



## Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct

### St. Andrew's Christian School

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84 Washpool Road Clarenza NSW 2460  
p 02 6643 4770  
e [reception@standrewscs.nsw.edu.au](mailto:reception@standrewscs.nsw.edu.au)  
w <https://standrewscs.nsw.edu.au/>

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# 1. Introduction

Complaints regarding allegations of staff misconduct and reportable conduct are managed in a different manner to other complaints received by St. Andrew's Christian School ('School'). This is because often these complaints are of a sensitive nature and raise potential privacy and confidentiality issues.

For other complaints, please refer to the [Complaints and Grievances Policy](#).

## 2. Source of Obligation

The Children's Guardian Act 2019 (NSW) requires St. Andrew's Christian School to investigate and report to the NSW Office of the Children's Guardian all allegations of Reportable Conduct that are made against "employees" at the School.

For the purposes of this Policy, "employees" include teaching and non-teaching staff, Board members, volunteers, contractors and external providers.

## 3. Procedures

### Prevent

The School requires all employees to comply with all Child Protection; Codes of Conduct and Staff and Student Professional Boundaries policies which are intended to prevent staff misconduct and reportable conduct.

These policies are provided at employment and reviewed with staff at least annually. We ensure child related workers have access to appropriate information, training and support to help them understand and prevent potential risks to children in their care. We require all adults working with children to have a Working with Children Check which we cite and clear before they begin at the School.

### Identify

**Staff misconduct** is conduct by a staff member that:

- breaches the Child Protection; Codes of Conduct, and Staff and Student Professional Boundaries or other key policies/procedures
- displays purposeful neglect of duties/responsibilities
- involves alcohol and/or other substance abuse
- is physically, verbally or emotionally abusive
- endangers the safety or wellbeing of students or others at the School.

The Children's Guardian Act defines **Reportable Conduct** to the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a sexual offence
- sexual misconduct
- ill-treatment of a child

- neglect of a child
- an assault against a child
- behaviour that causes significant emotional or psychological harm to a child
- any offence under section 43B or 316A of the Crimes Act 1900, whether or not, with the consent of the child.

Reportable Conduct does not include:

- conduct that is reasonable for the purpose of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards, or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter has been investigated and the result of the investigation has been recorded under workplace employment procedures.
- touching a child to get their attention, to guide them or comfort them, momentarily restraining a child to prevent the child hurting themselves or others or a teacher raising their voice in order to attract attention or restore order in the classroom.

For the purposes of Reportable Conduct, a child is defined as a person under the age of 18 years.

## **Report**

It is critical that staff or the broader School community reports staff misconduct and reportable conduct to ensure the safety and wellbeing of students. The School has a legal obligation to investigate and report to the NSW Children's Guardian all allegations of reportable conduct made against staff at the School.

### ***How can I make a complaint or allegation?***

- Send an email to [complaints@standrewscs.nsw.edu.au](mailto:complaints@standrewscs.nsw.edu.au)
- Write a letter to the School addressed to the Complaints Manager, 84 Washpool Road Clarenza NSW 2460
- Telephone the school, 02 66434770, and ask to speak to the Complaints Manager

The Principal is delegated as the Complaints Manager.

If the Complaints Manager is the subject of your complaint or allegation, please contact the Chairperson of the School Board: Jeoffrey Falls, General Manager | Chief Executive Officer, Presbyterian Church of Australia in NSW 02 9690 9301; [jfalls@pcnsw.org.au](mailto:jfalls@pcnsw.org.au)

In all cases, the Principal notifies the Board Chairperson and the Presbyterian Church of Australia in NSW Conduct Protocol Unit of the complaint and keeps them informed of the investigation and findings.

### ***Can I make an anonymous complaint or allegation?***

Although anonymous complaints and allegations present difficulties for investigation they will still be treated seriously. If you make an anonymous complaint, please be aware that this limits the School's ability to obtain information and may impact our ability to address your concerns.

### ***The main things you should know about making a complaint or allegation are:***

- Your complaint or allegation of abuse will be treated seriously.

- All aggrieved persons will be treated with respect.
- As far as possible, we will treat all complaints and allegations confidentially. Information will be only shared with the alleged offender with your permission, to respond to the complaint. However, at times we may be required under law to disclose some information, for example, mandatory reporting or criminal matters.
- Individual pastoral care and professional counselling will be offered to all aggrieved persons, the alleged offender and others affected by the process and/or outcome. Responsibility for costs associated with such care and counselling will be determined as part of the process.
- Complaints and allegations will be actioned as quickly as possible with genuine regard to their seriousness. However, some complaints and allegations will take a significant amount of time to be properly responded to.
- Every person within the School who is involved in handling a complaint will be to declare any conflict of interest in the matter or any personal connection or relationship with any party, past or present.
- You can withdraw the complaint or allegation at any time. This would not negate any mandatory reporting obligations.

### ***What happens when I make a complaint or allegation?***

The process of handling allegations and complaints varies depending upon the exact circumstances of the situation and the particular issues involved.

In very broad terms, the following process will apply:

#### ***Acknowledgement***

- Your complaint or allegation will be acknowledged by the School. Written acknowledgement can be provided on request.
- If the complaint or allegation is made in writing you will receive written acknowledgement that we have received your document.

#### ***Addressing the complaint***

- The complaint or allegation will be considered by the School to determine what processes are needed to best deal with the matter.
- The School will determine if statutory reporting is required, for example to Community Services or Police. The School will inform you if any reports need to be made and by whom.
- The School will determine if the complaint or allegation can be dealt with by the School. If it cannot we will refer you to the appropriate body or recommend another process.

### ***Investigate***

The School initially investigates all complaints and allegations to determine whether the conduct in question amounts to staff misconduct, as defined in this Policy, or reportable conduct that must be further investigated and reported to the NSW Children's Guardian. All investigations uphold the principles of procedural fairness and confidentiality - information is only shared with those who need to know.

**Staff Misconduct**

When a complaint or allegation does not include conduct that is defined as reportable conduct following the School's initial investigation, and it is determined through

the School's investigation that staff misconduct has occurred, the School will notify the complainant of the finding and corrective actions that will be taken. Staff misconduct is managed through our policies and procedures relating to internal grievances, discipline and termination.

### ***Reportable Conduct***

If the School's internal investigation results in a finding of reportable conduct, following the School's notification to the NSW Children's Guardian, we will conduct a final risk assessment of the conduct, the staff member and the circumstances, and take action to mitigate ongoing risks.

Sometimes, where reportable conduct obligations arise, the School will also have other mandatory reporting obligations. In these situations, the School will prioritise its procedures for mandatory reporting to the Department of Communities and Justice and/or to Police and will seek advice from those agencies on the best way to proceed with the reportable conduct internal investigation.

### **Report Findings**

The Principal or an investigator working for the Principal must inform the affected child and their parents/carers about the reportable conduct investigation unless it is "not in the public interest" to inform them.

The Principal or an investigator working for the Principal must not disclose information about a reportable conduct investigation to anyone other than the affected child and their parents/carers. However, there are some exceptions - disclosures can be made to certain people and entities, such as investigators and carers, if the disclosure is made to promote the safety or wellbeing of the child.

The outcome will depend on the process undertaken. Some possible outcomes are:

- You may receive a written apology
- We may recommend mediation. The safety of the aggrieved person will be the paramount consideration. This will only be considered if appropriate and agreed to by all parties.
- We may refer you to or make a report to appropriate authorities, for example NSW Police.
- We may make recommendations for counselling for parties involved.
- Disciplinary action may be taken against the person who is the subject of the complaint or allegation. This may include, among other things, removal of that person from their role, suspension, counselling, supervision or conditions for continued employment.
- We may recommend a review of existing policy/practice.

### ***What if I am unhappy with the outcome/decision?***

Depending on the nature of the complaint or allegation you may be able to request a review of the decision. Please speak with the Principal about your reasons for dissatisfaction and they will advise whether there is an alternative option which can be considered or whether further information can be provided about the reason for the decision.

## **Related Policies/Documents**

[Complaints and Grievances Policy](#)

[Child-friendly Child Safe Commitment and Complaints Procedure](#)

[Presbyterian Church NSW Breaking the Silence Information Sheet](#)