

Child Protection - Misconduct by Staff, Volunteers & Others

	Schools have a duty of care to investigate and act on allegations of employee misconduct or conviction which relate to their ability to perform their functions.
Allegations of Misconduct by Staff, Volunteers & Others	In addition, under the Teachers Registration Act 2000, the *School/College* must notify the Teachers Registration Board ('the Board') once the *School/College* has dismissed or taken disciplinary action against a registered teacher. The Board then has powers to investigate and take further action.
Reportable Conduct & Mandatory Reporting	The Reportable Conduct obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the Children, Young Persons and Their Families Act 1997 (Tasmania) (refer to Child Protection – Mandatory Reporting of Abuse and Neglect).
Internal Reporting of Allegations of Staff Misconduct	Any allegation of staff or volunteer misconduct must be immediately reported to the Principal, or the Chair of the Systemic Schools Governing Council should the allegation involve the Principal.
Internal Investigation of Allegations of Misconduct	Once an allegation of misconduct has been made (which does not require reporting to Child Protection Services under the Mandatory Reporting obligations) an internal investigation, led by the Principal will be conducted in such a manner as the particular circumstances demand. It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (the Police or Child Protection Services).
Reporting Obligation to The Board	The *school/college* must notify the Board if the *school/college* believes that a teacher has engaged in unacceptable behaviour and because of that unacceptable behaviour, has dismissed the teacher or taken other disciplinary action against the teacher. The Teachers Registration Act defines unacceptable behaviour as behaviour that: <ul style="list-style-type: none"> a) Does not satisfy a standard of behaviour generally expected of a teacher; b) Is disgraceful or improper; or c) Demonstrates that the person is unfit to be a teacher.
What "Action" Must Be Reported?	"Actions" which will be reported by the *school/college* to the Board include (but are not limited to): <ul style="list-style-type: none"> • Dismissal; • Disciplinary action taken by the *school/college*;

	<ul style="list-style-type: none"> Where a teacher resigns or retires in circumstances which may allow the *school/college* to consider their behaviour to be unacceptable.
When to Notify the Board	<p>The Board must be notified within 28 days of the disciplinary action, the dismissal, the retirement or the resignation of the teacher.</p> <p>On receiving the notification, the Board has the power to:</p> <ul style="list-style-type: none"> Ensure that it has obtained all relevant information from the *school/college*, and may request further information; Decide whether the matter does not reach the threshold required for it to proceed; or Conduct an investigation, an informal hearing, or a formal hearing.
The Board's Response	<p>A formal hearing may result in findings which can result in cautions, reprimands, conditions imposed on their registration or limited authority, suspension, cancellation of registration, a determination that the person is unfit to be a teacher or is not of good character and/or a determination that the complaint is without substance.</p>
Impact on Working With Children Registration	<p>Working With Children Registration is subject to ongoing monitoring, and the Registrar may choose to undertake an additional risk assessment. This can lead to the cancellation of the person's registration or the imposition of new conditions.</p> <p>All workers are responsible to ensure:</p> <ul style="list-style-type: none"> Reports of staff misconduct are made as soon as possible to the Principal; The Principal is notified of any convictions which relate to Reportable Conduct; Cooperation in any internal investigation; Confidentiality is maintained throughout the process; and Records of all verbal and written communications are maintained and stored securely.
Worker Obligations	
Implementation	<p>This policy is implemented through a combination of:</p> <ul style="list-style-type: none"> Staff training; Effective communication and incident notification procedures; Effective record keeping procedures; and

- Initiation of corrective actions where necessary.

Discipline for Breach of Policy	Where a staff member breaches this policy the *school/college* may take disciplinary action, including in the case of serious breaches, summary dismissal.
Related Policies	Child Protection - Abuse, Grooming & Neglect Identification & Initial Notification Child Protection - Mandatory Reporting of Abuse & Neglect Child Protection - Working With Children Registration Child Protection - Detecting, Reporting & Addressing Grooming Behaviours