

EPAC Review: Another Missed Opportunity

If a complaint is raised by a parent about a school staff member, the complaint often goes nowhere. The complaint may go up the chain of command, and the parent may never hear of it again. If they persistently follow up on it, they often get no response or are told “nothing to see here”.

This bureaucratic defensiveness of the NSW Department of Education will be familiar to many who have made complaints about the conduct of school staff. That’s why when the Department announced a review of the unit responsible for investigating staff performance and misconduct – the Employee Performance and Conduct directorate, or EPAC – we saw it as an opportunity to reform the process for the better. So it is disappointing that the review’s recommendations fell short of meaningful change. We have the following concerns:

- We are especially disappointed that the EPAC review did not prioritise the interests of students and families. We had recommended to the review that a teacher being investigated for their teaching or ability to provide a safe environment should not be left unsupervised while under investigation, and that where misconduct or underperformance has been identified, the effect on students should be determined and steps should be taken to restore their learning outcomes. The review did not address this at all.
- One big change would be to make EPAC a truly independent investigative body, to ensure that the outcome of an investigation is not influenced by relationships in schools or the Department. We recommended moving EPAC outside line management, and making them responsible for handling all complaints about staff conduct or performance. Instead, the review recommended pushing even more issues onto school management and away from EPAC, which will only exacerbate concerns about conflicts of interest.
- The proposed way of deciding whether EPAC or school managers will handle an allegation is by deciding if it is ‘serious’ misconduct or ‘low-level’ misconduct, with EPAC only being responsible for serious misconduct. How EPAC decides what qualifies as serious misconduct remains very arbitrary, and according to the report, even a teacher hitting a student is treated by EPAC as ‘low-level’, as long as the student is not injured. It is difficult to see how the review’s recommendations will improve parents’ experiences with the complaints process.
- A key problem with EPAC is the severe lack of staff able to handle complaints. We had recommended EPAC employ 1 investigator for every 100 Department staff, whereas there is currently about 1 investigator for every 1800 staff. The review instead proposed only about 12 additional positions, which is not likely to make any discernible difference.

For these reasons, we do not believe the proposed reforms will meaningfully improve the experience of families who wish to raise complaints. Instead, the recommendations will entrench or exacerbate the defensive mindset of the Department, and the wellbeing of students will not be any different to what it is now. We call on the Department to reform the complaints process meaningfully, and with the interests of students as its foremost priority.

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