



Procedure for Handling Allegations of Staff Misconduct and Reportable Conduct

We use the terms “staff” and “staff member” to include all School “employees” as defined in the NSW Reportable Conduct Scheme (explained below).

Incidents of or complaints about staff misconduct and reportable conduct are managed in a different manner to other incidents at or complaints about the School.

This is because these kinds of incidents, complaints, allegations or concerns are all of a similar sensitive nature and raise potential privacy and confidentiality issues. In addition, the School has particular legal obligations when managing them.

Staff misconduct and reportable conduct are both considered “child safety incidents or concerns” for the purposes of our [Child Safe Policy](#) and Reporting Obligations and Complaints Management (Child Safe Policy and Procedures). For more information, refer to [Procedures for Managing Child Safety Incidents or Concerns Involving the School or its Staff Members \(Summary\)](#), available on our public website.

One way that Danebank Anglican School for Girls prevents staff misconduct and reportable conduct is to require all staff members to comply with Codes of Conduct and standards of professional behaviour (including our Child Safe Code of Conduct and Staff and Student Professional Boundaries policy and procedure). We also require all staff to report any breaches of these Codes or standards internally to the School.

What Is Staff Misconduct?

“Staff misconduct” is conduct by a staff member that:

- breaches the School’s Codes 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.

What Is Reportable Conduct?

The School has a legal obligation under the Children's Guardian Act 2019 (NSW) (Children's Guardian Act) to investigate and report to the Office of the Children's Guardian (OCG) any incidents or allegations of "reportable conduct" or "reportable convictions" involving an "employee" of the School.

It does not matter whether the reportable conduct occurred in the course of the employees' engagement by the School.

"Reportable conduct" includes:

- a 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
- an assault, ill-treatment or neglect of a child
- behaviour that causes significant emotional or psychological harm to a child.

For the purposes of the Reportable Conduct Scheme, "employees" of the School include:

- the Principal
- all staff members, whether or not they have contact with children
- Direct Contact Volunteers
- Direct Contact Contractors
- the "head" of any company or other contracted service provider with multiple employees that is engaged as a Direct Contact Contractor by the School
- members of Anglican Schools Corporation Board and School Council
- ministers of religion and other individuals (such as Anglican Schools Corporation officers, employees, Volunteers and Contractors) who hold, or who are required by the Anglican Schools Corporation to hold, a WWCC Clearance for the purposes of engagement with Anglican Schools Corporation-governed schools .

Not all physical contact, verbal communication and other behaviour of employees is reportable conduct. Reasonable or accidental conduct is not reportable conduct.

Some examples of conduct that is not reportable conduct include a staff member 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 About or Allegation of Staff Misconduct or Reportable Conduct

It is critical that the broader School community tells us about staff misconduct and reportable conduct. This enables the School to ensure the safety and wellbeing of students, and to comply with its legislative reporting obligations.

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

- the Principal, who is the School's Senior Child Safe Officer, by phoning (tel:02 9580 1415) or emailing michele.benn@danebank.nsw.edu.au; or
- if the concern relates to the Principal, the CEO by emailing Peter Fowler pfowler@tasc.nsw.edu.au or calling 02 8567 4000.

If your complaint or allegation involves reportable conduct by or a reportable conviction of the Principal, you can report this directly to the OCG.

You can contact the OCG:

- by telephone on 8219 3800
- by email to reportableconduct@ocg.nsw.gov.au

Investigating and Managing Staff Misconduct and Reportable Conduct

The School conducts an initial assessment of all incidents, complaints and allegations about staff members' conduct to determine whether the conduct in question amounts to staff misconduct or reportable conduct. If it does, then it investigates the matter and follows the procedures below.

All investigations uphold the principles of procedural fairness and confidentiality. Information about the incident, complaint or allegation is only shared with those who need to know.

Staff Misconduct

If the incident, complaint or allegation involves conduct that does not amount to reportable conduct, the School's investigation is managed through our Human Resources policies and procedure relating to discipline and termination.

If it is determined that staff misconduct has occurred, the School will notify the complainant of the finding and corrective actions that will be taken.

Reportable Conduct

If an incident, complaint or allegation involves conduct that **does** amount to reportable conduct, the School will follow the procedures below.

Immediate Actions

After the Principal becomes aware of a reportable allegation or conviction against an employee they must:

- notify the OCG of the incident, complaint or allegation within seven days of becoming aware of it (the seven-day notification)
- ensure that an appropriate investigation of the reportable allegation or conviction is conducted and completed within a reasonable time; and
- if required by law or by our child safe policies and procedures – report the matter to Department of Communities and Justice (DCJ), the Police and/or other relevant external agencies.

The School will also conduct an initial risk assessment in consultation – if an external report has been made – with the Police or DCJ, to identify and mitigate any ongoing risks to student safety and wellbeing.

The School will also ensure that support is provided to any students, staff members and family members impacted by the incident, complaint or allegation.

The Internal Investigation

The School will conduct an internal investigation of the incident, complaint or allegation, led by the Principal or an external investigator.

However, if DCJ or the Police are investigating the alleged conduct, that investigation takes precedence and the School will seek advice from those agencies on the best way to proceed with the internal investigation. In most cases, the internal investigation will only proceed with their permission.

When conducting the internal investigation, the School follows the OCG's [NSW Reportable Conduct Scheme - Fact sheet 4: Planning and conducting an investigation](#) and the National Office of Child Safety's [Complaint Handling Guide: Upholding the Rights of Children and Young People](#) if children or young people are involved in the investigation.

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.

Outcome of the Investigation

The Principal must:

- within 30 calendar days of providing the seven-day notification, provide the OCG with:
 - if the investigation has not yet concluded, an interim report about the actions taken since the seven-day notification, any further actions proposed to be taken and an estimated time frame for providing the final report; or
 - a final report about the outcome of the investigation or determination (called an “entity report”)
- if the School’s internal investigation results in a finding of reportable conduct, 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 findings have been made, the School will also have obligations to report to other external organisations, such as DCJ, the Police of the NSW Education Standards Authority (NESA).

OCG Oversight of Reportable Conduct Investigations

The OCG monitors compliance with the NSW Reportable Conduct Scheme and oversees investigations of reportable conduct undertaken by the School. The OCG can:

- support and guide the School to conduct a robust and fair investigation
- monitor the School’s investigation
- on its own motion or in response to a complaint, conduct its own investigation of the matter or of the School’s response.

Any person who believes that the School has inappropriately handled or inappropriately responded to reportable conduct can notify the OCG. The OCG can be contacted:

- by telephone on 8219 3800
- by email to reportableconduct@ocg.nsw.gov.au

Disclosing Information to the School Community

A parent or carer of a student who is an alleged victim of staff misconduct or reportable conduct has a legitimate interest in being told that their child is an alleged victim and of the nature of the complaint or allegation.

The parent/carer and student also has a legitimate interest in being informed of the process, progress and findings of any investigation, and of any action that might be taken after the investigation is completed.

If the matter involves reportable conduct, the Children's Guardian Act imposes specific disclosure obligations and prohibitions on the Principal. These obligations and prohibitions apply to information about a reportable conduct investigation, which includes information about the progress of an investigation, the findings and any action taken in response to the findings. They include:

- the Principal, or an investigator working for them, 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 them, 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 OCG's [website](#) has information about 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 contact the Senior Child Safe Officer.

Administration and Review

Version	Approved By	Approval Date	Effective Date	Next Review Date
1	Executive Staff	02/2021	09/2021	07/02/2023
2	Principal	05/2026	05/2026	05/2028