
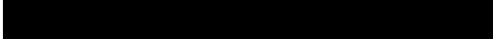


Dear 

I refer to your letter of 24 March 2016 to the Directorate 
 requesting access to documents under the ACT
Freedom of Information Act 1989 (the FOI Act).

Your request

You are seeking access to:

- *De-identified information regarding any complaints, investigations and outcomes regarding incidents of a child protection nature against employees where the alleged victim has been identified as a child with a disability which occurred from 1 January 2014 to 24 March 2016.*
 - *The information should include the date the allegation was received, employee type, initial allegation, outcome and action(s) taken as a consequence of the allegation.*

My decision

I am authorised under section 22 of the FOI Act to make a decision on behalf of the Directorate in relation to your request.

The information held by the Directorate within the scope of your request is in relation to complaints against employees that are unable to be resolved at the local level and progressed to the Directorate's human resources team for resolution. These complaints are held in a spreadsheet, and the information provided in relation to your request has been sourced from that spreadsheet.

A schedule describing the document located in relation to your request and my decision in relation to that document is at Attachment A and the released document is at Attachment B.

I have decided to grant access to parts of the document on the grounds that the redacted information is exempt under section 41 of the FOI Act. Information that is outside the scope of your request has been withheld.

Details of section 41 together with my reasons for applying it, are set out below.

Section 41 – Documents affecting personal privacy

Section 41 of the Act relates to documents affecting personal privacy. Section 41(1) states:

A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

Sections of the document being released contain personal information about a number of individuals, namely information about individuals whose identities are apparent, or can reasonably be ascertained, from the information, including the names of employees, students and witnesses, and the specific allegations made.

I have decided to redact information in sections of the document that would identify those persons as, in my view, the release of this information would be an unreasonable disclosure of personal information.

Information outside the scope of your request

Some information has been deleted from the document provided as it does not relate to your request. This includes an individual reference number for complaints received.

Your rights for review

If you are dissatisfied with the outcome of your request, you have a right to seek a review under section 59 of the FOI Act. My decision is also appealable if, in your opinion, you do not believe that all the information relevant to your request in the possession of the Directorate has been located.

An information sheet outlining the review and appeal process provided for in the Act is attached to this letter.

Remission of charges

As the time spent in processing your request falls below the 10 hour threshold for charges to apply, I have decided to release the document without seeking further information from you in support of a public interest claim for remission of fees.

Online publication

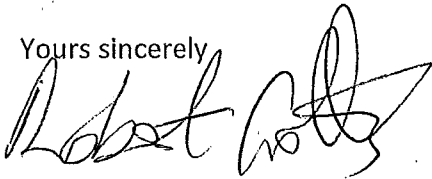
Please be aware that under the ACT Government's *Online FOI Publication* policy, information released to you under this Freedom of Information request may be released on the internet.

Personal information or business affairs information will not be made available under this policy.

A copy of the policy, with details about what information may be published on the internet, is available at:

http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Gotts', written over a horizontal line.

Robert Gotts
Director
Planning and Performance

28 April 2016

Freedom of Information Act 1989 **Review and Appeal Processes**

Internal review

You may request a review of a decision made under the *Freedom of Information Act 1989* (ACT). Requests for review must be made in writing to the Education and Training Directorate. Requests can be sent by fax (02 6205 9453) or by mail to:

The Director-General
C/- Governance and Assurance Branch
ACT Education and Training Directorate
PO Box 158
CANBERRA CITY ACT 2601

You have **28 days** from the date you were notified of the decision to request a review. This period may be extended by the Director-General.

ACT Civil and Administrative Tribunal

If you are not satisfied after the Directorate has conducted an internal review, you may seek an independent review of the decision by the ACT Civil and Administrative Tribunal. The Tribunal is an independent body which can affirm, change or reject the decision made by the Directorate and either substitute its own decision or send the matter back to the Directorate for reconsideration in accordance with the Tribunal's recommendations.

The Tribunal can be contacted by fax (02 6205 4855), email (tribunal@act.gov.au) or by mail to:

ACT Civil and Administrative Tribunal
DX5691
GPO Box 370
CANBERRA CITY ACT 2601

An appeal must be filed in the Tribunal within 28 days after the internal review decision is made although you may seek an extension of time in certain circumstances.

An application for a review may be made by writing to the Tribunal, or by completing the *Application for Review of a Decision* form (available on the Tribunal's website at www.acat.act.gov.au). There is a fee for lodging an appeal with the Tribunal. This fee may be remitted under certain circumstances.

ACT Ombudsman

You also have the right to complain to the ACT Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

ACT Ombudsman
GPO Box 442
CANBERRA CITY ACT 2601

The ACT Ombudsman cannot override a decision made by the Directorate.