



Student Protection Processes

Acknowledgement

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Preface

This document has been developed by Catholic Education Northern Territory to ensure appropriate responses are made whenever matters of student protection concern come to the attention of staff. The processes are intended to ensure that the steps taken at all levels will result in prompt, professional, sensitive and appropriate action being taken by Catholic Education Northern Territory personnel in schools and in the Catholic Education Office.

This document is to be read in conjunction with the CENT *Student Protection Guidelines*.

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Child Safeguarding Commitment Statement

Catholic Education Northern Territory is committed to the safety, wellbeing and empowerment of all children, young people and vulnerable adults. This commitment is drawn from, and inherent to, the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the Gospel. We recognise and uphold the dignity and rights of all children and young people and have zero tolerance for child abuse and exploitation.

We are committed to creating school, education and care environments where children and young people are respected, and where they are safe and feel safe. We provide opportunities for children and young people to have a voice and be heard.

We encourage open communication where families and communities are informed of relevant issues and have the opportunity to contribute to the decision-making process regarding the safety of children and young people.

We have policies and procedures in place to build a strong safeguarding culture. Employees and volunteers must follow these policies and procedures and thus contribute to the culture of the care and protection of all children, young people and vulnerable adults. It is essential that all employees and volunteers are committed to educating our community, and by remaining informed of the causes and signs of harm to children, young people and vulnerable adults.

We plan, organise and review all activities with children and young people, proactively considering potential risks and implementing control measures that reduce or eliminate these risks. All stakeholders are encouraged to communicate their concerns or suggest possible improvements to policies or procedures.

We are committed to responding sensitively and respectfully, in a timely manner, to anyone who raises a concern or allegation of harm to a child, young person or vulnerable adult. We report to the appropriate authority in line with our moral and legal obligations and our Investigating Complaints Policy.

We will regularly undertake internal and external auditing of our safeguarding policies and practices to make sure that they always support a culture that puts the safety of children and young people at the centre of our thinking, decision making and action.

1. Our Responsibilities

Under the *Care and Protection of Children Act 2007 (NT)*, the protection of children and vulnerable persons is everyone's responsibility. We all are to promote the wellbeing of children, including:

- to protect children from harm and exploitation; and
- to maximise the opportunities for children to realise their full potential.

We are also to provide information that promotes the wellbeing of children and families.

This document sets out the responsibilities for staff in schools regarding the protection of students. In this document, 'staff member' refers to any volunteer, employee, office holder or contractor.

Catholic Education NT is responsible for ensuring that:

- this document is freely available to staff members, students and parents;
- staff members, students and parents are made aware of the student protection processes;
- staff are trained in implementing the processes; and
- the processes are being implemented within the school.

2. Management of allegations against a staff member

The Principal is responsible for the management of allegations against staff, consultants, contractors, sub-contractors and volunteers, including visiting staff from the Catholic Education Office. If the allegation is against the Principal, then the Deputy Principal or Assistant Principal Religious Education manages the allegation.

3. Responding to and reporting student protection concern

- Identify student protection concerns through recognising the signs of abuse and harm, or through disclosures or receipt of information;
- Seek guidance and support – if necessary, confer with the Principal or Territory Families Child Abuse Hotline to establish whether a ‘reasonable belief’ has been formed;
- Where a reasonable belief of abuse, harm or inappropriate behaviour is formed – report the concerns according to the specific processes outlined in this document; and
- Remain focused on the support needs of the student and liaise with the Principal around any planning or actions that are required.

4. Seeking guidance and accessing support

It is essential that student protection processes are managed in a confidential manner that both preserves the dignity and privacy of all affected parties and ensures that any investigative process is not impaired.

- Use the Student Protection Guidelines to assist in recognising signs of harm or inappropriate behaviour of staff towards a student.
- The Teacher Registration Board of the Northern Territory has published resources that also may assist, namely the Code of Ethics, Protective Practices Guidelines and Managing Professional Boundaries Guidelines. These can be found through this link to the [website](#).
- Staff members can also access advice by telephone or email from the Integrity Officer/Child Safety Coordinator to assist with management of student protection matters. For matters relating to historical abuse, contact SA & NT Professional Standards Office on 08 8210 8275.

The management of any student protection concern should be recorded, using this document to detail the disclosure made by a student and any actions taken by the school. All information relating to a student protection concern, including this document, notes, the *Reporting Student Harm Documentation* form, the *Record of Concern* form and other documents must be stored securely and confidentially.

5. Reporting beliefs of harm or likely harm

Where a staff member forms a belief of harm, or harm has been disclosed to him/her, they must report this belief to the Child Abuse Hotline on 1800 700 250 or the Police on 131 444. The following is a guide to what to include (where possible, or if known).

- Reporter's details
- Child's details
- Parent's details
- Extended family or support network details
- Type of harm
- What has happened to the child
- When it occurred
- Where the incident happened
- Who was there
- Who is potentially responsible for the harm

The date when the report was made and the reference number provided by Territory Families and police must be recorded. The *CENT Reporting Student Harm Documentation* must be completed by the person making the report and the Principal, before emailing to the Director of Catholic Education Northern Territory.

Whilst the legislation relating to the mandatory reporting of harm/abuse/exploitation and likely harm/abuse/exploitation relates to students under 18 years of age, the processes extend the meaning to include students who are 18 years of age or above.

6. Responding to concerns

Concerns may be identified regarding a student that ultimately do not form a reasonable belief of harm/abuse/exploitation or likely harm/abuse/exploitation, however, indicate that without support or intervention a student and/or their family is/are at risk of entering the child protection system.

These concerns should be raised with the Principal, who may provide information to the student/and or their family about support services. These services may include CatholicCare, CENT Pastoral Care and Wellbeing Officers and Northern Territory Families and Children Enquiry and Support (FACES) – Telephone 1800 999 900. The families will need to contact FACES; they cannot be referred by the school.

The concerns are to be documented using the *Record of Concern* form and provided to the Safeguarding Contact at the school.

7. Responding to harm or allegations of harm

7.1. Harm or risk of harm to a student caused by self-harm

Where a staff member forms a reasonable belief that a student has self-harmed or is at risk of self-harm, the first priority is the immediate safety of the student and determining whether the self-harm or risk of self-harm is significant, for example an injury requiring medical attention. The priority in cases of significant self-harm is therefore meeting the immediate medical and psychological needs of the student, which may require the administration of first aid and/or immediate contact with emergency services or mental health services.

The staff member then raises the concern of self-harm with the Principal, and contact should be made with the student's parent/carer, unless doing so places the student at further risk of harm.

7.2. Harm or risk of harm to a student caused by another student

Where a staff member forms a reasonable belief that a student has been harmed or is at risk of being harmed by another student, the first priority is the immediate safety of the student, which will include determining whether the effect on the student is significant, for example, an injury requiring medical attention.

Where there is a significant injury or immediate risk of significant injury to a student, the priority is meeting the medical and safety needs of the student, which may require the administration of first aid, immediate contact with emergency services and contacting the student's parent(s) or carer(s).

Behaviour between students is managed in accordance with the school behaviour support guidelines. In cases where criminal offences have been alleged, for example the serious assault of a student by another student over the age of 10 years, parents and carers should be made aware of the option to pursue action through the Northern Territory Police. Catholic Education Northern Territory and schools administered by it will cooperate with any resulting investigation.

Allegations of bullying behaviours, including online behaviours, are managed in accordance with each school's *Pastoral Care and Wellbeing (Student) Policy* and the *School Wide Positive Behaviour* framework.

7.3. Responding to student sexual behaviour

Sexual behaviours of various kinds may be evident in children, particularly in the early years. Some forms of sexual behaviour may be considered developmentally appropriate for the child's age and stage of development. Other behaviours may indicate that the child could have been exposed to inappropriate material or experiences (for example, reports of very young children knowing about and experimenting with oral sex). [Resources](#) are available to assist in identifying age inappropriate sexual behaviour.

A belief or allegation that a student has been sexually abused may also be formed in some circumstances where a student exhibits concerning sexual behaviour. The person who forms the belief must report to the NT Child Abuse Hotline on 1800 700 250.

8. Advising parents

When a report to the Northern Territory Police and/or NT Child Abuse Hotline is required, it is important that parents are not contacted before the report is made. This is to ensure that any potential child protection or criminal investigation is not compromised.

Feedback is to be sought from the Police and/or NT Child Abuse Hotline on the possible timing of their intervention to assist at the school level in the management of any situation and to ensure the immediate safety of any students involved. This information must include when the school may discuss the matter with the student's parent(s) or carer(s). This is particularly significant in cases of student-to-student sexual behaviour where it is important for the student's well-being to enable the parent to support the student and take steps to protect them.

9. Provision of pastoral care and support

Pastoral care and support will be offered to the student concerned and his/her family, to the staff member against whom the report has been made, and any others involved. The welfare and best interests of any students involved will be paramount and advice must be sought regarding appropriate support for the student and his/her family. This advice may be sought from CatholicCare and Catholic Education Office personnel.

10. Responding to allegations of inappropriate behaviour

There are two intervention levels that may be considered when responding to alleged inappropriate behaviour towards a student. They are as follows:

- Level 1 Intervention – for responding to reports of minor inappropriate behaviour; or
- Level 2 Intervention – for responding to reports of repeated, serious or more complex inappropriate behaviour (this also includes harm or abuse which is reportable to the Police).

10.1. Level 1 Intervention definition:

Response to conduct that is inappropriate within the circumstances of normal duties and the normal interactions between students and adults.

This inappropriate conduct may not be serious to warrant summary dismissal, but may warrant action by the Principal to protect the student and/or to discipline or counsel the staff member. Refer to Section 11 in the Student Protection Guidelines and the Teacher Registration Board of the Northern Territory publications: Protective Practices Guidelines and Managing Professional Boundaries Guidelines. The following examples are illustrative only and not exhaustive:

- Inappropriate touching of students;
- Inappropriate disciplinary actions against a student;
- Constant humiliation of a student;
- Inappropriate discussions of a sexual nature with a student; and
- Sharing printed or electronic images or material containing offensive/inappropriate images or references.

10.2. Level 2 Intervention definition:

Response to conduct that is unlawful by an adult to a student or unacceptable within the circumstances of normal duties and the normal interactions between students and adults that can lead to the summary dismissal of the staff member. It may also repeated, serious or more complex inappropriate behaviour by a staff member towards a student.

The following examples are illustrative only and not exhaustive. Further examples are provided in Section 18 of this document.

- Sexual touching, either over or under clothing;
- Sexual penetration;
- Use of excessive force when restraining a student;
- Sharing sexually explicit printed or electronic images or material;
- Causing deliberate physical injury to a student;
- Use of corporal punishment;
- Grooming of a student; and
- Victimisation of a student.



11. Managing Risk

A Risk Assessment must be conducted and continually reviewed and updated as required through the Intervention process. The Risk Assessment examines what steps should be taken to appropriately ensure child safety, i.e. what the arrangement will be for the children involved, other children, the subject of the allegation, and how the investigation can best be managed. As a result of the risk assessment, the staff member may have his/her duties restricted or be stood down from his/her duties.

All parties, i.e. the staff member, child and parent/carer, are to be advised of the need to observe confidentiality.

If a staff member becomes aware of an allegation against himself/herself in relation to his/her alleged inappropriate behaviour towards a student, he/she must report the matter to the Principal without delay.



12. Considerations around restricting duties and standing down staff members

The staff member concerned will be informed of the decision to stand him/her down or restrict his/her duties. The basis for this decision will be provided to the staff member in writing. The staff member will be reminded that they may access the confidential counselling services available to all staff members through the employee assistance program. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

The staff member will normally continue on full pay during the stand down period unless disqualified or prevented from performing his/her duties by an external body. The Director of Catholic Education (or delegate) will discuss with the person what statement, if any, will be made to staff and the school community concerning his/her absence from school. Any such statement will be subject to restrictions contained in legislation.

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13. Further Guidance on the role of the Principal

It is the responsibility of the Principal to consult with the Director of Catholic Education and coordinate the response and to implement any action.

The Principal is responsible for implementing appropriate support processes for students and staff to prevent further harm, enable students to feel emotionally and physically safe and repair relationships.

The decision regarding whether to, and how to, gather further information will depend on factors such as the relative seriousness of the allegation, the expectations of the complainant(s), any record of past reports of inappropriate behaviour on the part of the staff member, and the likelihood of an allegation being able to be substantiated given the circumstances.

A staff member may admit inappropriate behaviour. The inappropriate behaviour will then be addressed through documented management advice/guidance and/or correction. Conciliation/mediation may be provided if desired by the complainant.

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Principal will inform the Director as soon as possible.

A formal investigation (as opposed to information gathering to allow an assessment of the matter to be made) must not be undertaken at the school level without the authorisation of the Director of Catholic Education.

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14. Notifications to the Teacher Registration Board of the Northern Territory

The Teacher Registration Board of the Northern Territory (TRB), in accordance with the Teacher Registration (Northern Territory) Act, is to ensure that only persons who are fit and proper, appropriately qualified and competent to teach are able to teach children in the NT. Principals and teachers have an obligation to share particular information as events occur.

Obligations for the employer

The TRB must be notified if:

- Any action is taken against a teacher in relation to his or her serious misconduct.
- There are circumstances that call into question the teacher's fitness to teach; and the teacher leaves before any action is taken (i.e. through resignation, mutual agreement or expiration of a short-term contract).

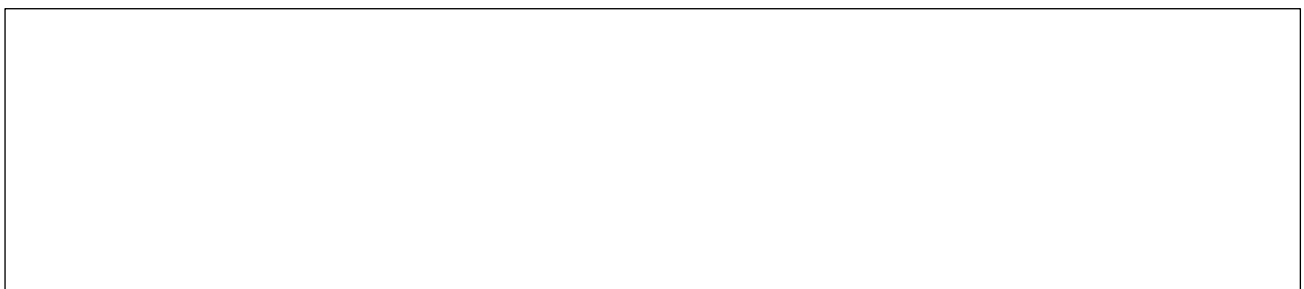
The TRB is to be notified:

- Once the investigation is finalised; and
- Action has been taken in relation to findings of serious misconduct or fitness to teach. For example:
 - A formal warning or reprimand;
 - An order to undertake training or counselling;
 - A reduction in benefits or entitlements;
 - A financial penalty; OR
 - Suspension of employment or removal from teaching duties (with or without pay).



15. Notifications to the Australian Children's Education & Care Quality Authority (ACECQA).

Any belief or allegation of physical and / or sexual abuse of a child enrolled in an early learning centre, preschool or out of school hours care service must be reported to Quality Education and Care Northern Territory (QECNT) as required by the Education and Care Services (National Uniform Legislation) Act 2011 (NT) via the National Quality Agenda IT System (NQAITS). All notifications must be sent to the Approved Provider, CENT Education Officer Early Years and the Integrity Officer/Child Safety Coordinator.



16. The role of Catholic Education Northern Territory Office

The Director of Catholic Education (or delegate) is responsible for checking whether any previous Intervention Reports have been received concerning the staff member and will determine what further action, if any, needs to be taken.

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Director of Catholic Education must inform the relevant church authority.

The Integrity Officer/Child Safety Coordinator is available for consultation and advice.

17. Level 1 Intervention Process

(When a report relates to repeated or multiple minor breaches reported at about the same time, they may need to be actioned as a Level 2 Intervention.)

For reports of minor breaches and inappropriate behaviour:

- clarify the concern with the student/parent/complainant;
- document concerns if provided verbally;
- determine the boundary violation (refer to the *Student Protection Guidelines*);
- confirm the Level 1 Intervention as the appropriate process;
- discuss the concern with the staff member, allowing him/her to have a support person present;
- gather additional information if required (for example, where the staff member denies or contests the allegation, or the age or other characteristic of the child necessitates further enquiry);
- document the staff member's account of the matter;
- determine and action the appropriate student support strategies;
- determine and action the appropriate staff intervention strategies;
- consult with the Director of Catholic Education;
- action any amendments;
- produce a report on the Level 1 Intervention;
- supply a copy of the report to the staff member, the Integrity Officer/Child Safety Coordinator;
- advise the complainant/student's parents/carers of the completion of the process.

17.1. The Level 1 Intervention Report

The Level 1 Intervention Report includes:

- the details and circumstances of the allegation;
- relevant actions taken by the Principal to assess the allegation;
- the staff member's account of the incident including whether or not the behaviour alleged has been admitted, admitted with qualification or denied by the staff member;
- the determination as to whether the behaviour alleged is assessed to be contrary to Catholic Education Northern Territory Code of Conduct and the Catholic Diocese of Darwin Safeguarding Code of Conduct;
- the Risk Assessment; and
- details of the advice/guidance that has been provided to the staff member.

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18. Level 2 Intervention

A Level 2 Intervention is undertaken following a report of repeated, serious or more complex inappropriate behaviour by a staff member towards a student. Such behaviour, if substantiated, would constitute misconduct and would justify a formal disciplinary sanction against the staff member.

In circumstances where there is a report or reasonable belief of harm/abuse or likely harm/ abuse of a student by a staff member to the Police or Territory Families, investigation by the Principal under a Level 2 Intervention is not to be commenced until such time as the relevant statutory authority advises that the processes may commence. This is to ensure that any action taken does not compromise any potential criminal investigation.

Examples of repeated, serious or more complex inappropriate behaviour requiring a Level 2 Intervention Request include, but are not restricted to:

Repeated behaviours

- repeated behaviour of a kind that has previously been dealt with by a Level 1 Intervention(s);
- multiple instances of behaviour, reported at or about the same time, of a type that would normally be dealt with by a Level 1 Intervention, but which taken together could justify a formal disciplinary sanction;
- significant repeated victimisation; and
- other repeated inappropriate behaviours.

Serious behaviours

- serious inappropriate physical contact. (Even minor assaults can be criminal offences. The management and investigation of these matters will depend on factors like the seriousness of any injury, the wishes of the parties involved, whether the Northern Territory Police Service has become involved, and whether the staff member has a previous history of similar conduct);
- serious emotional abuse;

- aggressive or abusive interactions (verbal/nonverbal/physical); and
- other serious inappropriate behaviour.

Complex behaviours

- multiple boundary violations in one incident;
- personal circumstances of the student such as mental health issues, history of trauma or disability;
- personal circumstances of the staff member; and
- other complex inappropriate behaviour.

19. Level 2 Process

The Process is:

- assess the nature of the concern;
- clarify the concern with the student/parent/complainant;
- gather additional information if required and/or after consultation with the Integrity Officer/ Child Safety Coordinator;
- determine the boundary violation;
- outline the rationale for the Level 2 Intervention;
- determine and action the appropriate student support strategies; and
- propose and action the appropriate staff intervention strategies.

19.1. The Level 2 Intervention Report

The Level 2 Intervention Report includes:

- the details of the allegation;
- details of harm to the student;
- relevant actions taken by the Principal to clarify the concern, gather information and make an initial assessment of the matter;
- where appropriate, the staff member's account of the incident including whether or not the behaviour alleged has been admitted, admitted with qualification or denied by the staff member;
- the Risk Assessment; and
- the rationale for the Level 2 Investigation.

19.2. Investigation of Level 2 matters

The Director of Catholic Education will determine who shall most appropriately investigate the allegation/s. The Director may authorise the Principal, a Catholic Education Office staff member, or an external party to conduct the investigation.

19.3. The Investigation report

The investigator shall present the Principal with a report which includes:

- the allegations that were investigated;
- a description of how the investigation was conducted;
- a list of witnesses interviewed, and an explanation of how the witnesses were determined and selected;
- details of what evidence and information was obtained during the investigation;
- an assessment of the evidence; and
- clear explanation as to the reason for the findings, substantiated on the balance of probabilities.

The Principal will send the report to the Director of Catholic Education and keep the investigation report in a confidential file.

19.4. Determination of misconduct

- If, after the investigation, the Principal has determined that allegations of inappropriate behaviour are substantiated and that they constitute misconduct, the Principal will communicate this in writing to the staff member and may recommend disciplinary action to the Director of Catholic Education.
- If the staff member's employment or work in the school is not being terminated, the staff member will receive a letter stating the seriousness of the misconduct, any disciplinary action and a warning that further substantiated misconduct may lead to termination of the staff member's services.
- If on the evidence the Director is considering the termination of the staff member's services then the Principal will provide the staff member with a timeframe within which the staff member is given the opportunity to show cause as to why his/her employment should not be terminated. Any submission that the staff member chooses to make in response within the timeframe given will be considered.
- Following receipt of the submission from the staff member, the Principal, in consultation with the Director, will make a decision in relation to the staff member's employment status and will communicate this in writing to the staff member.

19.5. No determination of misconduct

If, following the presentation of the investigation report, the Principal, in consultation with the Director has determined that the allegations of inappropriate behaviour are not substantiated and therefore no misconduct is substantiated, the Principal will communicate this in writing to the staff member.

19.6. Finalisation of a Level 2 Intervention

- The Principal will advise the parent or carer of the student concerned in writing of the completion of the intervention unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented. Any other complainants (including students) will also be advised of the completion of the intervention.
- The provision of ongoing pastoral care and support, as required, will be offered to the student and their family, and any others involved. The welfare and best interests of any student involved will be paramount.
- If the staff member continues to work at the school, the Principal will support the pastoral care of the staff member, and the staff member will be reminded of the confidential counselling services available to all staff members through the employee assistance program. Reasonable steps will be taken by the Principal to manage risks and to provide appropriate ongoing supervision of, and support for, the staff member.

- If the staff member has been stood down during the investigation and returns to work at the school, all reasonable steps will be taken by the Principal to assist the staff member to reintegrate into the school community.

20. Action following a Mandatory Report to Police about a staff member

After a matter relating to the behaviour of a staff member is reported to the Northern Territory Police Service, the Principal will:

- commence a risk assessment process and action any relevant risk mitigation;
- seek advice from the Northern Territory Police Service about the status of any investigation including determining when a staff member may be informed of the complaint;
- consult with the Director of Catholic Education regarding any required actions including investigation, pastoral support, and the consideration of any requirement to stand down a staff member from duties; and
- assist with any communication which may be required to school communities after consideration of and/or consultation with stakeholders.

21. Outcomes of a Police investigation

21.1. No charge

The Northern Territory Police Service may not charge when there is insufficient evidence to support a charge following a police investigation.

Where there is no charge, the matter is referred to the Principal, who in consultation with the Director, will authorise the commencement of a Level 2 Process which may result in disciplinary action.

21.2. Charge

The Northern Territory Police Service may charge a staff member.

Catholic Education Northern Territory will cooperate with the Northern Territory Police Service and SAFENT and action any advice received from the Teacher Registration Board of the Northern Territory with regard to the status of a teacher's registration or Working With Children Clearance with regard to a non-teaching staff member.

There can be one of two outcomes following charging: no conviction or conviction.

No conviction

- The failure of a court to record a conviction against the staff member against whom a charge has been laid or a decision by the Northern Territory Police Service not to prosecute, does not necessarily mean that the allegation was unwarranted and that the staff member has no case to answer. The fact that a staff member has been found 'not guilty' of an offence does not automatically mean that a matter has been closed.
- The standard of proof required for disciplinary action within the employer-employee relationship is 'on the balance of probabilities', rather than the criminal standard of 'beyond reasonable doubt'. When Catholic Education Northern Territory becomes aware that a staff member has not been found guilty of an offence with which they have been charged or that a conviction has not been recorded, a Level 2 process will be commenced. The Level 2 process may result in disciplinary action.
- Documents on the public record as a result of court or tribunal proceedings, and/or materials made available as a result of a Northern Territory Police Service investigation may be considered as part of any investigation conducted by or on behalf of Catholic Education Northern Territory.

Conviction

- If a current staff member is convicted in a court of law for an offence against a student that is deemed to be serious professional misconduct, then the Principal in consultation with the Director of Catholic Education will make a determination about continuing the employment of the staff member.
- The outcome of the court proceedings will be included in the formal communication regarding the termination of the staff member's employment.
- If the conviction is for a charge that is deemed to be less than serious misconduct but is contrary to the Catholic Education Northern Territory Code of Conduct and the Catholic Diocese of Darwin Safeguarding Code of Conduct, then the Principal in consultation with the Director will proceed to take disciplinary action against the staff member.

