



## **LEIBLER YAVNEH COLLEGE CHILD PROTECTION**

### **Conducting an internal investigation into allegations of adult abuse or misconduct**

Last review September 2017  
Next review September 2018

## **CONDUCTING AN INTERNAL INVESTIGATION INTO ALLEGATIONS OF ADULT ABUSE OR MISCONDUCT**

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The College has a holistic framework for addressing the individual learning needs of all students, including those with special needs and other unique areas of cultural diversity. The College is cognizant of ensuring the program and ethos of our school complements the varying cultural domains of our parent and student population in the context of meeting the minimum standards of child safety and child protection.

Please read this policy in conjunction the College Child Protection and Mandatory Reporting Policies.

### **Purpose**

This document outlines the approach taken by Leibler Yavneh College when allegations of child abuse or misconduct have been made.

### **Child Protection Policy**

Consistent with the College's Child Protection and Reporting Policy, any disclosure made regarding alleged child abuse needs to be brought to the immediate attention of the College Principal. The College Principal will determine whether the alleged abuse falls into the criteria for Mandatory Reporting: that is, the College believes that on reasonable grounds a child is at risk of physical and/or sexual abuse (in accordance with current Child Protection legislation). Where the incident does warrant a Mandatory Report, the College Principal will report the disclosure and/or allegations to the relevant authorities (Department of Human Services, Department of Education and/or Police). The College Principal's decision to report the disclosure will be taken in consultation with either the College Psychologist or a relevant member of the Senior Management Team. The College Principal will immediately inform the Chair of the Executive (in confidence).

Individual staff members that have formed a reasonable concern and wish to make a report directly to Department of Human Services may do so under the Mandatory Reporting laws. When this occurs, the staff member is asked to inform the College Principal immediately about the circumstances of the report.

### **Reporting a disclosure or observation**

When there are disclosures of abuse or observations of behaviour that may raise a "reasonable concern" that have allegedly occurred external to the organisation, the College is **obligated** to report the matter to DHS without conducting an internal investigation. However, even in such cases, the College would be expected to gather any and all details

that concern the circumstances of the actual disclosure itself or reasons for having a “reasonable concern” for the child, to ensure all the relevant material is brought to DHS.

Please note that the school is not responsible for investigating allegations of child abuse, that the relevant authorities will undertake these investigations and that any investigation that the school may undertake in relation to an allegation of child abuse is undertaken for the purposes of identifying and removing the risk of child abuse at the school

If the College is in any doubt about whether or not the disclosure falls under the criteria of Mandatory Reporting, advice can be sought from Child First, who will advise on how best to proceed.

The College Principal may delegate another senior staff member the responsibility of making the actual report.

Any allegation of physical or sexual abuse regarding the College Principal should be directed to the College Chair.

### **Internal investigations**

If there is an allegation or reported observation of any wrongdoing, including physical harm that does not fall under the Mandatory Reporting Guidelines (that is, there is **not** a belief on reasonable grounds that a child is in need of protection from physical and sexual abuse) against adults at the College, the College Principal or his delegate is obliged to conduct an internal investigation.

The College Principal will also determine whether or not it is necessary to seek legal advice before proceeding.

Any internal investigation will be undertaken by the College Principal or her delegate who must be a manager at least “once removed” from the alleged perpetrator.

To maintain impartiality it is important that the manager of the person against whom an allegation has been made is not an investigator in the matter.

In matters relating to the Crèche or the Early Learning Centre, irrespective of whether there is or there isn’t substantiated abuse, any parental complaint about any kind of inappropriate mishandling of children needs to be reported to the Department of Education & Training as a matter of course.

### **The internal investigation: steps**

1. If there is an allegation of wrongdoing, including physical harm, against an employee, volunteer or any other adult at the College, that person will be immediately “stood down from his/her duties”, on full pay (where they are an employee), pending the outcome of an internal investigation. The employee will be advised by the College Principal the reasons for the stand down and the likely time frame of the investigation. This will be confirmed in writing by the College Principal as soon as practicable.
2. The person who is making the allegation will be interviewed without delay by the College Principal and one other senior staff member. Comprehensive notes will be taken during the interview. The College Principal may engage an external investigator as appropriate. At the end of the interview, the file note of the meeting will be read back to the interviewee in order for him/her to correct or amend any details pertaining to the allegations.
3. Any and all witnesses will be interviewed without delay by the College Principal and one other member of the Senior Management Team. Again, detailed records of all interviews will be made and retained.
4. Any and all other evidence will be collected (eg CCTV footage, IT records, security records, photographs, etc) from the College facilities or from witnesses.
5. The person against whom an allegation has been made will be interviewed by the College Principal and one other member of the Senior Management Team.
6. A follow-up meeting will be held with the person making the allegation/s in order to provide feedback regarding the interviews of the alleged perpetrator, any relevant witnesses or other evidence. At this meeting, it may be important to further clarify the allegations in order that any additional responses, clarifications, etc can be made.
7. Once all interviews have been concluded, the College Principal, in conjunction with relevant senior managers and/or the College Chair, will analyse all the information collected and deliberate the matters in order to ascertain whether or not the allegations can be substantiated or not.
8. Thereafter, the College Principal, together with any relevant Senior Managers, will determine what specific consequences or actions should be taken, including but not limited to:
  - a. consulting with, reporting the matter to, or the investigation of the incident by an external agency
  - b. seeking legal advice where necessary
  - c. notifying the College's insurer, should the investigation reveal inappropriate behaviour by a staff member or volunteer that could result in legal action
  - d. relevant file notes, letters, cautions, warnings that need to be made

- e. suspension or dismissal of the relevant employee
- f. relevant counselling for the employee against whom an allegation has been made, and/or the person making the allegation, and/or the alleged victim
- g. whether or not to withdraw the “suspension” of the relevant staff member and allow him/her to return to work
- h. any other relevant action

The employee against whom the allegation was made will be advised verbally and/or in writing about the outcome of the investigation and any determined outcomes (as per above).

The person making the complaint will also be advised in writing about the substantiation or otherwise of their report.

9. At the conclusion of the investigation, all relevant documentation pertaining to the College’s allegation and the investigation will be collated and filed in the employee’s College records and all members of the investigating team will debrief on the matter in order to identify improvements in College processes, policies or protocols and the procedure of the internal investigation.
10. In complying with the child safe standards, the College is mindful of the diversity of students and school communities and applies the following inclusion principles as part of each standard:
  - promoting the cultural safety of Aboriginal and Torres Strait Islander children
  - promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds (CaLD)
  - promoting the safety of children with a disability.

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