

# Mount St Benedict College

## *Responding to Allegations of Staff Misconduct*

The College has developed and implemented comprehensive 'child safe' policies to ensure:

- all students are treated appropriately and with respect by all staff;
- all staff are aware of their obligations regarding interacting with, and their behaviour towards, students as well as their obligations to report inappropriate or unacceptable behaviour by other staff.

**All students and parents are encouraged to report any concern or complaint regarding the treatment of any student, by any staff member, immediately to the Principal ([principal@msb.nsw.edu.au](mailto:principal@msb.nsw.edu.au)). If your concern relates to the behaviour or conduct of the Principal you should report your concern to the Deputy ([deputy@msb.nsw.edu.au](mailto:deputy@msb.nsw.edu.au)).**

The College has clearly established processes to ensure all complaints are responded to fully and appropriately and all necessary actions taken to ensure the safety and wellbeing of all students of the College.

### **Types of staff misconduct**

Staff misconduct, that has led to a complaint or allegation being made, will be preliminarily classified by the Principal:

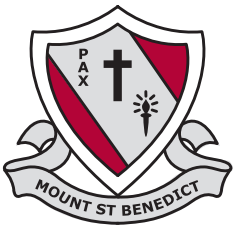
- Certain behaviours of staff may be **illegal** and will be immediately reported to New South Wales police by the Principal.
- Some behaviours of staff could be deemed **reportable conduct** and will be responded to immediately by the College with an investigation and a report to the New South Wales Office of the Children's Guardian.
- Certain behaviours by staff towards children could be deemed **staff misconduct** because they breach the College's Staff Code of Conduct and will be investigated by the Principal, or his delegate.

**When you make a complaint or allegation regarding staff behaviour the Principal may discuss with you his preliminary classification and the process of responding to your complaint.**

### **What is reportable conduct?**

- Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence, sexual touching or an offence involving child abuse material).
- any assault, ill-treatment or neglect of a child.
- any behaviour that causes psychological harm to a child (whether or not with the consent of the child).

**A child is defined as a person under the age of 18 years.**



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## What is NOT Reportable Conduct?

- Conduct that is reasonable for the purpose of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards, or
- The use of physical force that, in all the circumstances, is trivial or negligible. Such behaviour will still be investigated by the College and the result of the investigation recorded under the College's workplace employment procedures.

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

The Office of the Children's Guardian has created excellent resources to assist schools to understand what reportable conduct is. All parents and staff are encouraged to visit the NSW Office of the Children's Guardian to access further information on reportable conduct:

[https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Identifying\\_reportable\\_allegations.pdf.aspx?Embed=Y](https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/Identifying_reportable_allegations.pdf.aspx?Embed=Y)

## What is staff misconduct?

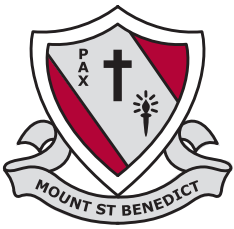
Staff misconduct is conduct that:

- breaches the College's Staff Code of Conduct or other key policies;
- involves alcohol or other substance abuse;
- is physically, verbally or emotionally abusive;
- endangers the safety or wellbeing of others at the College.

## Making a complaint or allegation of staff misconduct or reportable conduct

You may raise concerns regarding child protection matters or reportable conduct in any way you wish:

- in person;
- by letter or email;
- by telephone.



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The College has well established processes (mandated by the NSW Office of the Children's Guardian) for responding to and investigating concerns or complaints about staff behaviour -including behaviour which may constitute reportable conduct. If you do raise a concern, or make a complaint, of possible reportable conduct the Principal will provide you with detailed information regarding how the matter will be responded to and investigated. You will also be kept informed of the progress of any investigation and the outcomes and responses.

Central to any response to any complaint regarding staff will be a determination to ensure the safety and wellbeing of the student/s, while also responding with care and respect to all parties involved directly or indirectly in the complaint.

The College has clear obligations to notify the NSW Office of the Children's Guardian of all allegations of reportable conduct. The NSW Office of the Children's Guardian reviews the College's processes, investigation, conclusions and responses to all allegations of reportable conduct.

Please contact the Principal or the Deputy should you have any concerns or require any clarification on any aspect of our policy or procedures regarding complaints or allegations of staff misconduct or reportable conduct.