



## Standing Committee on Justice and Community Safety

### Inquiry into Annual and Financial Reports 2021-2022 ANSWER TO QUESTION TAKEN ON NOTICE

---

Asked by Mr Andrew BRADDOCK on 2 November 2022: Mr David Fintan, Senior Assistant Ombudsman, Program Delivery Branch, took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 2 November 2022 [PAGE 60]

In relation to:

**MR BRADDOCK:** In your annual report page 26 Table 5 - Table 5 has allegations for matters finalised and the percentage they make up, is it possible to get that information as to whether it was sustained, the allegation I mean, sorry?

**Mr Anderson:** David, is that something you can—

**Mr Fintan:** I will take that on notice, Mr Braddock, because I am not sure if that is data we collect currently.

**MR BRADDOCK:** Yes. I suppose, what I am concerned about, are there particular types of allegations which may be more likely to be—

**Mr Fintan:** Substantial.

**MR BRADDOCK:** —not sustained or insufficient evidence? And is there a concern in that?

**Mr Fintan:** Understood.

**ACT OMBUDSMAN:** The answer to the Member's question is as follows:—

Table 1 below provides a breakdown of the allegation types and outcomes for matters finalised in 2021-22.

Table 1—Allegations type and outcome numbers and percentages for matters finalised in 2021-22

Allegation type and outcomes	Number	Percentage
<b>Ill-treatment – hostile use of force</b>	<b>148</b>	<b>36%</b>
Not sustained	82	20%
Sustained	38	9%
Not reportable conduct	28	7%
<b>Ill-treatment – emotional abuse</b>	<b>85</b>	<b>21%</b>
Not sustained	46	11%
Sustained	15	4%
Not reportable conduct	22	5%
No information	2	1%
<b>Neglect</b>	<b>56</b>	<b>14%</b>
Not sustained	31	8%
Sustained	14	3%
Not reportable conduct	11	3%
<b>Misconduct of a sexual nature – crossing professional boundaries</b>	<b>55</b>	<b>13%</b>
Not sustained	19	5%
Sustained	24	6%
Not reportable conduct	12	2%
<b>Misconduct of a sexual nature – sexually explicit comments and other overtly sexual behaviour</b>	<b>23</b>	<b>6%</b>
Not sustained	15	4%
Sustained	4	1%
Not reportable conduct	4	1%
<b>Ill-treatment – inappropriate restrictive intervention</b>	<b>14</b>	<b>3%</b>
Not sustained	2	0%
Sustained	7	2%
Not reportable conduct	5	1%
<b>Offences against the Education and Care Service National Law</b>	<b>13</b>	<b>3%</b>
Not sustained	3	1%
Sustained	9	2%
Not reportable conduct	1	0%
<b>Offences against a person</b>	<b>7</b>	<b>2%</b>

Sustained	2	< 1%
Not reportable conduct	2	< 1%
Not sustained	3	< 1%
<b>Misconduct of a sexual nature – grooming behaviour</b>		
	6	1%
Not sustained	6	1%
<b>Sexual offences where a child is a victim or is present</b>		
	4	1%
Not sustained	3	1%
Sustained	1	0%
<b>Psychological harm</b>		
	2	< 1%
Not sustained	2	< 1%
<b>Other</b>		
	1	< 1%
Sustained	1	< 1%

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date:

16 Nov 2022.

By the A/g ACT Ombudsman, Ms Penny McKay