

Caveat Brief

To: Minister for Education and Early Childhood Development
From: Deb Efthymiades, DDG System Policy and Reform
Subject: AFP investigating an Early Childhood Teacher
Date: 14 August 2020

That you note the updated response of the Education Directorate and the Children's Education and Care Assurance (CECA) to information received from the Australian Federal Police (AFP).

Noted / Please discuss

Yvette Berry MLA 17/08/20

- Further to the initial caveat brief provided on the morning of 13 August 2020.
- All actions outlined in the initial caveat brief have been completed however in the process of identifying how advice should be provided to New South Wales authorities, it became clear that despite the formal notification being made to the Teacher Quality Institute under section 70B (notification of suspension of casual registration) of the *ACT Teacher Quality Institute Act 2010*, the TQI Act provides no means for TQI to take immediate action. There is a period of 14 days before a suspension or cancellation of teacher registration can take effect. This was confirmed by the Government Solicitor's Office late on 13 August 2020.
- In order to ensure safety of children in the ACT non-government sector, an alternate mechanism needed to be identified for the intervening period (14 days).
- In line with the provision of reportable conduct information under Division 25.3.3 of the Children and Young People Act 2008 (the Act), Section 863CA of the Act allows a designated entity (in this case the Education Directorate) to provide information of their own initiative to another designated entity, when satisfied on reasonable grounds that it relates to the safety, welfare or wellbeing of a child, young person or class of children or young persons.

As a designated entity, the ACT Education Directorate has provided relevant factual information to the following designated entities on the basis that there is a lawful reason to do so, in accordance with the provisions of Division 25.3.3:

- Catholic Education, Archdiocese of Canberra and Goulburn, via their Director Mr [REDACTED]

- Association of Independent Schools ACT, via their Executive Director Mr [REDACTED] – for onforwarding to the Principal of each of their ACT member schools, all of which are designated entities under the Act.
- In addition the Teacher Quality Institute has been able to confirm, through the NSW teacher registration body (NESA) that the individual in question is not, and has never been, registered to teach in NSW. Hence there is not currently any opportunity for the individual to be employed on any basis in NSW schools in any sector. Should TQI either suspend or cancel the individual's teacher registration, NESA would be informed.
- Student Engagement have interrogated both RISKMAN and SAS data sets and determined that no related incidents were reported by any of the schools where the individual has been employed as a casual relief teacher between 21 July and 12 August 2020.
- People and Performance are in the process of following up with each of these schools to identify any relevant unreported incidents.
- In addition to the actions outlined above, Senior Director People and Performance has had several interactions with ACT Police to assist with confirming the individual's wellbeing.
- On the morning of 14 August 2020, a written response to the Directorate's correspondence regarding immediate suspension of his casual employment registration with the Directorate was received from the individual, confirming his safety.
- All ACT public schools who had future bookings for casual relief with the individual have been advised of his unavailability and the need to make alternate arrangements.
- Any further updates on the situation will be provided as available.

Signatory Name: Deb Efthymiades

Title Deputy Director General, SPR

Date 14 August 2020