your case/reference number:

1.2 If this notification relates to any other notification(s) or inquiries made to the Ombudsman, please provide our reference number(s) or other details:

1.3 Agency type

- | | |
|---|---|
| <input type="checkbox"/> Ageing, Disability & Home Care | <input type="checkbox"/> Health (including Dept of Health, Local Health District and other Health services) |
| <input type="checkbox"/> Agency that provides substitute residential care through Camps | <input type="checkbox"/> Juvenile Justice |
| <input type="checkbox"/> NGO Sport and/or Recreation (specify)
<input type="text"/> | <input type="checkbox"/> Local Government |
| <input type="checkbox"/> Religious Denominations (specify)
<input type="text"/> | <input type="checkbox"/> Non Government OOHC |
| <input type="checkbox"/> Other (specify)
<input type="text"/> | <input type="checkbox"/> Non Govt School - Catholic |
| <input type="checkbox"/> Child Care Centre/Preschool | <input type="checkbox"/> Non Govt School - Independent |
| <input type="checkbox"/> Community Services | <input type="checkbox"/> Other Public Authority |
| <input type="checkbox"/> Corrective Services | <input type="checkbox"/> Department of Sport & Recreation |
| <input type="checkbox"/> Department of Education (including TAFE NSW) | <input type="checkbox"/> Specialist Homelessness Services |
| <input type="checkbox"/> Family Day Care | <input type="checkbox"/> Voluntary OOHC |
| | <input type="checkbox"/> Registered agency |
| | <input type="checkbox"/> Designated agency |

1.4 Name of agency (if not specifically named in 1.3)

1.5 Head of agency name:

1.6 Position title:

1.7 Telephone:

E-mail address:

Signature: Date:

1.8 Agency Postal Address: (not a home address)

If another officer is preferred as the contact for any inquiries, please provide their details below. Unless other arrangements have been made, formal correspondence from the Ombudsman will be addressed to the nominated head of agency.

1.9 Contact officer / delegate name:
(if different from Head of Agency)

1.10 Position title:

1.11 Address: (if different to 1.8)

1.12 Telephone:

E-mail address:

2. Details of the employee subject of allegation *(Please complete this section for each employee)*

2.1 Does this notification contain allegations of reportable conduct against more than one employee?
 Yes – how many? No

2.2 Family name:
Given names:

2.3 Gender: Male Female Date of birth:

2.4 Home address:

2.5 Position title with agency at the time the allegation was made:

2.6 Working with Children Check clearance number:

2.7 Employment status with agency at the time the allegation was made:

Employed:

Permanent – full time
 Permanent – part time
 Casual

Engaged:

Foster carer¹
 Volunteer
 Contractor
 Tutor
 Other (specify)

1 Please follow the Carers Register processes as outlined in the Regulations and Business Rules. Please see www.kidsguardian.nsw.gov.au for more information

2.8 Is the employee aware that a reportable allegation has been made against them?

Yes – date informed :

Who informed them?:

- Your agency
- NSW Police Force
- Community Services
- Other
- Unknown

Is the employee aware of:

- Details of the reportable allegation
- Type of reportable allegation only
- Only that there has been a reportable allegation - not the type
- No – reason
 - Police advice
 - Community Service advice
 - Unable to contact employee
 - Need to make further inquiries
 - May compromise investigation
- Unknown

2.9 Has support been offered/ provided to the employee?

- Yes – what kind?
- No – why not?
- Unknown

3. Details of the alleged victim(s) *(Please complete this section for each child)*

3.1 Does this notification contain allegations of reportable conduct involving more than one child or young person?

- Yes – how many? No
- Unknown Child(ren) identity unknown

3.2 Family name:

Given names:

3.3 Gender: Male Female Date of birth:

3.4 Age of the child at the time of the alleged reportable conduct (if different from above):

3.5 Is the child: Aboriginal or Torres Strait Islander? Yes No Unknown

Culturally & linguistically diverse (CALD) background? Yes No Unknown

3.6 Does the child have a disability?

No (go to section 3.7)

Not applicable (Where the alleged victim's identity may be known, for example, child pornography notifications.)

Unknown
(Where the alleged victim's identity may be unknown, however whether or not they have a disability is unknown and the agency either cannot obtain, or it would be inappropriate to seek to obtain, that information. For example, historical matters where the alleged victim is now an adult, certain matters notified by organisations that have limited contact with the alleged victim.)

To be advised
(Information about the alleged victim's disability status should be provided as soon as practicable after notification.)

Yes – complete below (select all that apply)²

Physical

The total or partial loss of part of the body; the presence in the body of organisms causing disease or illness; the presence in the body of organisms capable of causing disease or illness; the malfunction, malformation or disfigurement of a part of the person's body.

Cognitive

The total or partial loss of the person's bodily or mental functions; or a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction.

Sensory

The total or partial loss of the person's bodily or mental functions; or the malfunction, malformation or disfigurement of a part of the person's body.

Social/Emotional

A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.

3.7 Is parental responsibility for the child with the Minister for Community Services?

Yes No Unknown Shared responsibility

3.8 Are the child's parents or guardian aware of the allegations?

Yes Unknown

No – why?

Not applicable – why?

3.9 Has support been offered/ provided to the alleged victim?

Yes – what kind?

No – why not?

Unknown

2 Derived from section 4 'Interpretation' in the *Disability Discrimination Act 1992*.

4. Details of the allegation(s) or conviction(s)

(Please complete this section for each type of reportable allegation)

4.1 Does this notification concern more than one reportable allegation?

Yes – how many?

No

4.2 Date of alleged incident:

Or period: from:

to

4.3 Detailed description of reportable allegation or conviction as described by the person making the allegation (or from any other source). Please attach all documentation where available:

4.4 Type of reportable allegation, including conduct that may involve³

Physical assault

- Hitting / kicking / punching
- Shaking
- Pushing/ shoving/ grabbing/ throwing a child
- Inappropriate restraint/ excess use of force
- Use of object⁴
- Perceived threat of harm (including in the context of domestic violence)⁵
- Other deliberate/ hostile/ reckless application of force

Sexual offence

- Sexual assault
- Sexual intercourse with a 16-17 yr old child in the context of a 'special care relationship'
- Indecent assault
- Act of indecency
- Production, dissemination or possession of child pornography
- Procuring or grooming children under the age of 16 years for unlawful sexual activity
- Other (specify)

Sexual misconduct

- Crossing professional boundaries
- Sexually explicit comments
- Other sexually overt behaviour

Psychological harm⁶

- Persistent hostility/rejection
- Exposure to violence or self-destructive/antisocial behaviour (including domestic violence)⁷
- Scapegoating
- Humiliation/belittling
- Other (specify)

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• an allegation of reportable conduct against a person (see Practice Update 2013/1: Defining Reportable Conduct for the current definitions of reportable conduct), or
• an allegation of misconduct that may involve reportable conduct.

4 Use of object includes the use of an implement or throwing an object towards a child.

5 Exposure to domestic violence can be categorised as either behaviour causing psychological harm or a physical assault (threat of harm) to a child.

6 There must be a claim of related harm to the child that was alleged to have been caused by the employee.

7 In terms of further advice on domestic violence and psychological harm, see Practice Update 2013/1: Defining Reportable Conduct (behaviour that causes psychological harm to a child).

Neglect

- Clothing/food
- Medical care
- Shelter
- Supervision
- Environment not supportive (includes failing to intervene to ensure a child's safety)
- Exposure to actual risk of harm
- Provision of drugs/ alcohol

Ill-treatment

- Excessive discipline/punishment
- Other excessive behaviour

Reportable Conviction⁸

- Sexual offence
- Physical assault
- Other (specify)

4.5 Date your agency became aware of the allegation(s):

5. Interim action taken or proposed in respect of the reportable allegation(s)

5.1 Have **prior reportable allegations** been made against the employee?

Yes – please answer the following questions:

When was the most recent?

- Within 2 yrs
- 2-5 yrs
- More than 5 yrs ago
- No
- Unknown

What was the result or finding of that investigation?

- Sustained
- Not sustained – insufficient evidence
- Not sustained – lack of evidence of weight
- Not reportable conduct
- False

⁸ This category is only applicable when a matter has been proven at court.

Vexatious

Misconceived

What action was taken?

Changed duties

Training

Monitoring

Dismissal

No action

Other – please specify:

5.2 Did your agency undertake an initial risk assessment when the **current allegation** was made?

Yes – Please provide a copy of the risk assessment

No – why?

5.3 What action has been taken or is proposed in respect to the employee while the **current allegation** is being investigated and until final decisions are made?

No action (state the current reason)

Increased supervision (describe)

Restriction on current duties (specify)

Transferred to alternate duties (specify)

Suspended with pay Suspended without pay Not re-engaged

Dismissed Allowed to resign

Agency advised Office of the Children's Guardian (OCG) of interim risk⁹

Interim bar by the OCG Final bar by the OCG¹⁰

5.4 Has Community Services been informed of the current allegation¹¹?

Yes - Date of report: Reference number:

No (please go to 5.5) Unknown Not applicable

5.5 Is Community Services investigating this reportable allegation?

Yes No Unknown

5.6 Has the NSW Police Force been informed of the current allegation¹²?

Yes - Date of report: Event number:

No (please go to 5.7) Unknown Not applicable

5.7 Is the NSW Police Force investigating this reportable allegation?

Yes No Unknown

9 Agencies may provide information to the Office of the Children's Guardian (OCG) under Chapter 16A of the *Children and Young Person's (Care and Protection) Act 1998* if the investigation/disciplinary proceeding has not been completed and the information relates the safety, welfare or well-being of a particular child or young person or class of children if the provider reasonably believes that the provision of the information would assist the recipient to commence an investigation, provide a service or manage the risk to children.

10 Tick one of these boxes if the OCG has advised you that the employee is subject to a bar or interim bar. This means that they cannot be engaged or remain in child related work.

11 Agencies must report suspected risk of significant harm to the Community Services' Helpline. The main purpose of a Community Services investigation is to identify whether a child is at risk of significant harm and whether any care and support issues exist. Advice should be obtained from Community Services before commencing an employment related child protection investigation.

12 Agencies must report allegations of a criminal nature to the NSW Police Force. The main purpose of a police investigation is to make inquiries to determine whether there is sufficient evidence to charge a person with a criminal offence. Advice should be obtained from the NSW Police Force prior to commencing an employment related child protection investigation. Agencies are encouraged to refer police to the NSW Police Force's 'Standard Operating Procedures regarding employment related child abuse allegations', which require that the employing agency be kept informed of the police investigation and any action that can be taken by the employing agency during the police investigation.