



## PROCEDURES FOR HANDLING ALLEGATIONS OF STAFF MISCONDUCT AND REPORTABLE CONDUCT

Status	<b>CURRENT</b>
Classification	<b>Child Safeguarding</b>
Established	<b>2020</b>
Last Review	<b>2025</b>
Next Review	<b>2027</b>
Responsibility	<b>Deputy Principal</b>

### CONTEXT

St Augustine's College – Sydney is a Year 5 to Year 12 Catholic Congregational comprehensive school for boys teaching the Augustinian values of Truth, Love and Community.

The College seeks to promote the formation of the whole person; an individual who is well rounded and lives by the Gospel mission of justice, forgiveness, compassion and generosity.

Key to an Augustinian education is friendship, a commitment to learning and the opportunity to achieve academic and personal excellence within a faith community.

### INTRODUCTION

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

St Augustine's College requires all staff to comply with a Code of Conduct and standards of behaviour that are intended to prevent staff misconduct and reportable conduct, and staff are encouraged to report any breaches of the Code or standards.

It is also critical that the broader College community reports staff misconduct and reportable conduct (both defined below) to ensure the safety and wellbeing of students, and that the College complies with its legislative reporting obligations. St Augustine's College has a legal obligation to investigate and report to the NSW Children's Guardian all allegations of reportable conduct made against staff at the College as defined by the Children's Guardian Act 2019 (NSW) (Children's Guardian Act).

For the purposes of the Children's Guardian Act 2019 (NSW), "employee" includes paid staff, volunteers, contractors, and any person engaged by the College to work with children. This definition applies to all reportable conduct obligations.



## DEFINITION OF STAFF MISCONDUCT

The College defines “staff misconduct” as conduct by a staff member that:

- breaches the College’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 College.

## DEFINITION OF REPORTABLE CONDUCT

The Children’s Guardian Act defines reportable conduct as including:

- any sexual offence or sexual misconduct, committed against, with or in the presence of a child (including child pornography offences or an offence involving child abuse material) including grooming behaviours
- any assault, ill-treatment or neglect of a child
- any 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

If you would like to make a formal complaint or allegation of staff misconduct or reportable conduct, you can do so by:

1. Sending an email to [principalsoffice@saintaug.nsw.edu.au](mailto:principalsoffice@saintaug.nsw.edu.au)
2. Writing a letter to the College addressed to the Principal.
3. Telephoning the College and asking to speak to the Principal.

If the Principal is the subject of your complaint or allegation of misconduct or reportable conduct, please contact the Board Chair [chairman@saintaug.nsw.edu.au](mailto:chairman@saintaug.nsw.edu.au)

Anonymous complaints will be accepted and assessed based on the information provided. While anonymity may limit the College’s ability to investigate, all efforts will be made to ensure child safety.

## INVESTIGATING AND MANAGING STAFF MISCONDUCT AND REPORTABLE CONDUCT

The College 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.

Upon receiving a reportable allegation, the College will conduct an interim risk assessment to determine any immediate risks to children and implement protective measures while the investigation is ongoing.

All investigations will be conducted using a child-centred and trauma-informed approach, ensuring the child’s safety, dignity, and voice are prioritised throughout the process.



## STAFF MISCONDUCT

When a complaint or allegation does not include conduct that is defined as reportable conduct following the College's initial investigation, and it is determined through the College's investigation that staff misconduct has occurred, an official response to the complainant will be provided at the completion of the investigation.

Staff misconduct is managed through our Human Resources policies and procedures relating to internal grievances, discipline and termination.

## REPORTABLE CONDUCT

After the Principal becomes aware of a reportable allegation or conviction against an employee they **must** ensure that an appropriate investigation of the reportable allegation or conviction is conducted and completed within a reasonable time.

The Principal must notify the NSW Children's Guardian within 7 business days of becoming aware of a reportable allegation or conviction, in accordance with Section 29 of the Children's Guardian Act 2019 (NSW).

The Principal **must** notify the Children's Guardian of the findings of the College's internal investigation into the matter.

The Principal **must** inform the affected child and their parents/carers about any reportable conduct investigation unless it is "not in the public interest" to inform them.

Sometimes, where reportable conduct obligations arise, the College will also have other mandatory reporting obligations. In these situations, the College 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.

## MAKING A FINDING OF REPORTABLE CONDUCT

If the College's internal investigation results in a finding of reportable conduct, following the College'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.

## DISCLOSING INFORMATION TO THE COLLEGE COMMUNITY

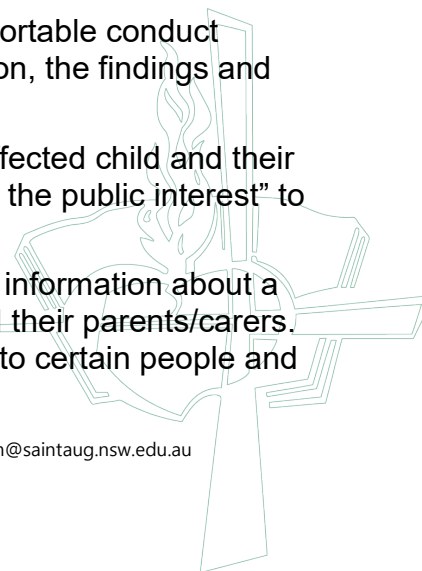
A parent or carer has a legitimate interest in being told of the process that is being followed to investigate an allegation that their child was a victim of staff misconduct or reportable conduct.

Section 57 of the Children's Guardian Act imposes disclosure obligations and prohibitions on the Principal.

The disclosure obligations and prohibitions apply to information about a reportable conduct investigation. This includes information about the progress of an investigation, the findings and any action taken in response to the 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 to this rule. 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.

## **WHERE TO FIND MORE INFORMATION**

The NSW Children's Guardian provides information on reportable conduct and the College's obligations to report. For more information about the College's policies and procedures relating to staff misconduct, reportable conduct or complaints handling generally, please contact the Senior Child Protection Officer.

The College maintains records of all reportable conduct investigations in accordance with the Children's Guardian Act 2019 (NSW) and must retain these records for a minimum of 30 years.

### **Continuous Improvement**

The College regularly reviews trends and outcomes from staff misconduct and reportable conduct investigations to identify systemic risks and improve safeguarding practices.

