



Investigations policy

Author	ADS
Risk category	Trust and reputation
NESA	3.6.2
Relevant legislation/ guidelines	<ul style="list-style-type: none"> • NSW Anti-Discrimination Act 1977 • Fair Work Act 2009 (Cth) • Freedom of Information Act 1989 (NSW)
Related documents	<ul style="list-style-type: none"> • Whistleblower policy and procedure • Bullying and harassment (including sexual harassment) in the workplace policy and procedure • Workplace complaints policy
Document location	G:\Executive\Policies & Template Forms\2i Investigations G:\Policies\2i Investigations
Date of issue/last revision	24 October 2022 / October 2022
Authorisation	Board
Date of approval	November 2022
Review cycle	Biennial
Feedback	Feedback on this policy can be emailed to communityquestions@tasg.nsw.edu.au

Commitment

The Anglican School Googong (TASG) (the School) is committed to conducting its affairs ethically and in compliance with laws, regulations, and school policies, and to safeguarding members of the school community and its resources.

Scope

This policy is school based and applies to all personnel who work in or serve TASG. Personnel includes; board members, staff, contractors, parents, guardians and volunteers.

Definition

Confidentiality is a legal term that refers to the duty of an individual to refrain from sharing confidential information with others without the express consent of the other party.

Duty a legal obligation that entails mandatory conduct or performance.

Investigation means a school-authorized internal examination, inspection, inquiry, analysis, or review to determine facts. An Investigation is not a hearing or legal proceeding, and may be formal or informal. Investigations may be undertaken by school officers, including, but not limited to the Principal, their delegate/s or an externally appointed investigator.

Policy

Personnel shall adhere to all applicable laws, policies, and procedures, including those enacted to ensure proper action against all forms of misconduct. This document addresses the process for reporting and investigating alleged misconduct and/or inappropriate behaviour of members of the TASG community. The reporting of misconduct allows the school to respond and investigate such misconduct in an effective, efficient, and proficient manner.

When a report of potential ethical misconduct or other wrongdoing is made, the school has a responsibility to investigate thoroughly, objectively, consistently, and as promptly as possible so that it can implement corrective action, if necessary. To meet this responsibility, employees of the school must cooperate with the investigation (defined below).

Clarification

If there is any conflict between this document and the law, the law will prevail.

Duty to report

Individuals normally should report suspected ethical misconduct to their line manager or principal. If an individual is uncomfortable speaking with their line manager a report may be made to the Principal. Refer to *Workplace complaints policy and procedure*.

Individuals who are not comfortable using the foregoing reporting channels may make a report anonymously through the feedback link on the school's web page.

Duty to cooperate

All employees must cooperate fully with investigations undertaken by persons charged with conducting the inquiry. Cooperation with investigations includes, but is not limited to:

- promptly acknowledging and responding to requests for information;
- making oneself available for meetings with investigating officials;
- providing full, accurate, and truthful information;
- keeping confidential information learned or transmitted during the investigation, unless directed by legal authorities, and
- preserving relevant information and documents.

Non-cooperation or obstruction of an investigation is subject to disciplinary action which may include termination of employment.

Confidentiality and non-retaliation

Confidentiality for individuals who are interviewed or otherwise cooperate in an investigation will be maintained to the extent possible by law. While absolute confidentiality cannot always be guaranteed, all matters will be kept private (i.e., shared only with those with a need to know).

To protect the confidentiality of individuals who participate in investigations, and to protect the integrity of the investigative process, individuals normally will not be informed of the outcome of an investigation.

Retaliation based on an individual's cooperation with an investigation is prohibited. Knowingly initiating or causing a false or bad faith report also is strictly prohibited. Violations of these provisions are subject to disciplinary action up to and including termination. All suspected reports of retaliation or bad faith reports should be reported immediately to the Principal or chairperson of the School's Board.

Compliance

Non-compliance with this policy may result in disciplinary action up to and including dismissal.