



Reportable Conduct Procedures

1. Object

- 1.1 Part B8.1 of the *Registered and Accredited Individual Non-Government Schools (NSW) Manual* requires Newington College to have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.
- 1.2 Regulation 168(2)(h) of the *Education and Care Services National Regulations* and the *National Quality Standard* require the College to have in place policies and procedures that govern how the Early Learning Centre will provide a child safe environment, including matters relating to child protection and the promotion of a culture of child safety and wellbeing within the Centre.
- 1.3 The College is a child safe organisation and is committed to ensuring that the safety, welfare and wellbeing of each child in its care is the paramount consideration in all decisions and actions. These procedures form part of the College's child safe practices and implement the Child Safe Standards.
- 1.4 This is the College's reportable conduct policy as required by the *Children's Guardian Act 2019* (NSW).
- 1.5 These procedures give effect to the College's:
 - (a) **Child Safety Code of Conduct**; and
 - (b) **Professional Boundaries Policy**.
- 1.6 The College is required to investigate and report to the Office of the Children's Guardian all allegations of reportable conduct made against its employees.
- 1.7 The object of these procedures is to:
 - (a) explain the meaning of reportable conduct;
 - (b) clarify the obligations of all Council members, staff, volunteers, third party contractors, external education providers and student teachers in respect of reportable conduct;
 - (c) prescribe a process for investigating and making findings of reportable conduct;
 - (d) identify the potential outcomes from an investigation of reportable conduct;
 - (e) explain the College's risk assessment process in respect of reportable conduct; and
 - (f) provide for the use of interim measures to manage ongoing risks to the College's students.

2. Application

These procedures apply:

- (a) to the College, including the Early Learning Centre, Council members, staff, volunteers, third party contractors, external education providers and student teachers;



(b) in relation to recent and historical reportable conduct;

for the welfare and benefit of students.

3. Definitions

3.1 Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the College's **Child Safety Code of Conduct**.

3.2 In these procedures:

assault

means:

- the intentional or reckless application of physical force without lawful justification or excuse, such as hitting, pushing or shoving; and
- any act that intentionally or recklessly causes a child to apprehend immediate and unlawful violence.

Whether conduct constitutes assault will depend on the context and the circumstances. Injury is not an essential element of assault, and the existence of an injury does not necessarily mean that there was an assault.

behaviour that causes psychological harm

means:

- an obviously or very clearly unreasonable or serious act, or series of acts, that the employee knew or ought to have known was unacceptable; and
- evidence of psychological harm to a child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm, or the exacerbation or aggravation of an existing psychological condition, such as anxiety or depression; and
- an alleged causal link between the employee's conduct and the psychological harm to the child.

child

means a person who is under the age of 18 years.

Child Protection Investigator

means:

- the Deputy Headmaster;
- the Deputy Preparatory Schools and Early Learning Centre;
- the Deputy, Pastoral (K-12); or
- a College Psychologist.

Child Safe Standards

means the NSW Child Safe Standards prescribed in the *Children's Guardian Act 2019* (NSW).

College

means Newington College, as represented by the authorised delegates of the Council.

conflict of interests	means a conflict between a person's official duties and their private interests that could influence, or be seen to influence, the performance of their official duties.
Council	means the Council of Newington College, established by section 1 of the <i>Newington College Council Act 1922</i> .
Council member	means a member of the Council, elected in accordance with section 9 of the <i>Newington College Council Act 1922</i> .
direct contact third party contractor	means third party contractors who: • have direct contact with students during the normal course of their work; or • are in a position to establish a relationship of trust with a student, notwithstanding that access to a student would be rare (e.g. full-time maintenance personnel); and any contractors whom the College is legally required to screen. This includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, but have an agreement with the College to use the College's facilities.
direct contact volunteer	means volunteers that are involved in providing support and guidance directly to students during the normal course of the volunteer service. (e.g. volunteers involved in College camps or excursions, coaching sporting teams or assisting in learning activities.)
Early Learning Centre (or Centre)	means the Newington College Early Learning Centre for children aged 3-5 years.
employee	has the meaning given in clause 4.1.
external education provider	means any organisation that the College or the Centre has engaged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College or the Centre. The delivery of such a course may take place on College or Centre premises or elsewhere.
grooming behaviour	means predatory conduct undertaken to prepare a child for sexual activity at a later time, including: • exposing a child to indecent material; and • providing a child with an intoxicating substance or with any financial or other material benefit.
Headmaster	means the Headmaster of the College or, where appropriate, his nominee.
ill-treatment	means unreasonable and seriously inappropriate, improper, inhumane or cruel treatment of a child, including:

- using inappropriate forms of behaviour management towards a child;
- making excessive and/or degrading demands of a child;
- hostile use of force towards a child;
- a pattern of hostile or degrading comments or behaviour towards a child.

indirect contact third party contractor

means contractors who have no contact with students as part of their role, or undertake roles where students are not reasonably expected to be present (e.g. contractors who complete work during school holidays.)

indirect contact volunteer

means volunteers who are:

- involved in providing support and services, whilst not directly assisting a specific group of students; and
- not responsible for supervising students.

(e.g. volunteers who assist with College functions, the College canteen and fundraising or sporting event barbeques.)

National Quality Standard (NQS)

means the national benchmark for early childhood education and care and outside school hours care services in Australia, including the seven prescribed Quality Areas:

- Educational program and practice;
- Children's health and safety;
- Physical environment;
- Staffing arrangements;
- Relationships with children;
- Collaborative partnerships with families and communities;
- Governance and leadership.

neglect

means action or inaction by a person who has care responsibilities towards a child, including:

- **supervisory neglect:** an intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child; or an intentional or reckless failure to adequately supervise a child, or a significantly careless act or failure that:
 - involves a gross breach of professional standards; and
 - has the potential to result in the death of, or significant harm to, a child;
- **carer neglect:** grossly inadequate care that involves depriving a child of the basic necessities of life (e.g. food and drink, clothing, shelter and medical care/treatment);
- **failure to protect a child from abuse:** an obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child;
- **reckless acts (or a failure to act):** a reckless act or failure to act that:

- involves a cross breach of professional standards; and
- has the potential to result in the death of, or significant harm to, a child.

parent means one or more parents, guardians or carers of a student enrolled at the College or the Centre.

reportable conduct has the meaning given in clause 5.1.

sexual misconduct means conduct of a sexual nature that is committed against, with, or in the presence of a child, including:

- sexually explicit comments and other overtly sexual behaviour, such as:
 - descriptions of sexual acts without a legitimate reason;
 - inappropriate sexual comments, conversations or communications, including via emails, social media, web forums and 'sexting';
 - comments to a child that express a desire to act in a sexual manner towards the child or another child;
 - sexual exhibitionism;
 - unwarranted and inappropriate physical contact with a child;
 - exposure of children to sexual behaviour, including the display of pornography;
 - watching children undress in circumstances where supervision is not required and clearly inappropriate; and
- grooming behaviour.

sexual offence means any criminal offence involving a sexual element that is committed against, with, or in the presence of a child, including:

- sexual touching;
- sexual assault;
- aggravated sexual assault;
- possession, dissemination or production of child pornography or child abuse material;
- using children to produce pornography;
- grooming or procuring children under the age of 16 for unlawful sexual activity;
- deemed non-consensual sexual activity on the basis of special care relationships, including student/teacher relationships.

staff or staff member means the College and the Centre's permanent, temporary and casual teaching and non-teaching staff.

student means a student enrolled at the College or a child enrolled at the Centre, as

relevant.

student teacher	means a person who is undertaking a teaching placement at the College or the Centre as part of their tertiary education, and who teaches under the supervision of a teacher.
teacher or teaching staff	means permanent, temporary and casual staff with teaching commitments.
third party contractor	means direct contact third party contractors and indirect contact third party contractors.
volunteer	means direct contact volunteers and indirect contact volunteers.
young person	means a person who is 16 or 17 years of age.

- 3.3 A reference in these procedures to a code of conduct, policy or procedures is a reference to the code of conduct, policy or procedures as amended or replaced by the College from time to time.

4. Meaning of ‘employee’

- 4.1 For the purposes of these procedures, ‘employee’ means:

- (a) Council members;
- (b) the Headmaster;
- (c) staff, whether or not employed in connection with any work or activities of the College or the Centre that relate to children; or
- (d) any individual engaged by the College or the Centre to provide services to children, including:
 - (i) volunteers;
 - (ii) third party contractors;
 - (iii) external education providers; and
 - (iv) student teachers.

5. Meaning of ‘reportable conduct’

- 5.1 For the purposes of these procedures, reportable conduct means any recent or historical:

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

- 5.2 Reportable conduct includes:

- (a) **reportable allegations:** an allegation that an employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment or engagement with the College or the Centre; and
- (b) **reportable convictions:** a conviction (including a finding of guilt without the Court proceeding to a conviction) in NSW or elsewhere, for an offence involving reportable conduct.

5.3 Reportable conduct does not include:

- (a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to age, maturity, health or other characteristics of the child or children and any relevant codes of conduct or professional standards;
- (b) the use of physical force that, in all the circumstances, is trivial or negligible, and the circumstances in which it was used have been investigated by the College and the result of the investigation recorded under workplace employment procedures; or
- (c) conduct of a class or kind exempted from being reportable conduct by the Children's Guardian.

5.4 Examples of conduct that would not constitute reportable conduct include:

- (a) touching a child to get their attention, guide them or comfort them;
- (b) a teacher raising their voice to attract attention or restore order in a classroom; or
- (c) conduct that is established to be accidental.

6. Reporting reportable conduct to the Children's Guardian

- 6.1 Council members, staff, volunteers, third party contractors, external education providers and student teachers must, as soon as possible after becoming aware of it, report any reportable conduct by a current or former employee to the Headmaster or, if the employee to whom the matter relates is the current Headmaster, to the Children's Guardian and the Chair of the Council, on a confidential basis.
- 6.2 Other members of the College community may report any reportable conduct to the Headmaster or, if the employee to whom the matter relates is the current Headmaster, the Children's Guardian and the Chair of the Council, on a confidential basis.
- 6.3 The Headmaster will treat any report of reportable conduct as confidential.
- 6.4 The Headmaster will, unless he has a reasonable excuse, give the Children's Guardian a written notice about the reportable conduct:
 - (a) within 24 hours of becoming aware of any incident or allegations of physical or sexual abuse to a child while being educated or cared for by the Early Learning Centre; and
 - (b) for all other reportable conduct, within 7 business days of becoming aware of it.
- 6.5 The notice to the Children's Guardian will state:
 - (a) that a report has been received in relation to an employee;
 - (b) the type of reportable conduct that is the subject of the report, including any known relevant details;

- (c) the name of the employee and, if known, their date of birth and Working With Children Check number;
 - (d) the name and contact details of the Headmaster and the College;
 - (e) for a reportable allegation, whether the Commissioner of Police has been notified and any police report reference number;
 - (f) if a report has been made in accordance with the College's **Child Protection Incidents Procedures**, that the report has been made and any reference number;
 - (g) the nature of the College's initial risk assessment and risk management action; and
 - (h) if known, the names of any other relevant entities that employ or engage the employee, whether directly or indirectly, to provide a service to children.
- 6.6 The Headmaster will report the outcome of any investigation into reportable conduct to the Children's Guardian as soon as possible after the investigation has been finalised.
- 6.7 A person who is dissatisfied with the Headmaster's response to a report of reportable conduct may make a complaint to the Children's Guardian.

7. Reportable conduct and mandatory reporting

- 7.1 In some cases, conduct that must be reported to the Children's Guardian must also be reported to the Department of Communities and Justice (DCJ) and/or the Police in accordance with mandatory reporting procedures under the [Children and Young Persons \(Care and Protection\) Act 1998](#) (NSW) and the College's **Child Protection Incidents Procedures**.
- 7.2 The reportable conduct obligation covered in these procedures is separate to and distinct from the College's mandatory reporting obligation.
- 7.3 As the reportable conduct threshold is much lower than the mandatory reporting threshold, any matter involving an employee that requires mandatory reporting must also be reported to the Children's Guardian under these procedures.
- 7.4 A failure to make a report in accordance with these procedures may amount to an offence under the [Crimes Act 1900](#) (NSW).

8. Reportable conduct investigation

- 8.1 Subject to clause 8.2, as soon as practicable after receiving a report of alleged reportable conduct, the Headmaster will cause an investigation to be conducted in accordance with this clause.
- 8.2 The Headmaster will not cause an investigation into alleged reportable conduct to be commenced or continued if:
- (a) the Children's Guardian has given the College notice to defer the investigation, or has advised the College that it is exempt from commencing or continuing an investigation;
 - (b) the Commissioner of Police or Director of Public Prosecutions advises that an investigation is likely to prejudice a Police investigation or court proceeding; or
 - (c) the College is unable to commence or continue an investigation because:
 - (i) the employee who is the subject of the allegation is no longer employed, appointed or engaged by the College when the reportable allegation was received by the College; and

- (ii) the employee is unable to be contacted or refuses to participate in an investigation.

- 8.3 The Children's Guardian may intervene in an investigation or ask for further information during the course of an investigation.
- 8.4 The Headmaster will appoint an internal or external investigator to conduct the investigation, who is impartial and does not have an actual or reasonably perceived conflict of interests or bias in regard to the employee or the alleged reportable conduct.
- 8.5 An employee is entitled to procedural fairness in the investigation of any allegation of reportable conduct. This means that:
- (a) investigations will be conducted sensitively, fairly and impartially;
 - (b) investigations will be conducted in a timely manner;
 - (c) all parties will be advised of the need for confidentiality during the investigation;
 - (d) the employee will have a reasonable opportunity to respond to the alleged reportable conduct orally and in writing, and to provide any relevant documents; and
 - (e) the employee may be accompanied to any meeting by a support person, if they wish.
- 8.6 The standard of proof to be satisfied in investigations of reportable conduct is 'on the balance of probabilities', which requires satisfaction on the evidence that the matter found to have occurred is more likely to have occurred than not. The College will take into account the nature and seriousness of the alleged conduct when deciding whether the standard of proof is met.
- 8.7 The Headmaster will write to the employee:
- (a) setting out the alleged conduct;
 - (b) advising the employee of the name of the investigator;
 - (c) inviting the employee to participate in the investigation, and to provide:
 - (i) any documentary information relevant to the alleged conduct;
 - (ii) the names of any witnesses who could provide information relevant to the alleged conduct;
 - (d) inviting the employee to bring a support person to any meeting;
 - (e) advising the employee that any meeting will be digitally recorded, and that a copy of the digital record will be provided to the employee;
 - (f) advising the employee of any interim measures to be imposed in accordance with clause 12 below;
 - (g) advising the employee that any finding of reportable conduct may result in disciplinary action, including dismissal or termination of contract; and
 - (h) providing a copy of, or an electronic link to, these procedures.
- 8.8 The Headmaster may contact the parents of any child involved in the alleged reportable conduct to:
- (b) advise them of the alleged reportable conduct;
 - (c) seek their permission to interview the child; or
 - (d) provide information about the progress of the investigation.
- 8.9 The investigator will gather all information relevant to the alleged conduct, including:

- (a) direct evidence, obtained by speaking confidentially with people involved in the alleged conduct, including the child, the employee and any witnesses;
 - (b) physical evidence, obtained by:
 - (i) collecting documents (e.g. rosters, emails);
 - (ii) securing and inspecting objects (e.g. mobile phones, computers);
 - (iii) inspecting locations to check the relevant positions of parties and witnesses to the alleged reportable conduct (e.g. playgrounds, classrooms). This may include taking photographs and making drawings or diagrams of the location;
 - (c) expert evidence, obtained from people who have specialised knowledge in a specific field that the general public do not have (e.g. a medical practitioner).
- 8.10 A decision by the investigator not to interview a witness, or refusal by a witness to be interviewed for the purposes of the investigation, will not invalidate the outcome of the investigation.
- 8.11 If at any time during the investigation a related allegation is made against the employee, the investigator may investigate that allegation together with the existing allegation(s).
- 8.12 The investigator will document any unrelated allegations that arise during the investigation, together with details of any action taken by the College.
- 8.13 Subject to any contrary advice or instructions from the Children's Guardian, the Department of Family and Community Services or the Police, after all relevant information has been obtained, the Headmaster will write to the employee:
- (a) setting out the alleged conduct in sufficient detail for the employee to be able to respond;
 - (b) providing any information that is necessary to enable the employee to respond;
 - (c) inviting the employee to formally respond in writing and/or in person to the alleged conduct, and any information provided, within a reasonable timeframe;
 - (d) inviting the employee to bring a support person to any meeting; and
 - (e) advising the employee that any meeting will be digitally recorded, and that a copy of the record will be provided to the employee.

9. Investigation findings

- 9.1 At the conclusion of the investigation, the investigator will assess all of the relevant evidence, including the employee's response, and prepare a report for the Headmaster setting out:
- (a) findings of fact;
 - (b) whether any of the findings of fact constitute reportable conduct; and
 - (c) if recommendations are requested by the Headmaster, any recommendations.
- 9.2 When making findings of fact, the investigator must consider:
- (a) the relevance of all evidence to the alleged conduct;
 - (b) the reliability and weight of all evidence collected;
 - (c) whether accounts of the alleged conduct are consistent over time, and consistent with other evidence; and
 - (d) the extent to which the evidence corroborates or contradicts the allegation.
- 9.3 The report must clearly state whether each allegation is:

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- (a) sustained (a finding on the balance of probabilities that the conduct occurred);
- (b) not sustained (the evidence is lacking weight, or there is insufficient evidence to establish on the balance of probabilities that the alleged conduct occurred); or
- (c) false (a finding that the conduct did not occur).

9.4 In respect of each allegation that is sustained, the report must clearly state whether the conduct is reportable conduct or not reportable conduct.

9.5 The findings set out in the report will inform the College's child protection risk assessment and any action required to mitigate ongoing risks.

10. Outcome of a reportable conduct investigation

10.1 The Headmaster may accept or reject any findings set out in the investigation report. The reasons for rejecting any findings must be documented.

10.2 The Headmaster must consider whether the alleged reportable conduct is in breach of established standards applying to the employee, having regard to:

- (a) professional standards;
- (b) codes of conduct, including any professional or ethical codes; and
- (c) accepted community standards.

10.3 Within 30 business days of receiving the investigation report, the Headmaster will:

- (a) advise the Children's Guardian of the outcome of the investigation, and provide a copy of the investigation report and any attachments, including the employee's response;
- (b) provide to the Children's Guardian such comments on the report as the Headmaster considers appropriate;
- (c) inform the Children's Guardian of any action that the College has taken, or proposes to take, in response to the report, including any disciplinary action against the employee and any changes to systems or policies;
- (d) inform the Children's Guardian of the reasons for any action taken, including any decision to take no further action;
- (e) if the reportable conduct is sustained, consider whether it is necessary to:
 - (i) make a report to DCJ and/or the Police in accordance with the mandatory reporting procedures;
 - (ii) advise the Children's Guardian about the impact of the reportable conduct on the employee's Working With Children Check clearance;
- (f) write to the employee informing them of the outcome of the investigation, including any disciplinary action;
- (i) write to the affected child or children (where appropriate) and their parents to inform them of the outcome of the investigation, and any action taken in response to the findings, taking into account the rights of the employee under privacy legislation;
- (j) consider any strategies to minimise future risk of reportable conduct by the employee; and
- (k) consider any necessary amendments to policy, procedures and practices.

10.4 A person who is dissatisfied with the outcome of the investigation may take their complaint to:

- (a) the Headmaster; or

- (b) the Children's Guardian, DCJ or the NSW Police as appropriate.

11. Risk assessments

11.1 The Headmaster will assess the risk that an employee poses to a child or children:

- (a) after an allegation of reportable conduct is made;
- (b) during an investigation of the alleged reportable conduct; and
- (c) at the end of the investigation;

to determine what, if any, action needs to be taken regarding the employee to address that risk.

11.2 After an allegation of reportable conduct is made, the Headmaster will consider:

- (a) whether any interim measures should be imposed in accordance with clause 12;
- (b) whether the employee should remain in the workplace; and
- (c) if the employee remains in the workplace, what duties they will undertake and who will monitor and assess the risks associated with the employee having access to children.

11.3 During the investigation, the Headmaster will ensure that appropriate support, including counselling, is provided for:

- (a) the child or children who were the subject of the alleged conduct;
- (b) the employee who is the subject of the allegation of reportable conduct; and
- (c) other relevant parties, including parents of the child or children, and other employees affected by the alleged reportable conduct.

11.4 At the conclusion of the investigation, the Headmaster will review the situation to ensure that all relevant risk issues have been considered and addressed. This may include consideration of environmental factors and work practices that result in unsupervised access to children by employees. Any review will be conducted in accordance with the College's **Risk Management Policy**.

11.5 The Headmaster may decide to take measures to address any further risks, including:

- (a) training for one or more employees;
- (b) changing work practices in certain situations; or
- (c) changes to the physical environment.

12. Interim measures

12.1 Notwithstanding any clause in these procedures, in order to minimise the potential for harm to any student or other person, the Headmaster may in his absolute discretion temporarily:

- (a) move an employee into alternate duties;
- (b) restrict an employee's access to particular classes;
- (c) restrict an employee's access to specified buildings, facilities or accommodation;

- (d) prohibit an employee from speaking to or approaching another person (including by social media, email, letter or through a third party);
- (e) suspend an employee from work; or
- (f) take any other action that the Headmaster considers appropriate in all the circumstances, for such period, and on such terms, as the Headmaster considers appropriate.

12.2 A decision to take interim measures should not:

- (a) influence the findings of any investigation process; or
- (b) be interpreted as anticipating or revealing the outcome of any investigation process.

12.3 Interim measures must be reasonable and proportionate, having regard to:

- (a) the nature and seriousness of the allegations;
- (b) the vulnerability of the children that the employee would be in contact with at work, taking into account their age, communications skills and any disabilities;
- (c) the nature of the position occupied by the employee, including the extent of their interaction with children;
- (d) the availability of support for the employee on a day to day basis if their duties remain unchanged; and
- (e) the employee's disciplinary history.

12.4 Interim measures may be taken summarily, and the Headmaster:

- (a) is not required to provide a hearing to the employee before making a decision; and
- (b) may inform himself in relation to any matter in any manner that he thinks fit.

12.5 Once taken, interim measures will continue to apply until they:

- (a) are revoked or varied by the Headmaster; or
- (b) expire in accordance with their terms.

12.6 The Headmaster must, as soon as practicable:

- (a) notify the employee of the imposition of interim measures, and the reason for the interim measures; and
- (b) provide a copy of, or an electronic link to, these procedures.

13. Employee responsibilities

13.1 All employees are responsible for:

- (a) immediately reporting any allegation of reportable conduct by an employee to the Headmaster or, if the allegation involves the Headmaster, the Children's Guardian and the Chair of the Council;
- (b) cooperating in any investigation;

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- (c) maintaining confidentiality in relation to any alleged reportable conduct; and
- (d) maintaining and storing all records relating to alleged reportable conduct securely.

14. Protection against retribution

14.1 A person must not take or threaten to take detrimental action against another person, as a consequence of that other person, in good faith:

- (a) giving or proposing to give a report to the Headmaster, the Children's Guardian or the Chair of the Council; or
 - (b) making a complaint or notification to the Children's Guardian;
- in accordance with these procedures.

Note: This is a criminal offence under the [Children's Guardian Act 2019](#), punishable by 50 penalty units and/or imprisonment for 12 months.

14.2 For the purposes of clause 14.1, a report, complaint or notification is not given in good faith if it was proposed or made in bad faith, or was known by the person giving it to be false.

14.3 For the purposes of clause 14.1, detrimental action means action causing, comprising or involving:

- (a) injury, damage or loss;
- (b) intimidation or harassment;
- (c) discrimination, disadvantage or adverse treatment in relation to employment;
- (d) dismissal from or prejudice in employment;
- (e) prejudice in the provision of a community service; or
- (f) disciplinary proceedings.

15. Disciplinary action

15.1 An employee who is found to have engaged in conduct that constitutes reportable conduct may be subject to disciplinary action, including:

- (a) counselling;
- (b) demotion;
- (c) dismissal or termination of contract.

15.2 Where a Council member breaches any obligation, duty or responsibility within these procedures, the Council will take appropriate action.

15.3 Where any other member of the College community breaches any obligation, duty or responsibility within these procedures, the College will take appropriate action.

16. Record keeping

16.1 The Headmaster will document and store securely the following information relating to alleged reportable conduct:

- (a) the alleged reportable conduct;
- (b) the College's initial response to the alleged reportable conduct, including communications with the affected employee and the child or children and their parents;
- (c) any communications with the Children's Guardian, DCJ or the Police;
- (d) the risk assessments conducted by the Headmaster;
- (e) a record of all interviews conducted during the investigation, including the location of the interview, who was present, and start and finish times;
- (f) any decision made during or at the conclusion of the investigation, including:
 - (i) the rationale for the decision;
 - (ii) the name and position of the person who made the decision; and
 - (iii) the date on which the decision was made;
- (g) any personal contact, discussions, emails or other communications about the alleged reportable conduct, including:
 - (i) the date;
 - (ii) details of the communication;
 - (iii) the name and position of the person who made the contact; and
 - (iv) where appropriate, the reason for the contact; and
- (h) the investigation report.

Notes

Reportable Conduct Procedures

Date approved: 25 March 2020

Date commenced: 20 January 2021

Date amended: 25 February 2021

20 October 2022

1 December 2022 (non-substantive amendments)

18 April 2023 (non-substantive amendments)

6 January 2025 (non-substantive amendments)

1 September 2025 (non-substantive amendments)

17 March 2026 (non-substantive amendments)

22 July 2026 (non-substantive amendments)

Related documents: **Child Protection Incidents Procedures**

Child Safety Code of Conduct

Professional Boundaries Policy

Statement of Commitment to Child Safety

Guiding Principles for Responding to Civil Claims involving Allegations of Child Sexual Abuse

