

Response to media enquiry - NSW Ombudsman investigation of certain conduct of the Department of Education

This statement is provided in response to a media enquiry and in accordance with section 34(2)(b) of the *Ombudsman Act 1974 (NSW)*.

The NSW Ombudsman confirms that:

- The NSW Ombudsman received a complaint concerning the Department of Education and a high school (School). The complaint concerns conduct of the Department both before and after an alleged incident that was the subject of recent and concluded criminal proceedings.
- Following assessment of the complaint and preliminary inquiries, the Ombudsman has opened an investigation under section 13 of the Ombudsman Act.
- The investigation will consider the Department's administrative actions taken in response to:
 - complaints the School received about the conduct of a student prior to the alleged incident
 - the Department's communication with the complainant during a departmental investigation of the above
 - complaints the School received about the conduct of another student after the alleged incident.
- The purpose of the investigation is to consider whether the administrative conduct of the Department (described above) constituted or involved action or inaction that was contrary to relevant law or established administrative practice, was unreasonable, or was otherwise wrong.
- The matters that have been the subject of criminal proceedings are not within the scope of the investigation.

In accordance with section 17 of the *Ombudsman Act 1974 (NSW)*, the investigation must take place in the absence of the public.

When completed, the Ombudsman's report on the investigation, and any findings and recommendations, will be provided to the Department and its Minister. The complainant will also be informed of the outcome.

The NSW Ombudsman will make no further comment about this investigation.

* The alleged incident was the subject of criminal proceedings and a conviction; on appeal, that conviction was overturned.

This statement was revised on 27 March 2023 following the overturning of the conviction on appeal.