

## REPORTABLE CONDUCT POLICY

### 1. STATEMENT OF CONTEXT AND PURPOSE

The School is committed to the safety of its students. Under the Child Wellbeing and Safety Act 2005 (Vic), the School must investigate and report to the Commission for Children and Young People allegations of 'employee' reportable conduct. This policy sets out the School's approach to complying with the reportable conduct scheme. This policy operates together with the Mandatory Reporting Policy and the Child Safety Policy and Procedure.

### 2. APPLICATION

This policy applies to all staff (including an employee) of the School, as well as volunteers, contractors, parents, students, prospective parents and prospective students and other people who are associated with, or come in contact with, the School.

### 3. DEFINITIONS

**Act** means the Child Wellbeing and Safety Act 2005 (Vic).

**Child Safety Officer** means the Child Safety Officer as set out in the Child Safety Policy.

**Commission** means the Commission for Children and Young People.

**Employee** means a person of, or over, the age of 18 who is:

- employed by the School whether or not that person is employed in connection with any work or activities of the School that relates to children; or
- engaged by the School to provide services, including as a volunteer, contractor, office holder or officer, whether or not that person provides services to children; and/or
- a minister of religion.

**Immediately** means as soon as reasonably practicable, within a period of 24 hours (or if after hours, the next business day).

**Reportable Allegation** means any information that leads a person to form a reasonable belief that an employee has committed Reportable Conduct, or misconduct that may involve Reportable Conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment at the School.

**Reportable Conduct** means:

- a sexual offence committed against, with, or in the presence of a child, whether or not a criminal proceeding has commenced or concluded in relation to the offence; or
- sexual misconduct committed against, with, or in the presence of a child; or
- physical violence committed against, with, or in the presence of a child; or
- any behaviour that causes significant emotional or psychological harm to a child; or
- significant neglect of a child.

**Reportable Conduct Scheme** means the scheme to report reportable conduct established under Part 5A of the Child Wellbeing and Safety Act 2005 (Vic).

**Sexual misconduct** includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism.

**Sexual offence** means a sexual offence referred to in the Sentencing Act 1991 (Vic), which includes, but is not limited to, rape, attempted rape, sexual assault, incest, grooming, and distribution and possession of child abuse material.

**Significant means**, in relation to emotional or psychological harm or neglect, that the harm or neglect is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.

## 4. REPORTABLE ALLEGATIONS PROCEDURE AND OBLIGATIONS

The School has specific obligations under the Reportable Conduct Scheme. To assist the School in meeting its obligations under that scheme, all staff (including employees), parents, students, visitors and contractors have responsibilities in relation to reportable allegations. This section of the Policy outlines these various obligations and responsibilities.

### 4.1 MANDATORY REPORTING – REPORTABLE ALLEGATIONS

After becoming aware of conduct that might amount to a Reportable Allegation, all staff (including employees), parents, students, visitors and contractors, must immediately report the matter to a Child Safety Officer.

The Child Safety Officer must then notify the Principal of the matter.

Reportable Allegations may also be made by persons external to the School, in the manner described above.

Any person may also disclose a Reportable Allegation directly to the Commission. However, reporting the Reportable Allegation to the Commission does not displace the requirement to notify a Child Safety Officer of the matter.

If a child is at immediate risk of abuse or danger Victoria Police should be contacted without delay on 000; with subsequent notification to a Child Safety Officer.

### 4.2 OBLIGATIONS ON THE PRINCIPAL

Following receipt of a Reportable Allegation, or the Principal otherwise becoming aware of a Reportable Allegation against an employee, the Principal must:

- Manage immediate risks: manage any immediate risks to children, which for allegations of suspected Reportable Conduct, will involve reporting to Victoria Police;
- Notify: ensure the Commission is notified in writing within three (3) business days of becoming aware of the Reportable Allegation of the following:
  - that a Reportable Allegation has been made against an employee;
  - the name and date of birth of the employee concerned;
  - whether Victoria Police has been contacted about the Reportable Allegation;
  - the address and telephone number of the School; and
  - the Principal's name.
- Investigate: as soon as practicable, investigate the Reportable Allegation or permit an independent investigator to do so (subject to police clearance on criminal matters). The Principal must inform the Commission of the person conducting the investigation. The

investigator must provide information or documents obtained in the investigation to the Commission if the Commission makes such a request.

- Update: notify the Commission in writing within thirty (30) business days of becoming aware of the Reportable Allegation of the following:
  - detailed information about the Reportable Allegation;
  - whether or not the School proposes to take disciplinary or other action in relation to the employee concerned and the reasons for this decision; and
  - any written submission made by the employee concerned regarding whether disciplinary or other action should be taken.

#### 4.3 REPORTABLE CONDUCT ALLEGATION INVESTIGATIONS

Allegations of suspected Reportable Conduct will be reported to Victoria Police as the first priority, who will maintain the primacy of an investigation.

The School will work with Victoria Police and the Commission to ensure:

- allegations of criminal conduct are dealt with appropriately; and
- any internal investigation, aimed at gathering and examining information to establish and make findings in relation to allegations of child abuse against an employee, does not interfere with police investigations.

Any investigation initiated by the School, may include recommendations about what disciplinary or other action should be taken (if any).

In circumstances where the School is unable to investigate or otherwise engage an independent person or body to investigate a Reportable Allegation, the School will work with the Commission, to the greatest extent possible, to support the Commission's independent oversight and investigation into the matter.

#### 4.4 PROCEDURAL FAIRNESS

Determinations made with respect to Reportable Allegations are required to be made on the balance of probabilities, following principles of procedural fairness.

In response to a Reportable Allegation, the School must:

- obtain clearance from Victoria Police, if the allegation is criminal in nature, before initiating a workplace investigation; and
- before any findings are made or disciplinary action taken:
  - notify the employee who is the subject of the allegation, of details of any adverse information that is credible, relevant and significant. This need not be at the time the Commission is notified so as to ensure an investigation is not compromised; or at all, in circumstances where the allegations are fictitious.
  - provide the employee who is the subject of the Reportable Allegation, a reasonable opportunity to respond to that information.

Any person that is the subject of a Reportable Allegation may choose (but is not obliged) during the course of an investigation, to give information or documents that support their version of events; or prove/disprove any fact or issue being investigated.

In circumstances where other allegations or concerns are identified the additional information will be considered by the investigator, and may add or change the nature and/or scope of the Reportable Allegation.

Interviews with witnesses, management, other staff, the employee and/or victim of the allegation may be undertaken by: Victoria Police; the School; an independent investigator engaged by the School; the Commission or other regulator; with expert opinion or advice (such as from a specialist medical practitioner or legal counsel) obtained during a workplace investigation as deemed required.

## **5. INTERACTION WITH MANDATORY REPORTING POLICY AND CHILD SAFETY POLICY**

This policy operates in conjunction with the Mandatory Reporting Policy and the Child Safety Policy. The obligations under the Reportable Conduct Scheme are in addition to the obligations set out in the Mandatory Reporting Policy and the Child Safety Policy.

For the avoidance of doubt, conduct that is reportable under the Mandatory Reporting Policy and the Child Safety Policy also constitutes Reportable Conduct under this policy.

## **6. IMPLICATIONS FOR PRACTICE**

### **6.1 AT BOARD / PRINCIPAL LEVEL**

To properly implement this policy, the School, the Board and/or the Principal must ensure that:

- this policy is endorsed on an annual basis;
- copies of this policy are made available to all staff (including employees), parents and students (including prospective parents and students), for example on the School intranet and internet page, as well as in physical form in the staff room and on employee bulletin boards;
- this policy is incorporated into the Board's / Principal's record of current policies.

### **6.2 AT OTHER LEVELS**

To properly implement this policy, all the School's staff (including employees), as well as parents, students, prospective parents and prospective students must ensure that they will abide by this policy and assist the School in the implementation of this policy and meeting its obligations under the Reportable Conduct Scheme. In addition, all prospective parents and students of the School will be required to sign appropriate terms and conditions of enrolment.

## **7. REFERENCE POINTS / BACKGROUND PAPERS**

- Child Wellbeing and Safety Act 2005 (Vic);
- Crimes Act 1958 (Vic);
- Sentencing Act 1991 (Vic);
- Child Safety Policy and Procedure;
- Child Safe Standards 1-7; and
- Mandatory Reporting Policy.