

Notification form

Part B

Instructions for completing and sending the notification form to the Ombudsman

Completing the form

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.

Part B of the notification form, which details the findings of the investigation, should be completed when the investigation has been finalised. 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.

The notification form can be **photocopied** for multiple use.

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 B

Outcome of the Investigation

To be completed at the conclusion of the investigation of the reportable allegation(s) or conviction(s). Please attach copies of supporting documentation and complete the following.

6. Agency details

Name of agency:

Your case/ reference number:

Ombudsman reference:

7. Procedural fairness

7.1 Describe the allegation(s) that you put to the employee. Attach copies of all relevant documents, including correspondence, emails and records of interview with the employee.

7.2 How was the employee informed of and asked to respond to the allegation(s)?

In writing

Verbally

Not informed – Reason:

7.3 By what method did the employee respond to the allegation(s):

Written statement

Interview

Did not provide a response

7.4 If the employee was interviewed, was the employee invited to have a support person attend the interview with them?

Yes

No – why?

7.5 Did the employee opt for a support person?

Yes

No

7.6 What was the employee's response to the allegation(s) that were put to them?

8. Agency finding and reporting to the Commission for Children and Young People

***Note:** Please use this page for the primary or most serious incident and copy for additional incidents

8.1

Finding	Category of conduct	CCYP requirement
<input type="checkbox"/> Reportable conviction ⁹	<input type="checkbox"/> Sexual offence – conviction Details: <input style="width: 100%; height: 20px;" type="text"/> <input type="checkbox"/> Physical assault – conviction Details: <input style="width: 100%; height: 20px;" type="text"/> <input type="checkbox"/> Other reportable conviction Details: <input style="width: 100%; height: 20px;" type="text"/>	Require notification to the CCYP as a relevant employment proceeding (REP)
Reportable conduct was: <input type="checkbox"/> Sustained <input type="checkbox"/> Not sustained - insufficient evidence	<input type="checkbox"/> Sexual misconduct <input type="checkbox"/> Behaviour causing psychological harm to a child <input type="checkbox"/> Neglect <input type="checkbox"/> Ill-treatment (including inappropriate use of force)	These findings require notification to the CCYP as REPs; unless exempted under a class or kind agreement with CCYP
Alleged conduct was found to be: <input type="checkbox"/> Not sustained – lack of evidence of weight <input type="checkbox"/> Not reportable conduct ¹⁰ <input type="checkbox"/> False <input type="checkbox"/> Vexatious <input type="checkbox"/> Misconceived	<input type="checkbox"/> Sexual misconduct <input type="checkbox"/> Inappropriate use of physical force <input type="checkbox"/> Behaviour causing psychological harm to a child <input type="checkbox"/> Neglect <input type="checkbox"/> Ill-treatment <input type="checkbox"/> Misconduct but not reportable conduct <input type="checkbox"/> Not misconduct	These findings are not reportable to the CCYP as REPs

9 Although there may be some circumstances where a sexual or physical assault offence may be sustained on the balance of probabilities, taking into account the Briginshaw principle, a sustained finding of a sexual or physical assault offence should generally only be made when a court has found that such an offence has occurred. In the absence of a conviction, agencies should determine whether or not sexual misconduct or ill-treatment (the inappropriate use of physical force) has occurred.

10 Includes trivial or negligible use of force, the behaviour was reasonable for the circumstances, or the behaviour was accidental, or that it was misconduct, but not reportable conduct.

8.2 State the reason(s) for your finding(s):

8.3 Was the matter sent to the CCYP?

Yes – Category 1

2

No – Go to 8.5

8.4 Date sent to CCYP:

NOTE: Please provide a copy of the CCYP notification form to the Ombudsman

8.5 If the matter was not reported to the CCYP was it exempted under a Class or Kind Agreement between CCYP and your agency?

Yes

No

9. Final action taken at the end of the agency investigation

9.1 Describe the action taken by your agency (including risk assessment and management) at the conclusion of the investigation in respect to the employee who was the subject of the reportable allegation:

Relevant disciplinary action:

No action after investigation

Other disciplinary action

Caution or warning

Dismissed

Training

Allowed to resign

Performance monitoring

Other - specify:

Restrict/change duties

9.2 What other action has been taken or is proposed by your agency as a result of the investigation? (eg review of procedures, training, changes to policies).

9.3 What other issues arose during the investigation that your agency considers relevant?

9.4 Date investigation completed:

9.5 Name, title and signature of person completing notification to Ombudsman:

Name:

Title:

Signature: