



# GEELONG GRAMMAR SCHOOL

## Student Complaint Handling Guide

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### 1. Purpose and Scope

- 1.1 The Student Complaint Handling Guide supports the Student Complaints Policy and other applicable School Policies and is designed to assist the School in receiving and managing a Student or School Community member complaint and the subsequent investigation process.
- 1.2 The Guide has been developed with guidance from the National Office of Child Safety Complaint Handling Guide: Upholding the Rights of Children and Young People (which is [located here](#)).
- 1.3 The Guide is divided into the sections to assist with the type of complaint that is received and provides templates for consistency and streamlining of process.
- 1.4 This Guide is applicable for complaints or concerns from all Students at the School, whether or not they are over or under the age of 18 years old, however, it is acknowledged that in some circumstances, external processes or reporting requirements may be varied or may not be required where a Student is aged 16 years and over, or 18 years and over.

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### 3. Review and circulation

Responsible Department:	<input checked="" type="checkbox"/> Safeguarding & Legal Services
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#### 4. Receiving a Complaint

- 4.1 School Employees should keep the following in mind if a Student comes to you with a complaint or disclosure:
- 4.1.1 any questions the Student asks should be answered to the best of your knowledge;
  - 4.1.2 a Student is given clear advice about what will happen next and going forward;
  - 4.1.3 a Student is given information about how they will be supported;
  - 4.1.4 being trauma informed (refer to **page 3 of this Guide**);
  - 4.1.5 asking the Student what would make them feel safe. You should document this in a plan for involving the Student in the complaints process;
  - 4.1.6 be honest about what you can and cannot do. If a serious allegation has been made, you need to be upfront about what your responsibilities are to report abuse. Be sure to emphasise how the Student will be protected in the process; and
  - 4.1.7 the Student should be consulted before important decisions are made and told about how information they have provided will be used. Explain the boundaries of confidentiality to avoid breaches of trust.

#### 5. Managing Disclosures

- 5.1 School Employees should remember that the Student has approached them, it is the School Employee's job to listen to them and let them tell their story in their own words. If what the Student is telling the School Employee involves an allegation of concerning conduct or abuse, more detailed questioning should occur later, as part of an investigative interview.
- 5.2 Receiving disclosures can be difficult practically and emotionally. The School has support structures in place to assist School Employees who have received a disclosure and need support. This includes Utilising the PROTECT Four Critical actions for Schools Responding to Incidents, Disclosures and Suspicions of Child Abuse ([located here](#));
- 5.3 The following guidelines may assist when receiving a disclosure or supporting a Student:
- 5.3.1 **Listen** - Listen calmly, patiently and supportively. Let the Student use their own words. If a Student has decided to talk to you, it is a sign that they trust you. You are helping them by listening respectfully to what they have to say.
  - 5.3.2 **Reassure** - Let the Student know they are doing the right thing by speaking up, that you believe them and you are taking what they say seriously. Address any concerns about their safety, especially if they are worried about the consequences of disclosing. Tell them that what happened to them is not their fault.
  - 5.3.3 **Ask** - Ask the Student what they need from you or the School so they can feel safe and involved in the process.
  - 5.3.4 **Respect** - Manage the Student's expectations by explaining to them what the next steps will be. Be clear that you may need to tell other people certain things about their experience to be able to keep them and other Students feel safe, but otherwise you will keep what they have told you private.
- 5.4 If a Student makes a disclosure that is clear enough for a School Employee to have a general understanding of what has happened, and who the School Employee needs to report to, the School Employee should not keep questioning them. Quizzing a Student for details or asking them to repeat their story can create the impression that there is doubt regarding what they have said, and it could have unintended consequences if any criminal or child protection action is subsequently taken.
- 5.5 Remember that if a Student makes a disclosure, it is not the School Employee's job to investigate or treat it like an interview. A balance needs to be struck between encouraging the Student to open up and avoiding compromising a subsequent investigation. School Employees should listen to what Students have to say and not close down their disclosure. If the Student is shut down too quickly, they may think that the School Employee does not believe them or is disinterested.
- 5.6 As Students are more likely to open up to adults they know well, it is critical that all School Employees, contractors and volunteers (where appropriate) have an understanding of how to manage disclosures, not only those involved in handling complaints.
- 5.7 At the first opportunity, the School Employee must write down what the Student told them, using their own words as best as they can recall. If necessary, refer to the template **Complaint Record** – Appendix 1. The record of a Complaint or Disclosure must be advised to a Vice Principal, Head of Campus, Student Safeguarding and Risk Officer or the Executive Director | Safeguarding & Legal Services immediately for further action in accordance with this Guide.
- 5.8 Due to their nature, some complaints or disclosures may need to be reported to external organisations, including the Victoria Police or the Commissioner for Children and Young People, and for compliance with the requirement of those external organisations to occur.

#### 6. Trauma Informed Practice - Being Trauma Informed

- 6.1 Trauma-informed approaches involve being sensitive to the Student's particular needs, preferences, safety and vulnerabilities, and recognising that their lived experience may make them susceptible to certain triggers that may lead to 're-traumatisation' and 're-victimisation'.
- 6.2 For complaints that raise student safeguarding, child safety and wellbeing issues, it is critical that School Employees adopt a trauma-informed approach at each key stage of the complaints process. Looking for signs of trauma is an important way to identify whether certain Students may have something they wish to open up about but have been afraid to do so.

#### 7. Signs of Trauma

- 7.1 Signs of trauma in Students include, but are not limited to:
- 7.1.1 increased tension, irritability, reactivity and inability to relax;
  - 7.1.2 reduced eye contact;
  - 7.1.3 sleep disturbances, nightmares;



- 7.1.4 aggressive behaviour;
- 7.1.5 mood and personality changes and changes in quality of important relationships;
- 7.1.6 loss of self-esteem and self-confidence;
- 7.1.7 self-harming behaviours;
- 7.1.8 alcohol or drug abuse;
- 7.1.9 increased self-focus and withdrawal;
- 7.1.10 sexually exploitative or aggressive interactions with younger children; or
- 7.1.11 risk-taking behaviours.

## 8. Trauma Informed Practice - Key Principles

- 8.1 There are several key principles which underpin the delivery of trauma-informed care to Students that can be readily applied to the complaints process. These include:
  - 8.1.1 ensuring physical and emotional safety of the Student or other Students;
  - 8.1.2 being trustworthy and transparent;
  - 8.1.3 allowing both Student voice and choice (where possible) in decision making;
  - 8.1.4 facilitating collaboration and mutuality; and
  - 8.1.5 empowerment – recognising and building on the Student's strengths.
- 8.2 When complaints involve the behaviour of other Students—particularly behaviour that is sexually or physically harmful—a trauma-informed response involves mitigating the risk of harm to Students while supporting the Student who is alleged to have instigated the harmful behaviour.

## 9. Responding to Students with Harmful Sexual Behaviours

- 9.1 School Employees, contractors and volunteers (where applicable) should be trained to recognise when a complaint involves problematic or harmful sexualised behaviour instigated by a Student towards another.
- 9.2 Problematic or sexually harmful behaviour may also occur in an online environment, (for example, sexually-based cyber bullying, sexting and non-consensual distribution of child abuse material).
- 9.3 The views of adults about safety may be different from the views of Students. Do not assume that what makes one Student feel safe will be the same for another.
- 9.4 Managing complaints of this type should address:
  - 9.4.1 how to mitigate the risk of harm to other Students, without isolating and stigmatising the Student who has exhibited the sexually harmful behaviour as 'dangerous';
  - 9.4.2 how to support the Student who has displayed sexually harmful behaviour by referring them to the appropriate therapeutic services; and
  - 9.4.3 how to maintain confidentiality and privacy (as appropriately as possible when balanced against other risks, such as the risk of harm to other Students).

## 10. First Nations Students

- 10.1 School Employees must be aware of the particular factors which may inform matters for a First Nations Student, including:
  - 10.1.1 a fear of violence, intimidation or ostracism by other community members or service providers;
  - 10.1.2 mistrust of authorities and 'the system' due to past (and current) negative experiences;
  - 10.1.3 a fear of bringing shame on the extended family and community; and
  - 10.1.4 geographic isolation and lack of infrastructure or support services.
- 10.2 The School employs a First Nations Coordinator who can provide guidance for matters regarding the School's First Nations Students.

## 11. Culturally and Linguistically Diverse Students

- 11.1 The School values and respects all members of the School Community and intends that processes are inclusive. Reasonable adjustments may need to be made to this process at times to cater for particular needs of Students or parents/guardians, such as provision of an interpreter for meetings, or translator to transcribe processes into a relevant language.
- 11.2 The School has an Overseas Student manager who can provide guidance with our culturally and linguistically diverse students.

## 12. Students with Individual Needs

- 12.1 Every Student is different and their experience of disability and how they might perceive situations and interact with others may also be different.
- 12.2 There are many reasons why Students with disability are at a higher risk of harm and abuse, and are less likely or able to speak up about it than Students generally. These include:
  - 12.2.1 difficulties with speech, communication or literacy;
  - 12.2.2 low levels of expectation about their capacity to identify and report concerns;
  - 12.2.3 reliance on caregivers for personal care requirements;
  - 12.2.4 limited provision of developmentally appropriate sexual and relationship information; or



- 12.2.5 social isolation.
- 12.2.6 In managing complaints and grievances about or from a Student with a disability, consideration should be had to how the process may require adaptation informed by the relevant Student's needs. Support from the Student's parents/guardian, aide, Inclusive Learning team or their Head of House or Head of Unit should be sought.

### **13. Same Sex Attracted, Intersex, Non-Binary and Gender Diverse Students**

- 13.1 For same-sex-attracted, intersex, non-binary and gender-diverse Students to feel safe and be safe, School Employees must:
  - 13.1.1 openly welcome these Students;
  - 13.1.2 demonstrate that their views are valued; and
  - 13.1.3 be clear that discrimination on the basis of a person's sexual orientation, intersex status and gender identity is not tolerated.
- 13.2 Some Students have same-sex attracted, intersex, non-binary or gender-diverse parents or carers. The School is inclusive and respectful of the different ways that families are formed and support these Students to feel included and understood.
- 13.3 The School's Inclusivity Policy (published to the School's website) provides further guidance.

### **14. Student Complaints and Risk Management**

- 14.1 The School has a Risk Management Strategy that sets out a process for School Employees to proactively identify and respond to the range of risks that can arise across different settings within the School.
- 14.2 Students should be engaged in the development of the risk management strategy and in its ongoing review and refinement.
- 14.3 Listening to what Students have to say about what they like and do not like about the School, how things may be improved, and what makes them feel safe and unsafe at School, is critical to shaping risk management strategy. Effective risk management is an ongoing process of proactive identification, learning, monitoring and reviewing.
- 14.4 Immediate risk assessment following an incident or complaint is critical to the School's early response to addressing a complaint. The School's Student Safeguarding & Risk Officer should be involved wherever possible to assist with conducting a risk assessment.
- 14.5 The School may conduct a risk assessment:
  - 14.5.1 immediately after an allegation is made;
  - 14.5.2 during the investigation; and
  - 14.5.3 at the end of the investigation.
- 14.6 The School's decision to take action on the basis of a risk assessment does not influence the findings of an investigation process.
- 14.7 The School is committed to an ongoing process of risk assessment and regular reviews are conducted across all School campuses. The School will incorporate learnings and review any systemic issues when required.
- 14.8 Risk mitigation strategies are implemented by the School to minimise any further risk of harm to Students. Such measures may include:
  - 14.8.1 training for School Employees, contractors and/or volunteers;
  - 14.8.2 changing work practices in certain situations;
  - 14.8.3 changing the physical environment; and
  - 14.8.4 reviewing the Student Safeguarding Policy and related Codes of Conduct.

### **15. Conducting an investigation**

- 15.1 The School has a Student Complaints Policy which provides guidance regarding how to conduct an investigation when a complaint is received from a Student. The Community Code of Conduct details ways in which parents may make a complaint or report a grievance to the School. This Section provides further detail to enable a fair and proper investigation is carried out by the School.
- 15.2 The School must give consideration to any supports for the complainant and respondent (if the respondent is another Student) so their health and wellbeing is prioritised through the complaints process.
- 15.3 Where possible, one School Employee will be identified to be responsible for liaising with the Student and where applicable their family throughout the entire process. This School Employee may or may not be the investigator but will be someone appropriate and trusted by the Student.
- 15.4 Regardless of whether or not an external investigator is appointed, the School is involved in key aspects of the investigation process, such as making final determinations, risk management, communicating with stakeholders and supporting the Student.

### **16. Is an investigation required?**

- 16.1 Where possible, the School aims to resolve complaints with as little formality and delay as possible.
- 16.2 A complaint might be suitable for informal resolution if:
  - 16.2.1 the complaint, based on the available information, appears to have arisen from a misunderstanding or miscommunication;
  - 16.2.2 the complaint relates to an issue with or a gap in service provision that can be easily resolved without the need for any investigation; or
  - 16.2.3 the complainant is willing to discuss the matter informally.



- 16.3 If complaint is capable of being resolved informally, the Student must still feel their voice has been heard and has some closure to the matter.
- 16.4 If a complaint relates to a matter that raises concerns about the safety and wellbeing of Students or any allegations of misconduct or other concerning conduct about School Employees, contractors or volunteers, it is likely that an investigation will be required. In general, the nature and extent of an investigation should be proportionate to the seriousness of the complaint.

## 17. Key stages of a Student-Focused Investigation Process

- 17.1 The key stages of a student-focused investigation process are:
- 17.1.1 the initial response (see **page 2 of this Guide**);
  - 17.1.2 investigation planning;
  - 17.1.3 evidence gathering;
  - 17.1.4 assessing the evidence;
  - 17.1.5 finalising the investigation;
  - 17.1.6 making and communicating findings; and
  - 17.1.7 taking action.

## 18. Investigation Planning

- 18.1 The School's **Terms of Reference, Investigation Plan and Investigation Report** templates (Appendices 2, 3 and 5) should be used as a template for planning an investigation. They may be adapted as required.
- 18.2 The School prioritises Student health and wellbeing during any investigation process, particularly at key stages of the process (during any interviews, when receiving updates on the progress of the complaint and the outcome of any investigation). If the complaint or grievance involves a School Employee, or another School Community member, the School will also take steps to ensure that person's health and wellbeing is addressed and they have access to support through the investigation process.

## 19. Evidence Gathering

- 19.1 If a decision is made to conduct a formal evidence-based investigation and the Principal, Vice Principal, Head of Campus or Head of School appoints an investigator (internal or external), the investigator must prove or disprove, if possible, any matters of fact raised by a complaint. The sources of evidence will depend on the details of the matter, but may include:
- 19.1.1 oral evidence (recollections);
  - 19.1.2 documentary evidence (records);
  - 19.1.3 electronic evidence (images and communications);
  - 19.1.4 expert evidence (technical advice); and/or
  - 19.1.5 site inspection (to identify, say, where an incident occurred).
- 19.2 Investigators should take all necessary steps to protect the available evidence, including by managing the risk of evidence being contaminated, or of collusion between witnesses. If there are multiple witnesses in a matter, efforts should be made to interview them within as short a timeframe as possible.
- 19.3 The School must ensure all information collected in relation to the investigation is managed securely. Only approved School Employees are able to access this information.
- 19.4 The School records all relevant details about interviews. Refer to Appendix 4 for an **Interview Record Template** which can be used or adapted as required.
- 19.5 There is an important difference between any School Employee, contractor or volunteer receiving or managing a disclosure of abuse from a Student and the need to ensure that only designated School Employees are involved in conducting investigative interviews.
- 19.6 The School must be aware that a Student's support needs, and their readiness and willingness to access available supports, may change over time.
- 19.7 If a Student turns down an offer of support previously, the School must ensure that they know support is always available to them if they change their mind.

## 20. Assessing the Evidence

- 20.1 Investigators and decision-makers are not bound by the standards of proof that apply in court proceedings. Their primary obligation is to comply with any requirements prescribed by relevant legislation, codes of conduct or other rules, and with procedural fairness requirements.
- 20.2 In making findings of fact, it is not necessary for investigators and decision-makers to prove the conduct based on the criminal standard (i.e. beyond reasonable doubt). A proven finding must be based on material that logically tends to show that all the facts necessary to establish the incident are made out to the reasonable satisfaction of the decision-maker. The decision-maker should base their decision on clear and cogent evidence, and not guesswork, suspicion or rumour. The more serious the wrongdoing, the more care the decision-maker must exercise when deciding whether they are satisfied that the conduct is proven. Generally, the standard of proof to be applied is that of the civil standard of proof (on the balance of probabilities it is more likely than not). The more serious the allegation, the higher the degree of probability that is required before the investigator and ultimately, the decision maker can be reasonably satisfied as to the truth of that allegation.
- 20.3 The standard of proof must be applied separately to each fact that must be established to reach a finding or make a decision.



- 20.4 When assessing the evidence, a decision-maker must evaluate the strength or weight of the evidence. This should include consideration of how reliable the evidence is:
- 20.4.1 Is there another piece of evidence that either supports or contradicts the evidence?
  - 20.4.2 How plausible is the evidence in all of the circumstances?
  - 20.4.3 What is the source of the evidence, and is it objective?
  - 20.4.4 Has the person/people who are the subject of the investigation been provided an opportunity to comment on the evidence?

## 21. Finalising an Investigation

- 21.1 When an investigation has been completed, it must be clearly documented in an investigation report. The report should allow any reader to understand how the investigation has been conducted and see that the investigation has made fair findings based on the evidence obtained.
- 21.2 Generally speaking, the investigation report should set out:
- 21.2.1 the parameters of the investigation;
  - 21.2.2 any decisions made, both during and at the conclusion of the investigation, including the rationale, the position and name of the person making the decision and the date the decision was made;
  - 21.2.3 the evidence obtained and an analysis of that evidence (including any evidence provided by, or supportive of a contrary view argued by, the subject of the complaint);
  - 21.2.4 the investigator's assessment of the evidence, including the weight given to each piece of evidence and why;
  - 21.2.5 the investigator's recommendations, if any;
  - 21.2.6 all of the investigation documentation should be filed and readily located in a secure folder within the Safeguarding & Legal Services team folder; and
  - 21.2.7 the outcome of the final risk assessment, and whether any ongoing risk management is required in relation to the School Employee, contractor, volunteer or another student who allegedly caused the harm.

## 22. Making and Communicating Findings

- 22.1 In making findings, the decision-maker should have regard to whether there are specific types of findings that must be made depending on the circumstances of the investigation, (for example, the reportable conduct scheme and findings that are available under this jurisdiction).
- 22.2 Any findings must be clearly documented. This should include an explanation of why the findings were reached, including the reasons why any recommendations by the investigator were rejected.
- 22.3 While the person handling the complaint/ decision-maker is not required to notify the subject of the complaint of their provisional findings resulting from the investigation, it can enhance the fairness of the process if they are alerted to any perceived deficiency or inconsistency in their submission where this is appropriate and does not create any risk to the safety of a Student or other person.
- 22.4 The decision-maker should communicate the outcome of the investigation to all relevant parties, taking into account relevant privacy and confidentiality considerations.
- 22.5 Particular consideration should be given to how information will be communicated to Students. This includes whether the Student is likely to need support in understanding the information; how to best communicate (in person or in writing); and whether they may need support or assistance either from the School, or through referrals to other services, or from a parent or guardian.
- 22.6 A Student may have made a disclosure that has not been substantiated by the investigation. An important issue for Students when they disclose serious concerns—particularly abuse—is that they are believed.
- 22.7 In a situation where there was insufficient evidence to prove an allegation, in conveying the outcome to the Student, the School will endeavour to avoid using language like 'the allegation was not 'proven' or 'substantiated', as this could cause them to think that the School does not believe them. The School will instead provide a description of the type of things it did to investigate the allegation, the available evidence, and how this informed the outcome reached, including any action taken or proposed. The School will let the Student know what steps have been taken to keep them and other Students safe.

## 23. Taking Appropriate Action

- 23.1 After reaching its findings, the Principal, Vice Principal, Director of Employee Engagement, Head of Campus or Head of School will determine what action should be taken as a result of the investigation. Even if an investigation does not result in any adverse findings against a person, it may still be necessary to take a range of steps to finalise the complaints process, including reporting to external bodies; taking disciplinary action in relation to a School Employee, contractor or volunteer, providing them with training or support; and making changes to policies, procedures, or practice if the investigation has highlighted areas for improvement.
- 23.2 If any of the actions the School is considering are likely to directly impact on a Student, the Student will be given proper opportunity to participate in the decision-making process and what happens next, including provision of support services where necessary.



23.3 Where appropriate, Students will be given the opportunity to provide feedback about how the investigation was carried out and its outcome. This feedback should be considered both in terms of the handling of their complaint but also the School's investigation processes more generally.

#### **24. Key Components of a Fair Complaint- Handling Process**

24.1 In order to create a fair complaint-handling process the School:

- 24.1.1 listens to all Students, and others who raise concerns, and treats them with courtesy and respect;
- 24.1.2 receives complaints with an open mind and does not pre-judge the complaint outcome, the complainant or the subject of the complaint. The School manages all complaints on their merits;
- 24.1.3 ensures that School Employees understand the importance of not discounting the views of a Student when they receive different or contradictory information from an adult;
- 24.1.4 records all complaints (allegations and incidents) and related information gathered during the complaint- investigation process, so that decisions are supported by evidence and the School is accountable for its decisions;
- 24.1.5 manages any conflicts of interest that arise during the investigation or response to a complaint;
- 24.1.6 affords procedural fairness to subjects of complaints and ensures they receive sufficient opportunity to present their position and comment on proposed adverse findings and is given reasons for the outcome decisions of the complaint. If another Student is the subject of the complaint, the School will ensure they are not isolated or stigmatised in any way, and where appropriate, are supported to address behavioural or other issues, including referrals to treatment;
- 24.1.7 takes appropriate action if a complaint is upheld and results in outcomes being implemented that are fair, reasonable and appropriate;
- 24.1.8 explain decisions to people with a relevant interest in the complaint; and
- 24.1.9 makes information available to the complainant and subject of the complaint about the review process available, if a person is not satisfied.



## Appendix 1 – Complaints Record Form



### STUDENT COMPLAINT RECORD STRICTLY PRIVATE AND CONFIDENTIAL

Complaint Details	
Date complaint received:	
Your name and position:	
Complaint assigned to:	
Name of student:	
House/Unit:	
D.O.B:	
Age:	
Does the complainant identify as Aboriginal or Torres Strait Islander? If so, specify:	
Is the complainant from a culturally or linguistically diverse background? If so, specify:	
Does the complainant have a disability or have communication support needs? If yes, provide details:	
Was the complainant offered an interpreter or support person?	
Summary of complaint:	
Category of complaint:	Staff conduct: <input type="checkbox"/>
	Academic: <input type="checkbox"/>
	Customer Service: <input type="checkbox"/>
	Access to services/reports: <input type="checkbox"/>
	Charges and fees: <input type="checkbox"/>
	Objections to decision made by the School: <input type="checkbox"/>
	Investigation process/handling of complaint: <input type="checkbox"/>
	Information management: <input type="checkbox"/>





	Governance:	<input type="checkbox"/>
	Other:	<input type="checkbox"/>
Alleged Reportable Conduct (refer to Reportable Conduct Policy and procedure, Mandatory reporting Policy):	Sexual Offences	<input type="checkbox"/>
	Sexual misconduct:	<input type="checkbox"/>
	Physical Assault:	<input type="checkbox"/>
	Psychological/emotional harm:	<input type="checkbox"/>
	Neglect:	<input type="checkbox"/>
Who did the student first disclose concerns to:		
Who should be informed about the complaint:	Parents	<input type="checkbox"/>
	Head of Campus	<input type="checkbox"/>
	Vice Principal	<input type="checkbox"/>
	Principal	<input type="checkbox"/>
	External authorities	<input type="checkbox"/>
	Specify external authority:	
	Parents	<input type="checkbox"/>
	Health Centre staff/counsellor	<input type="checkbox"/>



## Appendix 2 - Terms of Reference

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### 1. Scope of Investigation

*Text here.*

### 2. Reportable Allegations

*Text here.*

### 3. Further Allegations

If any further allegations arise during the investigation ... *Text here.*

### 4. Terms of Engagement

The Terms of Reference are effective from [date] and continue until the final investigation report is delivered or unless terminated by agreement of the parties being: ... *Text here.*

### 5. Roles and Responsibilities

The School is accountable for, and will endeavour to meet, the following in the course of the investigation: ... *Text here.*

### 6. Meetings/Updates

All meetings between the parties will be arranged when required throughout the course of the investigation.

An update on the progress of the investigation will be provided to... *Text here.*

### 7. Confidentiality

All participants in the investigation will be reminded by the School that they must maintain confidentiality in relation to the allegations investigation and sign a confidentiality acknowledgement provided by the School. ...*Text here.*

### 8. Decision-maker

*Text here.*

### 9. Investigation Plan

The School confirms its instructions to proceed with the investigation plan, which is annexed to these Terms of Reference. ...*Text here.*

### 10. Timing

The investigation will be completed as expeditiously as possible. At this stage, and assuming witness availability and cooperation, it is anticipated that the School will be able to provide its final investigation report to [whom]... by [date]...*Text here.*

### 11. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing after consultation and agreement by both parties.



Executed as an AGREEMENT:  
*[signatures]*



## Appendix 3 – Investigation Plan

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### 12. Matter Details

<b>Subject of allegation details</b>	
<b>RCS reference number (if applicable)</b>	
<b>Organisation contact</b>	
<b>Contact title/position</b>	
<b>Organisation address</b>	
<b>Organisation phone number(s)</b>	
<b>Secure email</b>	
<b>Investigator</b>	

### 13. Investigation Overview

<b>How did the information come to the attention of the organisation?</b>	
<b>Who are the people involved?</b>	
<b>Who is the alleged victim?</b>	
<b>Who is the subject of an allegation?</b>	
<b>Who are each of the relevant witnesses that are known at this time?</b>	
<b>Have any initial inquiries been carried out by the organisation – what was learned?</b>	
<b>Why is the investigation being conducted?</b>	
<b>What details are known at this time?</b>	

### 14. Allegations

<b>Allegation 1</b> <i>Each allegation should be separate [dates, victim, location etc.]</i>	
<b>Allegation 2</b> <i>[complete if another allegation was made]</i>	



### 15. Subject of the Allegation

<b>Name</b>	
<b>Address</b>	
<b>Phone number</b>	
<b>Position held</b>	
<b>Email address</b>	
<b>Time in position</b>	

### 16. Risks

*Identify and evaluate*

<b>Identify the context of the investigation and identify any risks; i.e. what are the risks and why are they risks?</b>	
<b>Evaluate each risk systematically and at regular intervals if required. Is there anything that can be done to remove or lessen the risk?</b>	

*Issues/Notes*

<b>Consider whether the investigation should be undertaken by internal or external investigators.</b>	
<b>Make a list of possible people affected by the investigation and possible conflicts of interest of the investigator.</b>	

*Conflicts of interest*

<b>Consideration should be given to any actual, potential or perceived conflicts of interest of the investigator.</b>	
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### 17. Scope of Investigation

<b>What is the investigation being asked to do?</b> <i>This means that the allegations need to be clearly defined and set out and the investigator should be asked to make findings in relation to each of the allegations.</i>	
<b>Define the limit of the investigation.</b>	



<p><i>What questions need to be answered so that a decision can be made about whether or not the reportable conduct happened and happened in the way that is alleged? This will form the Terms of Reference.</i></p>	
<p><b>Terms of Reference and Scope of the investigation</b></p> <p><i>Define the limits of the investigation. What questions need to be answered so that a decision can be made about whether or not the reportable conduct happened and happened in a way that is alleged. This will form the Terms of Reference of the investigation. The Terms of Reference of the investigation are agreed to prior to the investigation starting and are recorded.</i></p> <p><i>It is essential that the scope be limited to the allegations specified and in the context of the specific legislation or policy. If an additional allegations arise during the investigation, the Investigation Plan should be updated to deal with those new matters.</i></p> <p><i>The scope of the investigation will be included in the Terms of Reference.</i></p>	

**18. Decision-maker**

<p><b>Who is the decision-maker?</b></p> <p><i>This will usually be the head of the organisation.</i></p>	
---	--

**19. Current Information**

*Source*

<p><b>Name</b></p>	
<p><b>Information</b></p> <p><i>Statement made providing evidence of [example] or Historical extract of [example]</i></p>	
<p><b>Relevance</b></p> <p><i>Relevance to the allegation [example Allegation 1, Element 4]</i></p>	
<p><i>Repeat for each source</i></p>	

**20. Possible Witnesses**



<b>Name</b>	
<b>Information</b> <i>Possible witness to alleged incident</i>	
<b>Relevance [to the allegation]</b> <i>Provide details</i>	
<i>Repeat for each witness</i>	

<b>Name</b>	
<b>Information</b> <i>Possible witness to alleged incident</i>	
<b>Relevance [to the allegation]</b> <i>Provide details</i>	
<i>Repeat for each witness</i>	

<b>Name</b>	
<b>Information</b> <i>Possible witness to alleged incident</i>	
<b>Relevance [to the allegation]</b> <i>Provide details</i>	
<i>Repeat for each witness</i>	

<b>Name</b>	
<b>Information</b> <i>Possible witness to alleged incident</i>	
<b>Relevance [to the allegation]</b> <i>Provide details</i>	
<i>Repeat for each witness</i>	

<b>Name</b>	
<b>Information</b> <i>Possible witness to alleged incident</i>	



<b>Relevance [to the allegation]</b> <i>Provide details</i>	
<i>Repeat for each witness</i>	

**21. Possible Evidence**

<b>Item/Document</b>	
Source	
<b>Relevance [to the allegation]</b> <i>Provide details</i>	
<i>Repeat for each item/document</i>	

**22. Investigation Action Plan**

<b>Action</b>	
<b>Date/Time action taken or required to be taken by</b>	
<b>Person to action</b>	
<b>Notes</b> <i>Is an expert opinion required? Any other notes?</i>	





# Appendix 4 – Interview Record



## STRICTLY PRIVATE AND CONFIDENTIAL

**Note:** Include verbatim (wherever possible) the details of the interview.

Meeting commenced at [time]

Participants: [insert]

Participant name or initials	Comment
[insert]	[insert]
[insert]	[insert]

Meeting concluded at [time]

This is a true and accurate record of the meeting and discussion.

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

[include additional as applicable]

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



## Appendix 5 - Investigation Report

<b>RCS Identification Number (if applicable)</b>	
<b>Date of Report</b>	
<b>Subject of Allegation (SOA)</b>	
<b>Organisation or Regulator</b>	
<b>Investigator Details (Author)</b>	
<b>Reportable Allegations</b>	

### 23. Executive Summary

*Text here.*

### 24. Standard of Proof

The standard of proof required in determining the outcome for this investigation is that the allegation must be proved 'on the balance of probabilities' and on the Briginshaw test being applied. In essence, the Briginshaw test requires that, the more serious the allegation and gravity of a finding, the more comfortably satisfied, on the evidence, the decision-maker must be before making any adverse finding. This means that each allegation should be more probable than not in order for it to be made out.

### 25. Relevant Policies and Procedures

This investigation was based on the following legislation, policy and procedure: ... *Text here.*

### 26. Investigation Scope

The scope of the investigation is set out in the Terms of Reference, which have been set out in Appendix XX of this report.

### 27. Background

*Text here.*

### 28. Summary of Investigation

The investigation was conducted in accordance with the following legislation, policy and procedure: *Text here*

### 29. Summary of Statements

*Text here.*

### 30. Findings

Following the analysis of all evidence, including the interviews and review of all relevant documents and relevant policy, an assessment of the evidence was made with regard to the allegation, and it is listed below: ... *Text here*

### 31. Conclusion



*Reportable allegation*

*Text here*

On the balance of probabilities, I find that all of the above allegations are ... *Text here.*

**32. Recommendations**

This Investigation Report is to be forwarded to ... *Text here.*

<b>Investigating Officer</b>	
<b>Company (Organisation or School?)</b>	
<b>Date</b>	

**33. Appendices**

A

B

C etc.