



International School of Western Australia

ALLEGATIONS OF STAFF MISCONDUCT POLICY

- This policy applies to all ISWA employees.
- The Principal is responsible for the management of all staff and must adequately investigate allegations of misconduct made against school employees.
- Allegations must be dealt with promptly and with due regard for the rights of the employee concerned and the reputation of the School.
- While the possibility of malicious, false or exaggerated allegation is acknowledged, the Principal has no choice but to investigate promptly and objectively and to refer matters, where appropriate, to the relevant authorities.
- Confidentiality must be observed as carefully as possible.
- The Principal must ensure that support and counselling are provided to the employee and student as appropriate.
- Prior to taking action, the Principal must consult the Chair of the ISWA Board.
- Employees against whom allegations are made are entitled to all reasonable care and consideration, due process and the presumption of innocence.

PROCEDURES

- Allegations must be made to the Principal (or if the Principal is the person against whom the allegation is made, to the Board Chair).
- Details of the allegation must be documented by the person reporting the offence and by the Principal.
- Should the allegation take the form of behaviour of a sexual nature involving a child, the procedures in the "Child Protection" policy are to be followed.
- Except in the case of allegations of a sexual nature involving a child, the person against whom the allegation is made must be informed and be made aware of his/her entitlement to procedural fairness and due process.
- Confidentiality must be observed throughout.
- Outcomes of any subsequent investigation must be documented and placed in the file relating to the allegation.
- Where the Principal forms the opinion, after due consideration, that an employee's behaviour constitutes misconduct, he/she has a range of measures including: counselling, formal warnings, ongoing review, demotion, dismissal or termination as per the relevant Award.

- Where the Principal forms the opinion, after due consideration, that the employee's behaviour constitutes serious misconduct, summary dismissal or termination as per the provisions of the relevant Award may result. The TRBWA shall also be notified of the serious misconduct.
- If the Principal is uncertain of the procedure to follow or it is not clearly stated in the relevant Award, AISWA should be consulted.

DEFINITIONS

Misconduct is behaviour or conduct which, in the Principal's opinion, may adversely affect the ability of an employee to carry out their duties in the school effectively and /or which is likely to bring the school into disrepute.

Serious misconduct is unlawful and/or improper conduct of such a serious nature that, after due process accorded to the employee, his/her contract may be terminated summarily. The following examples are illustrative and not exhaustive:

- Criminal charges
- Sexual abuse or intimate touching of children
- Possession of child pornography
- Physical abuse of others
- Emotional abuse of children or colleagues
- Repetition of acts of misconduct making evident a wilful intention by the employee to break the terms of employment.

Legal considerations

It is a criminal offence under Section 322 of the *Criminal Code (Acts Amendment: Sexual Offences Act 1992)* for a person in authority to have a sexual relationship with a person under 18 years of age. ISWA will regard it as serious misconduct for an employee to have a sexual relationship with a student over the age of 18 years when they are in a position of authority to the student.

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Policy Owner	Principal
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