



## **St Philip's Christian College Port Stephens Procedures around Handling Allegations of Staff Misconduct and Reportable Conduct**

*"We know that the moral code of the law is beautiful when applied as God intended "*  
*1 Timothy 1:8*

### **Introduction**

Complaints regarding allegations of staff misconduct and reportable conduct are managed in a different manner to other complaints received by St Philip's Christian College Port Stephens. This is because often these complaints are of a sensitive nature and raise potential privacy and confidentiality issues.

St Philip's Christian Education Foundation 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. The Foundation facilitates training outlines and introduction at the commencement of employment. Each College is responsible for the management and maintenance of this training and standard of expectation and Port Stephens College is no exception.

It is also critical that the broader St Philip's Christian Education Foundation and St Philip's Christian College Port Stephens community reports staff misconduct and reportable conduct to ensure the safety and wellbeing of students, and that the St Philip's Christian Education Foundation and St Philip's Christian College Port Stephens complies with its legislative reporting obligations. St Philip's Christian Education Foundation and St Philip's Christian College Port Stephens has a legal obligation to investigate and report to the NSW Children's Guardian all allegations of reportable conduct made against staff at the St Philip's Christian Education Foundation and /or as defined by the Children's Guardian Act 2019 (NSW).

### **Definitions**

For the purposes of this policy, "staff" and "staff member" is defined to include teaching and non-teaching staff, Foundation Board members, volunteers, contractors and external providers.

The St Philip's Christian Education Foundation and St Philip's Christian College Port Stephens defines "staff misconduct" as conduct by a staff member that:

- breaches St Philip's Christian Education Foundation's Code of Conduct or other key policies/procedures set down by the Foundation and St Philip's Christian College Port Stephens.
- 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 St Philip's Christian College Port Stephens.

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 an offence involving child abuse material) 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 to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental.

### **Making a Complaint or Allegation of Staff Misconduct or Reportable Conduct**

If you would like to make a formal complaint or allegation of staff misconduct or reportable conduct, you can do so by:

Writing a letter to St Philip's Christian College Port Stephens addressed to the Complaints Handling Manager. For Port Stephens this is the Principal, Mr Martin Telfer. This can be done physically or electronically via email. The email address is [Martin.Telfer@spcc.nsw.edu.au](mailto:Martin.Telfer@spcc.nsw.edu.au)

Telephoning the St Philip's Christian College Port Stephens and asking to speak to the Complaints Handling Manager, the Principal, Mr Martin Telfer on 02 4919 5400.

If the Complaints Handling Manager at St Philip's Christian College Port Stephens is the subject of your complaint or allegation of misconduct or reportable conduct, please contact St Philip's Christian Education Foundation addressing to the Complaints Handling Manager. For the Foundation this is the Executive Principal, Mr Graeme Irwin. This can be done physically or electronically via email to [Graeme.Irwin@spcc.nsw.edu.au](mailto:Graeme.Irwin@spcc.nsw.edu.au)

Telephoning St Philip's Christian Education Foundation and asking to speak to the Complaints Handling Manager, the Executive Principal, Mr Graeme Irwin on 02 4062 8000.

### **Investigating and Managing Staff Misconduct and Reportable Conduct**

The St Philip's Christian College Port Stephens initially investigates all complaints and allegations to determine whether the conduct in question amounts to staff misconduct, as defined in this policy, or reportable conduct that must be further investigated and reported to the Office of NSW Children's Guardian. All investigations uphold the principles of procedural fairness and confidentiality - information is only shared with those who need to know.

#### ***Staff Misconduct***

When a complaint or allegation does not include conduct that is defined as reportable conduct following St Philip's Christian College Port Stephens initial investigation, and it is determined through the College investigation that staff misconduct has occurred, St Philip's Christian College Port Stephens will notify the complainant of the finding and corrective actions that will be taken. Staff misconduct is managed through our Human Resources policies and procedures relating to internal grievances, discipline and termination.

#### ***Reportable Conduct***

After the Principal becomes aware of a reportable allegation or conviction against an employee, they must ensure that an appropriate investigation of the reportable allegation or conviction is conducted and completed within a reasonable time.

The Principal must notify the Office of Child Guardian of the findings of the St Philip's Christian College Port Stephens internal investigation into the matter.

The Principal must inform the affected child and their parents/carers about any reportable conduct investigation unless it is "not in the public interest" to inform them.

Sometimes, where reportable conduct obligations arise, St Philip's Christian College Port Stephens and St Philip's Christian Education Foundation will also have other mandatory reporting obligations. In these situations, the St Philip's Christian College Port Stephens will prioritise its procedures for mandatory reporting to the Department of Communities and Justice and/or to Police and will seek advice from those agencies on the best way to proceed with the reportable conduct internal investigation.

## **Making a Finding of Reportable Conduct**

If St Philip's Christian College Port Stephens internal investigation results in a finding of reportable conduct, following the St Philip's Christian College Port Stephens notification to the NSW Children's Guardian, we will conduct a final risk assessment of the conduct, the staff member and the circumstances, and take action to mitigate ongoing risks.

## **Disclosing Information to the St Philip's Christian College Port Stephens Community**

A parent or carer has a legitimate interest in being told of the process that is being followed to investigate an allegation that their child was a victim of staff misconduct or reportable conduct.

Section 57 of the Children's Guardian Act imposes disclosure obligations and prohibitions on the Principal.

The disclosure obligations and prohibitions apply to information about a reportable conduct investigation. This includes information about the progress of an investigation, the findings and any action taken in response to the findings.

The Principal or an investigator working for the Principal must inform the affected child and their parents/carers about the reportable conduct investigation unless it is "not in the public interest" to inform them.

The Principal or an investigator working for the Principal must not disclose information about a reportable conduct investigation to anyone other than the affected child and their parents/carers. However, there are some exceptions to this rule. Disclosures can be made to certain people and entities, such as investigators and carers, if the disclosure is made to promote the safety or wellbeing of the child.

## **Where to Find More Information**

The NSW Children's Guardian provides information on reportable conduct and the St Philip's Christian Education Foundation and St Philip's Christian College Port Stephens obligations to report. For more information about the St Philip's Christian College Port Stephens policies and procedures relating to staff misconduct, reportable conduct or complaints handling generally, please contact the College or St Philip's Christian Education Foundation.

St Philip's Christian College Port Stephens  
*"For the Whole of Their Life"*  
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