



SYDNEY JAPANESE  
INTERNATIONAL  
SCHOOL

シドニー日本人国際学校

# Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct

## Introduction

Complaints regarding allegations of staff misconduct and reportable conduct are managed in a different manner to other complaints received by SJIS. This is because these complaints are often of a sensitive nature and raise potential privacy and confidentiality issues.

SJIS 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.

It is also critical that the broader SJIS community reports staff misconduct and reportable conduct (both defined below) to ensure the safety and wellbeing of students, and that SJIS complies with its legislative obligations. Sydney Japanese International School has a legal obligation to investigate and report to the NSW Children's Guardian all allegation of reportable conduct made against staff at SJIS as defined by the Children's Guardian Act 2019 (NSW) (Children's Guardian Act).

For the purposes of this policy, 'staff' and 'staff member' are defined to include teaching and non-teaching staff, volunteers, contractors and external providers.

## Definition of Staff Misconduct

Sydney Japanese International School defines 'staff misconduct' as conduct by a staff member that:

- breaches SJIS Code of Conduct or other key policies / procedures.
- 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 SJIS.

## Definition of Reportable Conduct

The Children's Guardian Act defines reportable conduct as:

- 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:

- Sending an email to
  - Principal (Kocho Sensei) Mr Shinichiro Sumida [shinichiro.sumida@sjis.nsw.edu.au](mailto:shinichiro.sumida@sjis.nsw.edu.au) or
  - Head of International Division, Mr Simon van Dinter [simon.vandinter@sjis.nsw.edu.au](mailto:simon.vandinter@sjis.nsw.edu.au)
- Writing a letter marked 'Private and Confidential' to
  - Sydney Japanese International School, 112 Booralie Road, Terrey Hills, NSW 2084 addressed to the Principal.
- Telephoning SJIS (02 9450 1883) and
  - asking to speak to the Principal (Kocho Sensei) or Head of International Division.

If the Principal or Head of International Division is the subject of your complaint or allegation of misconduct or reportable conduct please contact the General Manager, Mr Masao Miyairi [masao.miyairi@sjis.nsw.edu.au](mailto:masao.miyairi@sjis.nsw.edu.au)

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

SJIS 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 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 the School's initial investigation, and it is determined through the School's investigation that staff misconduct has occurred, SJIS will notify the complainant of the finding and corrective actions that will be taken. Staff misconduct is managed through our policies and procedures relating to internal grievances, discipline and termination.

### **Reportable Conduct**

After the Principal or his delegate becomes aware of the 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 or his delegate must notify the Children's Guardian of the findings of the School's investigation into the matter.

The Principal or his delegate must inform the affected child and his parents/carers about any reportable conduct investigation unless it is "not in the public interest (Section 57 (3) Children's Guardian Act 2019) to inform them.

Sometimes, where reportable conduct obligations arise, SJIS will also have other mandatory reporting obligations. In these situations, SJIS will prioritise its procedures for mandatory reporting to the Department of Communities and Justice and/or to the 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 SJIS's internal investigation results in a finding of reportable conduct, following the School's notification to the NSW Children's Guardian, SJIS will conduct a final risk assessment of the conduct, the staff member and the circumstances, and take action to mitigate ongoing risks.

### **Disclosing Information**

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 by which the Principal and his delegate must abide.

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" (Section 57 (3) Children's Guardian Act 2019) 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. Disclosure 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.

## **Whistleblowing Complaints**

This procedure does not extend to complaints which are whistleblowing disclosures. The procedure for processing whistleblowing complaints are dealt with in the school's Whistleblowing Policy.

In summary a whistleblowing disclosure is a disclosure which:

- is made by a board member, staff member, a person who supplies goods or services to the school, including a volunteer, an employer of a supplier or a relative of any of these people;
- involves alleged misconduct, an improper state of affairs or circumstances, or illegal activity, and
- is made to a senior staff member, or officer of the school, the school's auditor or a person who the school has authorised to collect such disclosures.

## **Related Policies**

Complaints about reportable conduct will be addressed in accordance with the school's **Student Welfare / Child Protection Policy**.

Complaints about the safe operations of the school will be addressed in the **Complaints and Grievances Policy**.