



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

### Introduction

Complaints regarding allegations of staff misconduct and reportable conduct are managed in a different manner to other complaints received by Marri Mittigar School. Day to day communication, concerns and feedback from our School community are dealt with under the Communication & Complaint Handling Procedure .

Complaints involving risk of harm to a child, concerns regarding the welfare and protection of students and reportable conduct allegations against employees, visitors and contractors to the School are dealt with under this policy.

This is based on our responsibilities under laws and regulations as a Child Safe Organisation, with the paramount consideration to protect children from harm or injury.

Marri Mittigar School 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 Marri Mittigar School community reports staff misconduct and reportable conduct (both defined below) to ensure the safety and wellbeing of students, and that Marri Mittigar School complies with its legislative reporting obligations. Marri Mittigar School 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 Marri Mittigar School as defined by the Children's Guardian Act 2019 (NSW) (the Children's Guardian Act) and risk of harm under the Children and Young Persons (Care and Protection) Act 1998.

For the purposes of this policy, staff and staff member is defined to include teaching and non-teaching staff, the Council of Barker College members, Marri Mittigar School advisory committee, volunteers, contractors and external providers.

### Definition of Staff Misconduct

Marri Mittigar School defines staff misconduct as conduct by a staff member that:

- breaches Marri Mittigar 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 Marri Mittigar School.

### Definition of Reportable Conduct

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





When a complaint or allegation does include conduct that is defined as reportable conduct following Marri Mittigar School's initial investigation, Marri Mittigar School is required by law to report the allegation to the Office of the Children's Guardian as prescribed under the legislation.

We also conduct a risk assessment following any allegation that includes conduct defined as reportable conduct to identify and mitigate any ongoing risks to student safety and wellbeing.

Marri Mittigar School must conduct an internal investigation, led by the Head of School or an accredited investigator.

When conducting an internal investigation, Marri Mittigar School follows the Office of the Children's Guardian's [Planning and Conducting an Investigation](#).



Marri Mittigar School closely follows the Office of the Children's Guardian's guidance on this issue provided in the [Reportable conduct fact sheets](#).

Marri Mittigar 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
- 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.

Marri Mittigar School is permitted to disclose the following information to involved parties:

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