



# Complaints Investigation Process

## For alleged misconduct or reportable conduct by a member of staff

Efficacy Date: September 2023

Craig Sandwell, Deputy Headmaster – Policy and Strategy

### 1. Making Allegations:

Allegations made against staff by a parent, caregiver or community member;

- ▲ should be made in writing to the Headmaster either by letter addressed to;  
**The Headmaster -Trinity Grammar School, PO Box 174, Summer Hill NSW, 2130**  
**or by email to [headmaster@trinity.nsw.edu.au](mailto:headmaster@trinity.nsw.edu.au)**
- ▲ should be made confidentially and will be treated as confidential;
- ▲ will be acknowledged in writing by the Headmaster or his delegate.
- ▲ an allegation made against the Headmaster is to be made in writing by letter addressed to;  
**The Chairman of the School Council- Trinity Grammar School, PO Box 174, Summer Hill NSW, 2130 and be marked CONFIDENTIAL.**

Allegations made against Staff by another Staff Member;

- ▲ Are to be made as per the Schools Code of Conduct, Child Protection Policy and Safe Learning and Workings Environment Guidelines.

### 2. Receiving the allegations:

The Headmaster or his delegate will discuss the allegations received with a School Psychologist and an trained Child Protection Investigator for class and kind allegations and will ascertain whether the complaint involves a risk of significant harm. They will refer to the Mandatory Reporting Guide (MRG) to ascertain whether the NSW Department of Communities and Justice and/or the NSW Police should be informed. The Headmaster will decide whether the allegation is:

- 2.1 An allegation of reportable conduct, meaning a type of child abuse either physical, sexual, psychological, ill treatment, neglect or misconduct that may involve child abuse. In which case, it will then be decided to:
  - 2.1.1 clarify the allegation by having a School Psychologist or trained Child Protection Investigator interview the alleged victim and determine that it is an allegation of reportable conduct;
  - 2.1.2 make appropriate notifications to NSW Department of Communities and Justice, NSW Police, the NSW Office of the Children's Guardian if an allegation of reportable conduct has been made;
  - 2.1.3 carry out a risk assessment to ensure the safety of the alleged victim, the person subject of the allegation, other students and the School.
- 2.2 A non-reportable allegation may include:

- 2.2.1 a first time allegation of physical assault;
- 2.2.2 a first time allegation of unreasonable restraint or excessive force to protect a child;
- 2.2.3 no injury or harm has occurred to a child;
- 2.2.4 no force was involved in the alleged incident;
- 2.2.5 no use of objects.

In which case:

- 2.2.6 clarify the allegation by having a trained Child Protection Investigator interview the alleged victim and determine that it is an allegation of a class or kind;
  - 2.2.7 carry out a risk assessment to ensure the safety of the alleged victim, the person subject of the allegation, other students and the School;
  - 2.2.8 consult with the Association of Independent Schools - Child Protection Unit
- 2.3 A non-reportable allegation of conduct that does not involve child protection issues such as professional misconduct or incompetence.
- 2.3.1 clarify the allegation by having a trained Child Protection Investigator interview the alleged victim and determine that it is an allegation of a conduct that does not involve child protection issues;
  - 2.3.2 carry out a risk assessment to ensure the safety of the alleged victim, the person subject of the allegation, other students and the School.

### 3. Investigation

- 3.1 If the NSW Police and/or NSW Department of Communities and Justice decide that an external investigation should be conducted, the NSW Police and/or NSW Department of Communities and Justice will determine the investigation process.
- 3.2 During the investigation, the Headmaster or a trained Child Protection Investigator will carry out a risk assessment to determine whether the person subject of the allegation may continue to carry out his/her normal duties.

#### **After an Investigation by NSW Police or NSW Department of Communities and Justice**

- 3.3 After the completion of an external investigation and any legal proceedings arising have been finalised, the Headmaster may determine that a School investigation will be conducted.
- 3.4 If an allegation is referred to the NSW Police and/or NSW Department of Communities and Justice and these agencies did not investigate, the Headmaster will conduct an investigation.
- 3.5 If there is no external investigation, a decision will be made by the Headmaster as to how to proceed and whether a formal investigation is necessary due to the nature of the complaint. If so, he will appoint an Investigator to investigate the allegation. Only Child Protection Investigators will investigate allegations. The allegation(s) will be formalised in writing.
  - 3.5.1 The allegations will then be provided in writing to the person who is the subject of the allegation (PSOA) as well as information regarding the investigation process, support for the PSOA and other relevant information.
  - 3.5.2 An opportunity will be provided for the person against whom the allegation has been made to respond to the allegation(s), and be advised that they may have a support person of their choice
  - 3.5.3 If necessary, the allegation(s) will be investigated by interviewing the alleged victim(s) and any other person(s) who may have relevant information:



- a. Full documentation, will be collated including all relevant information and transcripts of interviews.
  - b. All relevant witnesses will be interviewed.
- 3.6 An analysis of all collected information/evidence will then be undertaken by the Investigator.
- 3.7 Consideration will be given to all the evidence and a Preliminary Finding will be made as to whether the allegation is sustained
- 3.8 A report of these findings will be submitted to the Headmaster for final consideration and determination.
- 3.9 If necessary, the Headmaster will notify the NSW Department of Communities and Justice, the NSW Police, the NSW Office of the Children’s Guardian.
- 3.10 The Headmaster will determine whether any disciplinary action is taken by the School and what information is provided to the complainant.

## 4. Complaints of a minor matter that do not involve child protection issues or major breaches of the Trinity Grammar School Code of Conduct for staff

Complaints may be made by students and parents regarding staff members that are minor and which can be dealt with by a Head of Department, Housemaster, Stage Coordinator, Sportsmaster, Master In Charge of a sport or a co-curricular activity, Activities Master or Deputy Head. Examples of complaints of a minor nature include, but are not limited to, team selection or homework.

In these situations, the relevant person will discuss the matter with the student concerned and with the teacher who is the subject of the concern in order to resolve the issue.

If the matter cannot be resolved, then the concern should be referred to the Head of the Junior School, Head of the Preparatory School, Head of the Middle School or Head of the Senior School.

The matter may be referred to the Deputy Headmaster - Summer Hill or Headmaster.

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