

Complaint Handling for Staff Misconduct and Reportable Conduct Policy & Procedure



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Misconduct and Reportable Conduct Policy & Procedure V1.1

Region: New South Wales

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Associated Documents 3.2.4.2 <i>Staff Code of Conduct</i> 3.6.1.1 POL_NSW_OP_Child Protection Policy & Procedure		

1. PURPOSE

To provide OneSchool Global NSW and its staff with a clear internal policy and procedure aimed at Handling Allegations of Staff Misconduct and Reportable Conduct.

2. SCOPE

This policy and the procedure apply to all stakeholders at OneSchool Global NSW.

3. POLICY STATEMENT

As part of the approach by OneSchool Global NSW to providing a fair, safe and productive work environment, consideration of grievances will be dealt with fairly, consistently, promptly and with sensitivity to all parties.

4. DEFINITIONS

Term	Definition
Complainant	The staff member lodging the allegation.
Staff Misconduct	conduct by a staff member that: <ul style="list-style-type: none"> • breaches the School's Code of Conduct 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.
Reportable Conduct	The Children's Guardian Act 2019 defines reportable conduct as: <ul style="list-style-type: none"> • a sexual offence • sexual misconduct • ill-treatment of a child • neglect of a child • an assault against a child • an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900; and • behaviour that causes significant emotional or psychological harm to a child.

OneSchool Global NSW	Central Administration, District Principal, Regional Principal, Community Principal and members of OneSchool Global NSW Board.
Party	The complainant and/or respondent.
Procedural Fairness	Procedural fairness in the handling of a grievance that involves all of the following elements: <ol style="list-style-type: none"> 1. the opportunity for all parties involved to be heard and the right to a fair hearing; 2. the right to attend hearings or interviews with a friend or support person, if required; 3. the respondent having full knowledge of the nature and substance of the grievance; 4. the opportunity for all parties to respond to allegations made against them during the course of an investigation; 5. the right to an independent, unbiased decision-maker; and 6. a final decision based solely on the relevant evidence.
Respondent	The staff member or members against whom the allegation has been lodged.
Supervisor	Normally the management position to which the staff member reports. Campus Principal, District Principal, Regional Principal, Community Principal.
Staff and staff member	Includes teaching and non-teaching staff, School Board and Management Team members, volunteers, contractors and external providers.

5. INTRODUCTION

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

OneSchool Global NSW requires all staff to comply with a Code of Conduct and standards of behaviour. These are intended as a guide to acceptable and unacceptable behaviour and as a tool to assist the prevention of staff misconduct and reportable conduct. Staff are encouraged to report any breaches of the Code or standards.

It is also vitally important that the broader School community reports staff misconduct and reportable conduct to ensure the safety and wellbeing of students. For its part, the School must comply with legislative reporting obligations. OneSchool Global NSW has a legal obligation to investigate and report to the Office of the Children's Guardian all allegations of reportable conduct made against staff at the School as defined Children's Guardian Act 2019.

6. MAKING A COMPLAINT OR ALLEGATION OF STAFF MISCONDUCT OR REPORTABLE CONDUCT

Formal complaints or allegations of staff misconduct or reportable conduct, may be made by:

1. Using the relevant reporting tab on the school's website
<https://www.oneschoolglobal.com/regions/australia/new-south-wales/>
2. Sending an email to the Regional Principal patrick.mcging@au.oneschoolglobal.com
3. Writing a letter to the School addressed to the Regional Principal
4. Telephoning the School and speaking to the Regional Principal

If the Regional Principal is the subject of the complaint or allegation of misconduct or reportable conduct, the complaint or allegation should be made to the Chair of the School Board, Mr Mark Heaney.

7. INVESTIGATING AND MANAGING STAFF MISCONDUCT AND REPORTABLE CONDUCT

The School initially considers all complaints and allegations to determine whether the alleged conduct in question amounts to staff misconduct, as defined in this policy, or reportable conduct that must be investigated and reported to the Office of Children's Guardian.

7.1 Staff Misconduct

When a complaint or allegation does not include conduct that meets the definition of reportable conduct, following the School's initial consideration, the alleged misconduct will be managed through the School's staff services policies and procedures relating to internal grievances, and staff discipline.

7.2 Reportable Conduct

When a complaint or allegation does include conduct that meets the definition of reportable conduct, following the School's initial consideration, the School is required by law to report the allegation to the Office of Children's Guardian within 7 days.

Following any allegation that includes conduct defined as reportable conduct, a risk assessment will be conducted to identify and mitigate any ongoing risks to student safety and wellbeing. The School must also conduct an investigation. This may be conducted internally by an accredited investigator or by an external investigator.

7.3 Planning and Conducting an Investigation.

When conducting an internal investigation, the School follows protocols established by the Office of the Children's Guardian.

https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Planning_conducting_investigation.pdf.aspx?Embed=Y

All investigations are required to uphold the principles of procedural fairness and confidentiality - information is only to be shared with those who need to know.

7.4 Making Findings Once Investigation Complete

Decisions on findings follow the guidelines of the Office of the Children's Guardian as per below

https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Making_Finding_Reportable_Conduct.pdf.aspx?Embed=Y

8. MAKING A FINDING OF REPORTABLE CONDUCT

8.1 Disclosing Information to the School Community

A parent or carer has a legitimate interest in being told of the process that is being followed to investigate an allegation that their child was a victim of staff misconduct or reportable conduct.

Information can often be provided to the parent, carer or child without the need to consider legal impediments to disclosure. However, legal impediments – real or feared – may discourage the timely and appropriate release of information, particularly in the case of reportable conduct allegations.

The School closely follows the Office of the Children’s Guardian’s guidance on this issue provided in the Fact Sheet.

https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Disclosing_information_children_parents_care_rs.pdf.aspx?Embed=Y

The School is permitted to disclose certain information to:

- the child who was allegedly the subject of the reportable conduct that forms the basis of the reportable allegation
- any parent of the child
- if the child is in out-of-home care, any authorised carer of the child.

There are times when it may be appropriate to disclose information about the internal investigation to one of these involved parties but not another, for example, to disclose information to the child’s parent, but not the child.

The School is permitted to disclose the following information to involved parties:

- information about the progress of an investigation
- the findings of the investigation
- any action taken in response to those findings.

However, the School will consider all the circumstances of the complaint/allegation and the investigation and findings when determining if information should be disclosed.

9. VERSION CONTROL

Document Code	Date	Version No.	Nature of Change
3.6.2.14 POL_NSW_HR_Complaint Handling Procedure for Staff Misconduct and Reportable Conduct.v.1.0	14th May 2020	1.0	Rebranding
3.6.2.14 POL_NSW_HR_Complaint Handling Procedure for Staff Misconduct and Reportable Conduct.v.1.1	9th June 2022	1.1	Review