



POLICY 01.03.00-G

Child Protection Recommended Protocols for Internal Investigative & Disciplinary Proceedings

Purpose and Rationale

In the event of an allegation of reportable conduct against an employee the Principal of St Gabriel's School (the School) is responsible for determining whether or not it is an allegation about reportable conduct or misconduct that may involve reportable conduct.

The Investigation

In conducting an investigation into allegations of reportable conduct, the Principal should consider:

- Conflict of Interest and Appointment of Investigator
- Confidentiality

If it is determined that the allegation is reportable then specific procedures must be followed.

All allegations against employees that involve reportable conduct or misconduct must be reported within 7 days of receipt of the allegation to the Children's Guardian. The allegations should also be reported to the Department of Family and Community Services (FACS) if there is a current concern for the safety, welfare and wellbeing of the child.

Risk Assessment

Upon the receipt of an allegation of reportable conduct against an employee, FACS is responsible for carrying out an initial risk assessment prior to the investigation of the allegation. The purpose of the risk assessment is to identify and minimise the risk:

- to a child or children who are alleged to have been victims of the abuse;
- to the employee against whom the allegation has been made;
- to other children with whom the employee may have contact;
- to the proper investigation of the allegation.

This may result, for example, in the employee being temporarily relieved of some duties, being required to avoid certain pupils or, in some special cases, being suspended from duty. Any decision to take action as a result of a risk assessment is in no way an indication of the guilt of the employee concerned.

The factors that should be considered during the risk assessment include:

- the nature of the allegation;
- vulnerability of children;
- nature of the position occupied by the employee;
- the level of supervision of the employee;
- disciplinary history of the employee;
- safety of the employee;
- any comments made by the employee.

Disciplinary Proceedings

For the purpose of this recommended protocol disciplinary proceedings are defined as the action taken as a consequence of the findings arising out of the investigation. When conducting disciplinary proceedings the employer should have regard to procedural fairness. This will usually involve:

- giving the employee details of the final finding;
- informing the employee of the possible action the employer may take; and
- giving the employee a right to respond including, if they wish, in writing.

Notification to the Commission for Children and Young People (CCYP)

The Commission for Children and Young People Act requires all completed investigations into allegations of reportable conduct to be reported to it. It is an offence under the Act to fail to report unless the allegation is found to be either:

- false (the alleged conduct did not occur);
- vexatious (without substance, malicious intent);
- misconceived (not reasonably be considered to be reportable conduct).

Responsible Officer	School Principal
Date of Next Review	September 2024
Related Policies, Procedures and Guides	01.01.00-E – Child Protection Policy 01.03.01-E – Child Protection: Recommended Protocols for Internal Investigative and Disciplinary Proceedings - Procedures 01.04.01-E – Reporting Children At Risk Procedure NSW interagency guidelines Interagency Make a child protection report factsheet OCG factsheet - Identifying reportable allegations OCG factsheet - Head of entity responsibilities OCG factsheet - Risk management following allegation OCG factsheet - Planning conducting investigation OCG factsheet - Recognising managing conflicts of interest OCG factsheet - Keeping records OCG factsheet - Disclosing information children parents carers OCG factsheet - Making Finding Reportable Conduct OCG factsheet - FAQ employees OCG factsheet - FAQ employers OCG – 7 Day Notification Form OCG - 30 Day Interim Report Form OCG – Entity Report Form