



GREEK ORTHODOX COMMUNITY AFTERNOON AND SATURDAY SCHOOLS

Child Protection Policy

Allegations Against Employees

Child Protection Policy: Allegations Against Employees

Context

The Greek Orthodox Community of NSW (GOC) Afternoon and Saturday Schools recognises that the safety, welfare, and well-being of young people are paramount.

This policy reflects the legislative requirements of GOC Afternoon and Saturday Schools to respond to allegations of child protection against employees. GOC Afternoon and Saturday Schools have an obligation to ensure that such allegations are addressed and properly handled.

Legislative Provisions

Children and Young Persons (Care and Protection) Act 1998
<https://www.legislation.nsw.gov.au/acts/1998-157.pdf>

Crimes Act 1900
<https://www.legislation.nsw.gov.au/#/view/act/1900/40>

Privacy and Personal Information Protection Act 1998
<https://www.legislation.nsw.gov.au/#/view/act/1998/133>

Child Protection (Working With Children) Regulation 2013
http://www.austlii.edu.au/au/legis/nsw/num_reg/cpwca2012cpwcr20132013156l26a2013951.pdf

Ombudsman Act 1974, Part 3A; January 2014
<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+68+1974+cd+0+N>

Procedures for the Management of Less Serious Allegations in the Area of Child Protection Against an Employee

Reportable Conduct

Concerns related to child protection involving a staff member employed in a child-related role are referred to as an allegation of Reportable Conduct and are handled in accordance with requirements of the NSW Ombudsman Act and the NSW Commission for Children and Young People Act.

Under the Children's Guardian Act 2019, reportable conduct is defined as:

- any sexual offence
- sexual misconduct
- ill-treatment
- neglect
- an assault against a child
- an offence under 43B or 316A of the Crimes Act 1900

- behaviour that causes significant emotional or psychological harm to a child.

Reportable conduct does not extend to the following:

- Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children, and to any relevant codes of conduct or professional standards
- The use of physical force that, in all the circumstances, is trivial or negligible. Reportable conduct applies only if the physical force is going to be investigated, and the result of the investigation is recorded under workplace employment procedures
- Conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA.

Procedures

1. Employees report all allegations to the Executive Officer/School Coordinator when there are reasonable grounds to suspect a risk of harm to a child or young person. This is necessary to meet mandatory reporting obligations.
2. The Executive Officer/School Coordinator will clarify the issues involved.
3. The Executive Officer/School Coordinator will conduct an initial risk assessment to determine whether there is any immediate risk of harm to the child/ren and whether any action should be taken to reduce that risk. This might include, for example, providing more direct supervision, moving the employee to a position with non-child contact, or suspending the employee with pay.
4. The Executive Officer/School Coordinator will assess any other risks, including:
 - Risk to the employee who is the subject of the allegations;
 - Possible risk to other staff;
 - Risk to the organisation itself.
5. The Executive Officer/School Coordinator will notify the statutory and regulatory authorities
6. The Executive Officer/School Coordinator will plan the scope of the investigation.
7. The Executive Officer/School Coordinator will gather information from relevant sources.
8. The Executive Officer/School Coordinator will inform the employee that a complaint has been made and, at an appropriate time, provide the employee with details of the allegation to enable them to respond either in writing or at an interview.
9. The Executive Officer/School Coordinator will analyse all relevant information before making a finding.

10. The Executive Officer/School Coordinator will prepare an investigation report documenting reasons for decisions and recommendations regarding findings.

11. Forward the report, including recommendations, to the GOC Board/Management Committee.

Where there is an actual or perceived conflict of interest between both parties, the Executive Officer/School Coordinator will appoint an impartial person (who may or may not be an employee of GOC Afternoon and Saturday Schools with sufficient skills and experience to undertake the investigation).

Procedural Fairness, the employee has the right to:

- Be informed of the allegation(s) and to put forward their case.
- Respond to adverse comments, findings and recommended disciplinary actions.
- Expect that reasonable enquiries or investigations are made before deciding on a matter.
- Expect that an investigation is conducted without unreasonable delay.
- Expect reasonable notice for meetings and interviews.
- Have a support person for the interview
- Ensure that independent persons conduct the investigation.

Findings

Findings that are available to be made in relation to each allegation are as follows:

- i. Sustained (i.e., a finding that the conduct occurred)
- ii. Not sustained – insufficient evidence (i.e., there is insufficient evidence available to establish that the alleged conduct did occur reasonably); or
- iii. Not sustained – lack of evidence of weight (i.e., there is no evidence of weight that the reportable conduct occurred)
- iv. False (i.e., where there is clear evidence to show the conduct did not occur).

Findings made in relation to allegations must be supported by evidence, and the civil standard of proof applies, that is, upon the 'balance of probabilities.' This means that it must be more likely than not that the allegation is true in order to sustain an allegation. However, if the consequences of making a finding against the employee are serious (e.g., dismissal), then the required standard of proof would be higher.

Outcomes of an Investigation

Possible outcomes of an investigation may be:

- No adverse outcome–resolution of the issue
- Informal performance discussion
- Performance improvement plan
- Disciplinary action, including caution, formal warning or termination
- Internal risk management actions such as systems improvement and/or professional development for staff.

REVIEW

POLICY WRITTEN	JULY 2024	NEXT REVIEW DATE	JULY 2025
MODIFICATIONS	<ul style="list-style-type: none">• Updating reportable conduct legislation• Updating procedural fairness		

Appendix One

Sample Script for Executive Officer/School Coordinator Discussion with Staff Member

Introduction to the incident	I need to talk to you about a confidential matter, and you may want to have a support person present. (Name of staff member), a concern has been raised with me about an incident that may have occurred. (State date and time of alleged incident)
Detail of conduct	The concern is that (details of alleged behaviour including detail of place, time and names of people involved, etc. N.B. the identity of the complainant is not to be divulged)
The procedures: a) Clarification of issues	In order to manage locally, the issues have to be clarified. To do this, I may need to speak to other students, parents, other staff, and yourself. Then, I will determine the appropriate method of local management.
b) Copies	You will be provided with a copy of any report, and you, of course, have the right to comment on any aspect of local management that is implemented.
c) Time	The matter can be dealt with speedily, and the whole context of any incident that may have occurred can be taken into account.
Support available	We will support you here, and you can also seek support from your union.
Collecting information	If we decide that we can manage the matter this way, I would like to clarify the issues in the present circumstances. To do this, I may need to speak to students, parents, or other staff.
Staff member's involvement	After I do that, I'd like to give you an opportunity to provide information or comment either verbally or in writing on any identified issue. If you wish, you can bring a person to support you at any meeting with me.
Action	I'll then be able to provide a report on the matter, which will record my actions.

Appendix Two
Process Flowchart

