



Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct

Complaints regarding allegations of staff misconduct and Reportable Conduct are managed in a different manner to other complaints received by St Sava College (the School). This is because often these complaints are of a sensitive nature and can raise privacy and confidentiality issues.

St Sava College requires all staff to comply with a Staff Code of Conduct, other policies and standards of behaviour that are intended to prevent staff misconduct and Reportable Conduct.

Staff are expected to report any breaches of the Staff Code of Conduct, other policies or standards of behaviour.

It is also critical that the broader School community reports staff misconduct and Reportable Conduct to ensure the safety and wellbeing of students.

This is also important to ensure that the School complies with its legislative reporting obligations. St Sava College has a legal obligation to investigate and report to the NSW Office of the Children's Guardian all allegations of Reportable Conduct made against staff at the School as defined by the *Children's Guardian Act 2019* (NSW) (**Children's Guardian Act**).

For the purposes of this policy, 'staff' and 'staff member' is defined to include teaching and non-teaching staff, College Board members, volunteers, contractors and external providers.

Definition of Staff Misconduct

The School defines 'staff misconduct' as conduct by a staff member that:

- breaches the Staff Code of Conduct or other key policies or procedures, including without limitation any child protection policies;
- displays purposeful neglect of duties and/or responsibilities;
- involves alcohol and/or other substance abuse;
- is physically, verbally or emotionally abusive; or
- endangers the safety or wellbeing of students or others at the School.

Definition of Reportable Conduct

The Children's Guardian Act defines Reportable Conduct as:

- 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* (NSW); or
- behaviour that causes significant emotional or psychological harm to a child.

Some examples of conduct that would not constitute Reportable Conduct include touching a child to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental.

Making a Complaint or Allegation of Staff Misconduct or Reportable Conduct

You can make a formal complaint or allegation of staff misconduct or Reportable Conduct by contacting the Principal by:

- Sending an email to office@stsava.nsw.edu.au marked to the attention of the Principal.
- Writing a letter to the School addressed to the Principal, St Sava College, 381 St Andrews Road, Varroville NSW 2566.
- Telephoning the School on (02) 8729 5100 and asking to speak to the Principal.

If the Principal is the subject of your complaint or allegation of staff misconduct or Reportable Conduct, please contact the President of the Board on admin@stsava.nsw.edu.au.

Investigating and Managing Staff Misconduct and Reportable Conduct

The School initially investigates all complaints and allegations to determine whether the conduct in question amounts to staff misconduct, as defined in these procedures, or Reportable Conduct that must be further investigated and reported to the NSW Office of the Children's Guardian.

All investigations uphold the principles of procedural fairness and confidentiality is respected - 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 manage this through policies and procedures relating to staff discipline and termination.

The School will notify the complainant that the complaint or allegation does not include conduct that is defined as Reportable Conduct, and that the School will manage any staff

misconduct involved through the policies and procedures relating to staff discipline and termination.

Reportable Conduct

When a complaint or allegation does include conduct that is defined as Reportable Conduct following the School's initial investigation, the School is required by law to report the allegation to the NSW Office of the Children's Guardian within seven business days after becoming aware of the complaint or allegation. The School will conduct an internal investigation, led by the Principal. The School will also conduct [risk management](#) following any allegation that includes conduct defined as Reportable Conduct to identify and mitigate any ongoing risks to student safety and wellbeing. A further risk assessment is conducted during the internal investigation and at the end of that investigation.

When [planning and conducting the investigation](#), the School follows the guidelines in the NSW Office of the Children's Guardian.

The Principal must make a finding of Reportable Conduct if he is satisfied, on the balance of probabilities, that the case against the employee has been proved.

The School is required to notify the NSW Office of the Children's Guardian of the findings of the internal investigation as soon as possible once the internal investigation has been finalised.

Making a Finding of Reportable Conduct

If the School's internal investigation results in a finding of Reportable Conduct, following the School's notification to the NSW Office of the Children's Guardian, the School undertakes a final risk assessment of the conduct, the staff member and the circumstances, and takes action to mitigate ongoing risks.

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 NSW Office of the Children's Guardian guidance on this issue provided in the [Disclosing information to children, parents and carers fact sheet](#).

The School is permitted to disclose 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; and
- 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; and
- any action taken in response to those findings.

However, all the circumstances of the complaint/allegation and investigation should be considered when determining if information should be disclosed.

Where to Find More Information

The NSW Office of the Children's Guardian has several informative fact sheets on the topic of Reportable Conduct and the School's obligations to report.

For more information about the School's policies and procedures relating to staff misconduct, Reportable Conduct or complaints handling generally, please email office@stsava.nsw.edu.au.