

Procedures for Responding to Complaints and Misconduct

June 2020

Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service.

Website –

<http://www.education.vic.gov.au/hrweb/workm/Pages/conduct.aspx>

When there is a complaint the above publication will be used and steps followed as mandated by DET.

Complaints against an employee may arise from:

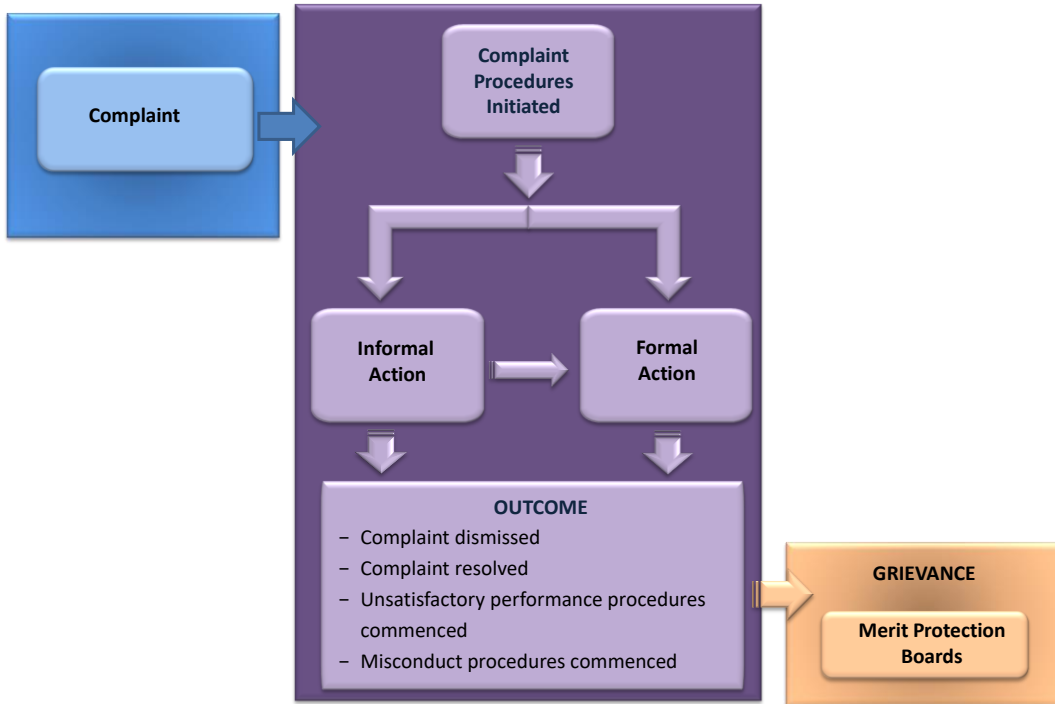
- unprofessional conduct and/or unsatisfactory performance
- allegations of aggressive, demeaning or uncooperative behaviour
- a particular incident
- allegations of unlawful discrimination (for example, discrimination on the ground of a protected attribute such as race, religious belief, disability, sexual orientation, gender, family responsibilities) or racial or religious vilification
- allegations of unlawful harassment, including sexual harassment
- allegations of bullying, as defined by the Victorian WorkCover Authority
- decisions made, or not made, by the principal/manager that a complainant believes are unfair, unreasonable or inappropriate.

The principal/manager must ensure that a complaint is dealt with in a way that is both procedurally and substantively fair.

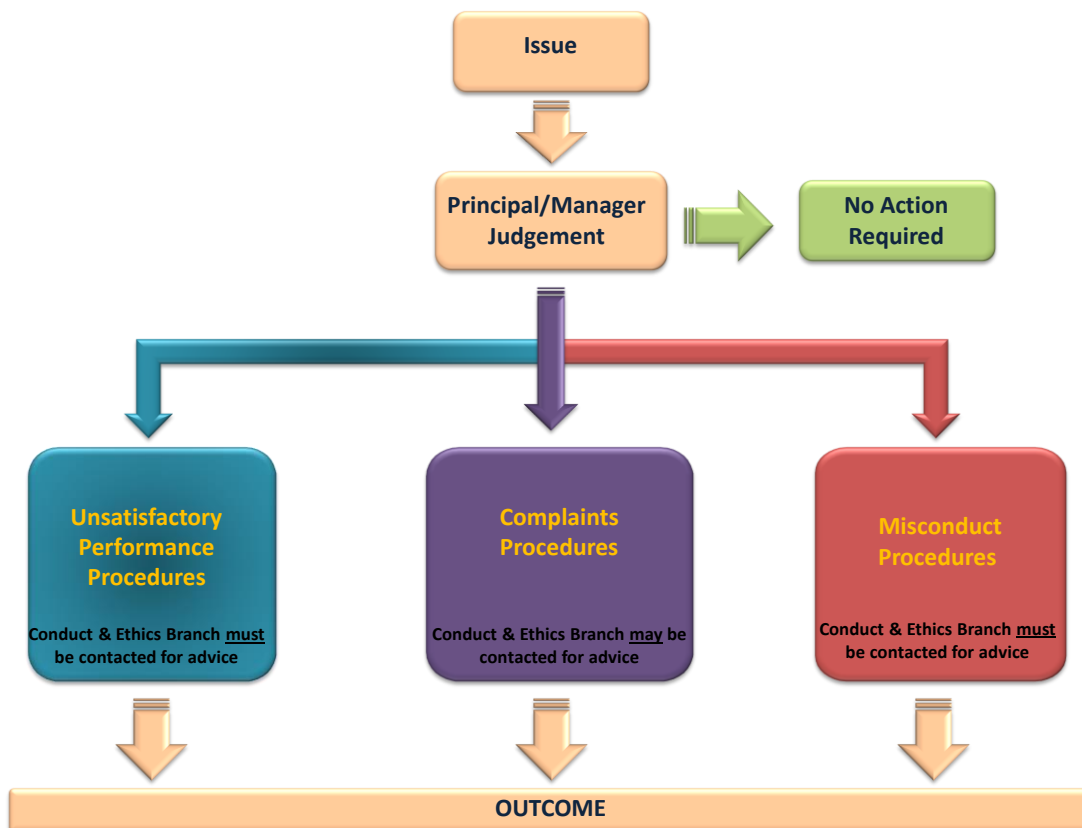
It is important that all steps in the complaints process are documented.

The principal/manager can provide advice regarding the process for making a complaint.

Procedures for Managing Complaints



In relation to a particular issue or incident, the principal/manager will need to make an assessment as to the appropriate course of action to take as illustrated below:



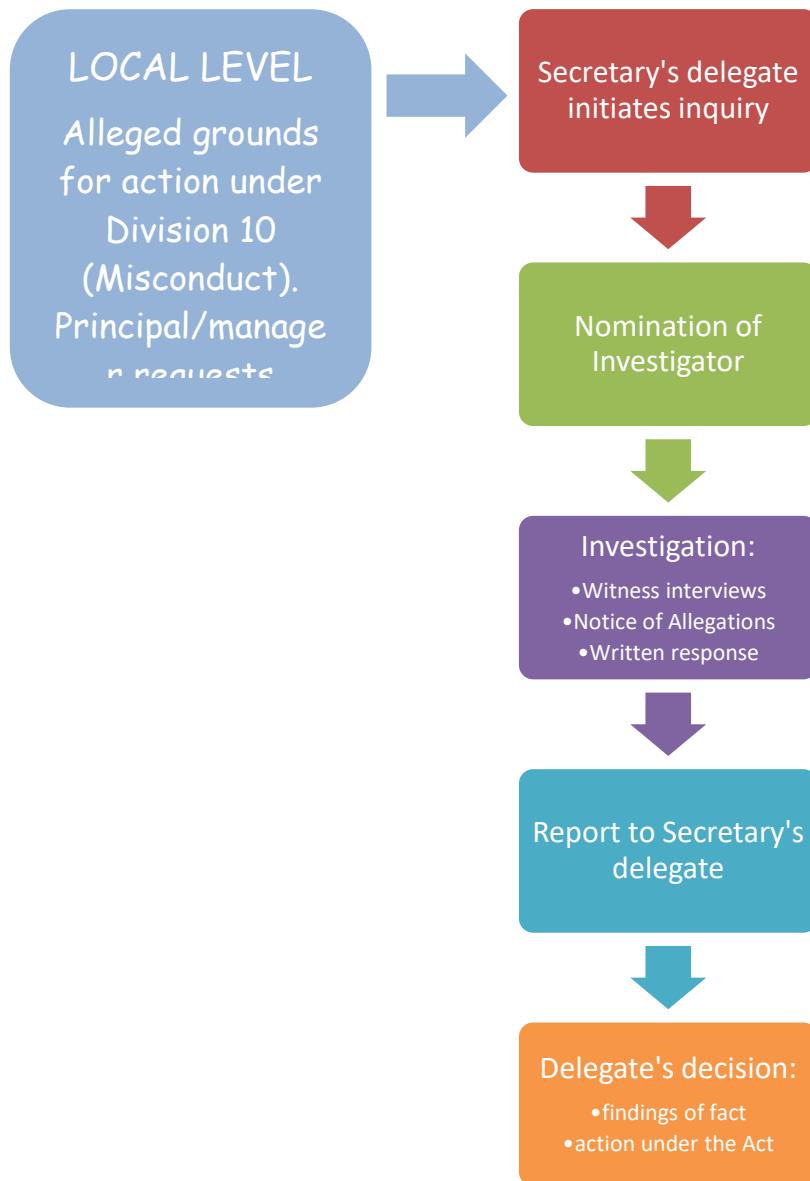
Examples of misconduct and other grounds for action under Division 10 include but are not limited to:

- inappropriate relationships with students
- harassment, including sexual harassment, bullying or victimisation of other staff members, students or the public
- racial or religious vilification
- striking a student, other employee or member of the public, or otherwise inflicting harm on, or endangering the life of, another person
- wilfully damaging property
- unlawful discrimination or sexual harassment
- sexual or other criminal offences
- improper use of information, or school or Department resources, for private purposes or personal gain
- refusal to obey a lawful instruction
- alcohol or drug misuse affecting the employee's performance of their duties
- serious or gross negligence
- inappropriate use of the internet or the Department's information technology resources including, for example, accessing pornography
- medical certificate fraud
- conduct involving dishonesty, wilfulness or recklessness, loss or damage.
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Allegations dealt with under Division 10 may include conduct outside, as well as inside, the workplace – for example where the employee has failed to maintain the general standards of conduct required in the public sector or where the behaviour contravenes the requirements of [Ministerial Order No 199](#), which sets out the conduct and duties required of employees in the teaching service. Order 199 requires employees to not behave in any way which would impair their influence over students or standing in the community generally, or outside the hours of duty act in any manner unbecoming his or her position.

The misconduct procedure is as follows:

Inquiry under Division 10, Part 2.4 (Misconduct)



The Department's Conduct & Ethics Branch will provide advice and assistance to principals/managers on the appropriate course of action to take. The Branch can be contacted on 9637 2595 or by email at conduct.ethics@edumail.vic.gov.au.