



SHORE

Procedures for Reporting Staff Misconduct & Reportable Conduct

Introduction

When managing complaints made around Staff Misconduct and Reportable Conduct, Shore activates a specialised set of procedures. This is due to the legal responsibility we hold in our duty of care, sensitive nature of these allegations and the potential issues around privacy and confidentiality which they raise.

Shore requires all staff comply to a code of conduct and standard of behaviours that are intended to prevent staff misconduct and reportable conduct offenses from happening. Staff are also encouraged to report any breaches of these codes and standards. Shore facilitates training outlines for codes of conduct and child safe activity at the commencement of employment. Shore's Headmaster, Executive Leadership Team and Human Resources Department are responsible for oversight and implementation of the staff code of conduct.

It is critical that the internal community at Shore and wider community

Sydney Church of England Grammar School

Blue Street, North Sydney, NSW, 2060, Australia | P.O. Box 1221 North Sydney, NSW, 2059, Australia

Tel: +61 2 9923 2277 | shore.nsw.edu.au

ABN: 60 352 822 184 | CRICOS: 00772M



feel supported and heard in reporting these types of matters. The safety and wellbeing of all students and staff is of utmost importance, as is ensuring we are compliant with legislation and fulfilling duty of care. Shore has a legal obligation to investigate and report to the NSW Children's Guardian all allegations of reportable conduct made against any member of staff at the school and/or as defined by the Children's Guardian Act 2019 (NSW).

It is important to remember, if the situation which requires reporting is an emergency, there is immediate danger or potentially evidence of a crime, the appropriate contact should be made to NSW Police and Emergency services and the Headmaster immediately, in this order.

Definitions

For the purpose of this procedure, the following definitions apply:

"Staff" or "Staff Member" is defined to include teaching and non-teaching staff, school council members, volunteers, contractors and external providers.

Shore defines *"staff misconduct"* as conduct by a member of *"staff"* which:

- Breaches the Shore Staff Code of Conduct and/or other key policies and procedures set down by the school with regard to expectations of behaviour and process.
- Displays purposeful neglect of duties and/or responsibilities.
- Conduct that is physically, verbally or emotionally abusive to students, staff or other members of the Shore community.
- Behaviour which endangers the safety or wellbeing of students, staff or other Shore community members.



Shore and The Children's Guardian Act 2019 (NSW) 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 child abuse materials) 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 on the arm to get their attention, a teacher raising their voice to attract attention or restore order in a classroom or any conduct which is established as accidental.

These abbreviations will also be noted throughout this procedure.

- "OCG" – NSW Office of the Children's Guardian
- "DCJ" – NSW Department of Communities and Justice

Making a complaint of Staff Misconduct or Reportable Conduct

When looking to make a complaint to Shore around staff misconduct or reportable conduct, communications will be direct to the Headmaster, Dr John Collier. You may choose to do this via –

- **Email:** Headmaster@shore.nsw.edu.au
- **Phone:** 02 9956 1101
- **Post:** Attention Headmaster
Sydney Church of England Grammar School
Blues Street, NORTH SYDNEY NSW 2060



All communications direct to the Headmaster are Private and Confidential and treated in line with Shore's privacy policy.

If the Headmaster is the subject of the complaint, please address correspondence to Clerk of Council on schoolcouncil@shore.nsw.edu.au and this will be addressed by the Council.

Investigation Management

When notice is received, Shore will initially investigate all complaints and allegations to determine:

1. In the case of staff misconduct, whether or not the allegation or complaint falls under the definition given under Shore's Staff Code of Conduct and employment policies. Appropriate measures are then moved on from this determination.
2. All complaints are then tested through a risk assessment matrix. This meaning the Headmaster must determine what measures need to be put in place to ensure wellbeing of the students and remove the risk factors around the behaviours which have been central to the allegations. This can involve staff being suspended during the course of investigation.
3. All allegations of Reportable Conduct must be reported to the Office of the Children's Guardian in NSW. Investigation then stems from this process as per legislation.

All investigations across Shore and the OCG uphold the principles of procedural fairness and confidentiality. Information is only shared with those who are determined to be on a need-to-know basis and in line with policy and relevant legislations around investigations, confidentiality, and privacy. Section 57 of The Children's Guardian Act 2019 (NSW) outlines some prohibitions the Headmaster is responsible to keep when an investigation is being conducted and external authorities are involved. In some scenarios, this can mean families and the affected child are not involved in any information exchange.



For more information, please access information via the Office of the NSW Children's Guardian. A direct link is attached below.

[Home | Office of the Children's Guardian \(nsw.gov.au\)](https://www.nsw.gov.au)

Staff Misconduct

When a complaint or allegation does not include any element of reportable conduct, the outcome of the investigation, conducted via the Headmaster or delegated authority, will notify the complainant of the findings and outcome. Staff misconduct is managed through Shore's Human Resources policy and procedure relating to internal grievances, discipline and termination.

Reportable Conduct

After the Headmaster becomes aware of an allegation or conviction of an offence against a staff member of Shore, they **MUST** ensure the appropriate investigation of the reportable allegation or conviction is conducted and completed within a reasonable timeframe.

The Headmaster must notify the OCG of the internal investigation findings made. On occasion, other mandatory notifications will become necessary due to the nature and severity of the allegation. This means notifications may need to be made to the Department of Communities and Justice in NSW and the NSW Police. The safety of the children and young people involved are central. The Headmaster at Shore is obliged to inform the affected child and their parents or guardians unless it is not deemed, by the OCG, NSW Police or DCJ, to be in the best interest of the investigation. Further internal investigations around an allegation, at this point will be in conjunction with these authorities.

Making a finding of Reportable Conduct

If Shore's internal investigation results in a finding of Reportable Conduct notification is shared with the OCG and other relevant authorities. A risk



assessment will then be taken around the involved staff conduct, the circumstances of the allegation occurring and take action to mitigate any ongoing risk to the Shore community. Internal Human resource policy and process will also be applied to the outcome for the staff member involved.

Any external consequence will be applied via the OCG, NSW Police and justice system.

Disclosures

There are considerations for the Headmaster around disclosure to both the family of the impacted student or to the wider school community. These obligations are outlined in Section 57 of the Children’s Guardian Act 2019 (NSW) and must be followed precisely.

Families of the affected students have legitimate interest in being told of process and progress around investigations of staff misconduct or reportable conduct. However, there may be some circumstances where prohibitions limit this information which can be released in the case of reportable conduct due to the nature of allegations and the involvement of external investigators. If it isn’t deemed in the best interest of the students or investigation, then information will remain confidential.

Community disclosure is also limited via this legislation and the Privacy Act.

If you require further assistance in reporting an incident, you feel is of this nature or have any questions please contact the Risk and Compliance Manager of Shore on 02 9922 2277.

