



## Factsheet

# The role of Professional Standards in workplace investigations

## THE STRUCTURE OF THE TOOWOOMBA CATHOLIC SCHOOLS OFFICE

Toowoomba Catholic Schools Office (TCSO) leads, supports and serves the 31 school communities of the Diocese of Toowoomba. This leadership, support and service assists schools achieve quality outcomes for students. TCSO operates under the direction of the Bishop of the Roman Catholic Diocese of Toowoomba and under the organisational leadership of the Executive Director: Catholic Schools.

Reporting to the Executive Director are four service groups leading a system approach and a culture of local empowerment, autonomy and responsibility within each school community.

The four service groups are

- Office of the Executive Director (OED)
- People and Engagement Services (PES)
- Education Services (ES)
- Finance, Infrastructure and Information Services (FIIS)

### The Professional Standards team within People and Engagement Services

PES includes a Professional Standards team led by the Manager: Professional Standards and comprised of qualified Administration Officers, Student Protection Officers, Human Resource Advisors and Workplace Health and Safety Advisors. The role of this team is to provide leadership, advice and support to Toowoomba Catholic schools (TCS) in the following areas

- student protection and safeguarding
- Code of Conduct
- the Blue Card system
- employee grievances
- equal opportunity, discrimination and sexual harassment
- workplace investigations
- complaints management
- employee assistance
- workplace bullying and harassment
- unsatisfactory performance
- medical capacity and injury management (including return to work and WorkCover)
- Court orders and subpoenas
- workplace health and safety.

### The role of the Professional Standards team in workplace investigations

The TCS Investigation guidelines set out how workplace investigations are to be conducted. Minor allegations are dealt with at the school level, with advice and input from the Professional Standards team. More serious allegations are investigated and managed by the Professional Standards team, which may include engaging a suitably qualified external investigator.

### The role of the investigator

At the outset of any investigation, the nominated investigator(s) are provided with a clear scope, or terms of reference, for the investigation. This usually includes detailed allegation(s) in relation to the conduct, performance or behaviour of a TCS employee or volunteer. The terms of reference may involve other factors such as whether policies, processes and procedures have been followed, or the investigation of a specific workplace incident.

The investigator(s) must be impartial and unbiased, therefore any conflicts of interest must be raised and dealt with at the outset under the TCS Conflict of interest declaration policy and TCS Conflict of interest declaration procedure.



The investigator(s) will ensure that complainants, witnesses and respondents involved in an investigation understand the investigation process and the role of the investigator.

The investigator(s) will gather information, generally through interviews and by review of documentation.

The investigator(s) must then determine whether the allegation(s) are substantiated, unsubstantiated, not able to be substantiated or not able to make a finding, based on the information gathered in the investigation process. The standard of proof used to make these determinations is a 'balance of probabilities'.

Once the investigation is completed, the investigator(s) will prepare a confidential investigation report for the nominated decision-maker for the particular investigation.

#### **The role of the decision maker**

It is very important to note that the investigator(s) is not the decision maker in relation to the outcome of an investigation. Again, their role is to be neutral throughout the investigation and determine, based on the balance of probabilities, whether the allegation(s) is substantiated, unsubstantiated, not able to be substantiated or not able to make a finding.

The decision maker, usually the Director: PES, is responsible for making the decision as to the investigation outcome, which may involve disciplinary action and/or other corrective action where the allegation(s) is substantiated.

Where the outcome is to recommend that an employee show cause as to whether their employment should be terminated, the final decision will be referred to the Executive Director: Catholic Schools.

Please contact the Professional Standards team should you have any additional queries regarding workplace investigations.

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#### **For more information**

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