

# Investigations

## POSITION PAPER

March 2020



Supporting State School Leaders Since 1966  
Queensland Association of State School Principals

### Rationale

The Integrity and Employee Relations (IER) unit receives and assesses complaints relating to allegations of inappropriate or unacceptable conduct by employees and determines their response to this alleged conduct. Allegations of inappropriate/unacceptable conduct can include:

- Misconduct, as defined under the *Public Service Act 2008*.
- Breaches of the Code of Conduct, Standard of Practice and/or Student Protection procedures.
- Official misconduct, that is, any criminal act or breaches of any other legislation that also includes a breach of trust by virtue of that employee's position.

Department of Education (DoE) policy dictates that every employee is entitled to procedural fairness and natural justice whenever a complaint or allegation is lodged in relation to their conduct in the performance of their duties.

The Queensland Association of State School Principals (QASSP) holds the position that all investigations should be conducted in a timely and transparent manner allowing any DoE employee affected to clearly understand all details of any complaint or investigation at all stages of the process. QASSP also maintains that the subject of any allegation should be considered innocent until detailed, robust and tested evidence provides an alternative position.

### The Current Situation

Current DoE policies and procedures suggest support of procedural fairness and the provision of natural justice in a timely manner. Feedback from members indicates that these policies have not been followed consistently.

QASSP, through its Service Officers, Branch Service Officers and members strives to support members under investigation at all stages of the process.

Feedback provided from members has highlighted the concern that frequently, individuals who are the focus of investigation are:

- under the impression that they are considered guilty, based on the initial details, complaint or allegation, and the way this is handled
- uninformed about the investigation process/es
- uninformed about the details of the complaint or allegation
- uninformed about the type and focus of investigation that is initiated
- not provided with regular updates on the status of the investigation
- unsupported and isolated throughout the process, for example from peers and communication

with staff and at times including lack of access to server data which may be vital in their defence

- unaware of what supports are available to them during and after the process, for example counselling and legal support
- concerned they are not afforded the principles of natural justice.

The most frequent concern from school leaders under investigation is that:

- investigations are typically prolonged, causing uncertainty and distress to individuals and their school communities.

School leaders across the state also have concerns that there is a lack of:

- regular training for school leaders regarding the investigation process/es
- a clear process for handling communication with school communities and the general public
- consistency in dealing with matters deemed to require investigation
- understanding by school leaders regarding which issues require investigation and how these issues may be investigated appropriately
- clarity around how the *Privacy Act* is utilised to limit the sharing of information with school leaders under investigation.

## Recommendations

This position paper recommends reform in three areas:

- The investigation process.
- The wellbeing of school leaders.
- Training for school leaders.

## Investigation Process

It is recommended that:

- At triage stage, one of the team is a person with recent school-based experience at principal level.
- Investigating officers should have a deep understanding of the intricacies of school processes and relationships within the school.
- The details of the complaint or allegation be provided to the person under investigation in a timely manner, that is at the commencement of the investigation.
- At the beginning of an investigation process, the timing and nature of expected communications are clearly outlined in writing, to the person under investigation.
- The investigation process be clearly documented, available and provided to the person under investigation at the commencement of the investigation.
- Communications to the person under investigation, are regular and timely throughout the process.
- The principles of procedural fairness and natural justice must be followed, consistently.
- Investigation timelines are specific, documented and observed.
- The person under investigation must have ready access to advice, support and/or legal representation.
- Investigative processes are reasonable and consistent across the state.
- The process be respectful and based on the assumption of innocence until proven guilty.

- Those persons under investigation must be able to contact school leader colleagues as one avenue of support.
- Any changes to the reporting thresholds for investigations be clearly communicated to school leaders and regional office staff in a face-to-face manner.

## **Wellbeing**

In order to support the mental health and wellbeing of the person under investigation, there should be provision for:

- Identification of a suitable support person or persons or services.
- Identified and acceptable strategies for communication with colleagues to eliminate the individual being professionally isolated.
- Opportunities for sharing of information by the individual with Life Works and Headspace, if desired.
- Support or advice to minimise financial impact prior to the final outcome of the investigation.
- A support process to assist a school leader transition back into school after being out of school for the duration of an investigation.

## **Training**

Training supports all parties (the focus individual, the supervisor, colleagues and the associated community) in and around an investigation to build an understanding of the investigative process (including regarding time, complexity and procedures).

Considerations for training include:

- Provision of training around the complaint management process including the steps, and clear timeframes.
- Development of a Principal Toolkit to assist principals undertaking the resolution of matters at a local level.
- Professional development for all school leaders at principal business days or conferences.
- Concurrent training for assistant regional directors, and relevant district staff, to ensure consistency of process.
- The provision of clear information regarding the various types of possible investigations (Crime and Corruption Commission, Queensland Police Service, Integrity and Employee Relations, or local).
- Processes, including debriefing, for post investigation.
- Media relations and public relations – expectations and protocols.
- Timely updates for school leaders around any changes to the policy, in a face-to-face manner.

**Queensland Association of State School Principals**  
**t: 07 3852 3411 | e: [qassp@qassp.org.au](mailto:qassp@qassp.org.au)**

## References

Department of Education policies and procedures:

Employee Health and Wellbeing – <https://education.qld.gov.au/initiatives-and-strategies/health-and-wellbeing/workplaces/health-wellbeing> accessed online on 1 March, 2020

Allegations Against Employees in the Area of Student Protection – <http://ppr.det.qld.gov.au/corp/hr/management/Pages/Allegations-Against-Employees-in-the-Area-of-Student-Protection.aspx> accessed online on 20 March, 2019

Complaints Management and Compliance under the Education and Care Services Act 2013 – <http://ppr.det.qld.gov.au/earchild/regulation/Pages/Monitoring,-Compliance-and-Enforcement-under-the-Education-and-Care-Services-Act-2013.aspx> accessed online on 20 March, 2019

Complaints management and monitoring compliance under the Education and Care Services National Law – <http://ppr.det.qld.gov.au/earchild/regulation/Pages/Complaints-management-and-monitoring-compliance-under-the-Education-and-Care-Services-National-Law-.aspx> accessed online on 21 March, 2019

Health and Safety Incident Investigation – <http://ppr.det.qld.gov.au/corp/hr/workplace/Pages/Health-and-Safety-Incident-Investigation.aspx> accessed online on 21 March, 2019

Health, safety and wellbeing – <https://intranet.qed.qld.gov.au/Services/HumanResources/payrollhr/healthwellbeing> accessed online on 19 March, 2019

Investigations – <https://intranet.qed.qld.gov.au/Services/strategymanagement/integrity-employee-relations/InfoFlyers/Pages/Investigations.aspx> accessed online on 21 March, 2019

Workplace Rehabilitation – <http://ppr.det.qld.gov.au/corp/hr/workplace/Pages/Workplace-Rehabilitation.aspx> accessed online on 21 March, 2019