
ST PATRICK'S COLLEGE

Child Protection: A Guide to Misconduct and Reportable Conduct relating to Workers and Employees of St Patrick's College

Misconduct

Edmund Rice Education Australia (EREA) requires all Workers within the St Patrick's College community to carry out their duties in line with the EREA Code of Conduct which also includes a Child Safe Code of Conduct. Workers include all employees, supply, relief, aide, volunteer, placed or work experience teachers, support and administration staff, contractors, sub-contractors, volunteers, members of Bu(r)-6 5 (f)-6..i(m)-6 (em)h wp6 5 (f).6 ()1D71 (Tc 0 1w1.9 (u:-16.9(ae)22 br)-6 (eac)

- a disciplinary matter for Edmund Rice Education Australia and may result in performance management, formal warning, suspension, demotion or termination in accordance with industrial processes
- a disciplinary matter for the College and may result in performance management, formal warning, suspension, demotion or termination in accordance with industrial processes
- a contractual matter (breach, termination)
- professional misconduct referred to relevant authorities
- reportable conduct reported to relevant authorities

fairness and in keeping with the principles of natural justice.

Any allegations of misconduct or breaches of the Code of Conduct by Workers will be investigated. Any alleged misconduct that amounts to 'Reportable Conduct' will be managed in accordance with the following procedures.

Reportable Conduct

What Conduct is not Reportable Conduct?

Reportable Conduct does not extend to conduct that is:

- reasonable for the purposes 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, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.

Stage One: After a reportable allegation is made, the Principal will ensure a risk assessment is conducted which considers:

- the nature and seriousness of the allegation(s)
- the vulnerability of the children who the employee would be in contact with while at the College – considering their age, communication skills etc
- the nature of the position occupied by the employee including the level and the interaction they have with children
- the level of supervision available for the employee
- the availability of support for the employee on a day to day basis if their duties are unchanged
- the employee's disciplinary history; and
- other possible risks to the investigation.

These factors will assist the Principal to make a decision about whether to move the employee from direct contact work, or suspend them from work during the investigation. The decision the Principal makes after the first risk assessment should not influence the final findings of the investigation.

Stage Two: During the investigation

New risks may emerge during the investigation into an allegation and it is important that such risks are managed and as such, the Principal will ensure support is provided for:

- the child(ren) who were the subject of the allegation
- the employee who was the subject of the allegation; and
- other relevant parties, including parents/carers.

Stage Three: This is covered in the Making A Finding of Reportable Conduct section of this policy below:

Making a Finding of Reportable Conduct

Once the investigation has been conducted, the Principal as the decision maker, will assess the

Possible Findings to be Made by the Principal

There are five possible findings that the alleged conduct did indeed occur:

- Sustained
- Not Sustained; insufficient evidence
- Not Sustained; lack of weight
- False
- Not Reportable Conduct.

Disclosing Information about Reportable Conduct to affected Children, Parents and Carers

Section 25GA of the Ombudsman Act affords legal protection to the head of St Patrick's College and any person acting at the direction of, and with specific knowledge of, the head of the St Patrick's College. The following information can be disclosed to the child who was allegedly the subject of the reportable conduct, however the information that is disclosed is a matter of what is appropriate in the circumstance.