

## FORM 9: Reportable Conduct Scheme Policy



### St Mary's Mooroopna REPORTABLE CONDUCT SCHEME POLICY

This is a Sandhurst Catholic school which operates with the consent of the Bishop of Sandhurst and is owned and operated by Catholic Education Sandhurst Limited (CES). This Policy forms part of the Child Safety Framework which is available at this school.

This school is committed to the safety of all children and has 'zero tolerance' for child abuse. The importance of embedding a child safe culture across the school is recognised and paramount; as is our commitment to complying with the requirements of CES Ltd.

This school is committed to providing a safe environment for all students and young people and takes active steps to protect them against neglect and abuse. The school maintains a comprehensive suite of child safety policies and strategies, and acknowledges its responsibility to report any misconduct by an employee, volunteer or contractor to the CCYP.

## 1. Purpose

From 1 July 2017, the Victorian Government legislated the introduction of a Reportable Conduct Scheme (RCS) to improve how organisations, including schools, respond to allegations of child abuse and child-related misconduct by employees, volunteers and contractors.

The Reportable Conduct Scheme is focussed on employee, volunteer and contractor conduct and how organisations investigate and respond to suspected child abuse. This school must ensure that it maintains systems that:

- prevent reportable conduct by employees of the school within the course of their employment
- ensure reportable allegations are made to the Principal or made directly to the CES Ltd Executive Director if the reportable allegation concerns the Principal
- ensure reportable allegations that involve employees, volunteers, contractors and the Principal are reported to the CCYP.

## 2. Scope

Insert date

This policy applies to all CES Ltd school employees, volunteers and contractors and those listed in the *Victorian Child Wellbeing & Safety Act 2005, Children's Legislation (Reportable Conduct) Act 2017*.

### 3. Definitions

#### Who is an Employee?

For the purposes of the Act, employee is defined as a person aged 18 years or over who is:

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

**School staff** means an individual working in a School environment who is:

- directly engaged or employed by a School governing authority such as teaching and non-teaching staff and school leaders
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary) such as members of school boards, contractors, canteen staff or cleaners
- a minister of religion (clergy, and religious personnel (Brother, Sister, Monk).

### 4. Policy Statement

This school will abide by the requirements of the Reportable Conduct Scheme in dealing with allegations of misconduct or child abuse, based on a reasonable belief, that relate to employees, volunteers and contractors in the school. This includes where a reportable allegation is made against the school Principal.

The school principal, or in the case of an allegation about the principal, another school leader, will ensure the reporting of any reportable allegation made about an employee, volunteer or contractor to the CES Ltd Office, Assistant to the Director: Pastoral Wellbeing, who is required to report the matter to the Executive Director, CES Ltd as the head of entity for reportable conduct matters.

The school's Principal does not have to agree with or share the belief that the alleged conduct has occurred. However, they must notify the CES Ltd Office, Assistant to the Director: Pastoral Wellbeing for further advice as to whether the allegation is reportable to the CCYP by the CES Ltd Executive Director.

The CES Ltd Executive Director, will then report the alleged misconduct to the CES Ltd Board and the CCYP within three days of becoming aware of the allegation and update CCYP of progress of the investigation within 30 calendar days. In accordance with [CES Ltd Policies and Procedures](#), the actual notification to CCYP can be made by the Assistant to the Director: Pastoral Wellbeing on behalf of the Executive Director.

## 5. Policy Implementation

The CES Ltd Executive Director as Head of Entity, in consultation with the school Principal, will report the alleged misconduct to the CCYP within the three (3) days. In the event that an allegation of reportable conduct is made about the school Principal, the matter must be reported to the CES Ltd Office Assistant to the Director: Pastoral Wellbeing who will then notify the Executive Director of CES Ltd.

### What is Reportable Conduct?

Table 1: Reportable conduct categories

Sexual Abuse	Physical Abuse	Psychological or Emotional Harm	Significant Neglect	
<ul style="list-style-type: none"> <li>• Rape or Sexual Assault</li> <li>• Sexual activity with or in the presence of a child</li> <li>• Grooming or encouraging a child to engage in sexual activity</li> <li>• Offences relating to child abuse material</li> </ul>	<ul style="list-style-type: none"> <li>• Behaviour, physical contact, speech or other communication of a sexual nature</li> <li>• physical contact without valid reason</li> <li>• Crossing professional boundaries</li> <li>• Voyeurism</li> </ul>	<ul style="list-style-type: none"> <li>• Hitting, kicking, punching</li> <li>• Pushing, shoving, grabbing, throwing, shaking</li> <li>• Use of an object</li> <li>• Inappropriate restraint, excessive force</li> </ul>	<ul style="list-style-type: none"> <li>• Exposure to violence or threats of violence</li> <li>• Anti-social behaviour</li> <li>• Self-destructive behaviour</li> <li>• Persistent hostility or rejection</li> <li>• Humiliation or belittling</li> <li>• Scapegoating</li> </ul>	<ul style="list-style-type: none"> <li>• Deprived from the following:</li> <li>• Clothing or food</li> <li>• Medical Attention or care</li> <li>• Shelter</li> <li>• Supervision</li> <li>• Access to drugs or alcohol.</li> </ul>

Any reportable allegation listed above will be immediately reported by the school Principal.

It is important to note that existing Mandatory Reporting obligations have not changed. The school will report any allegation of abuse to DFFH Child Protection.

If the alleged conduct is potentially criminal in nature, Victoria Police must also be notified as a first priority and any investigation by Victoria Police will take precedence.

Where the allegation falls under the Mandatory Reporting domain, the reporting to CCYP is in addition to reporting to Police and DFFH.

### Reportable conduct, Mandatory reporting and reporting to VIT

Reportable conduct allegations as listed above are referred to CCYP

Any alleged conduct that is regarded to be of a criminal nature is to be dealt with as mandatory reporting and referred to Victoria Police and DFFH according to the PROTECT: Responding and Reporting Obligations Polic, and Procedures.

If the staff member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the school must notify VIT immediately under *Conduct that is Reportable to the Victorian Institute of Teaching*.

### **Responsibilities of the School Principal/CES Ltd Office**

The school Principal is responsible for the initial notification of any reportable conduct matter arising from their school and for participating in the investigation of any reportable allegation, in consultation with the appointed representative from the CES Ltd Executive Leadership Team.

School staff are not required to make a report directly to the CCYP. It is the responsibility of the Principal to notify CES Ltd Office.

In the event of a reportable allegation against the school principal, this must be reported to the CES Ltd Office Assistant to the Director: Pastoral & Wellbeing who will then notify the Executive Director of CES Ltd who is ultimately responsible for reporting to the CCYP.

### **Reporting to CCYP**

Upon becoming aware of alleged misconduct the school will commit to meeting the following milestones and reporting to the CCYP as included in Table 2: Reporting to CCYP at the end of this document. The head of an organisation (Head of Entity) is the person who is primarily responsible for an organisation's compliance with the Reportable Conduct Scheme. For the purposes of the Reportable Conduct Scheme, the Head of Entity has been identified as the Executive Director of CES Ltd. While heads of organisations are responsible for ensuring their organisations comply with the Scheme, the Commission does not expect heads to carry out their responsibilities alone. Heads of organisations can get help from other people within their organisation to fulfil their obligations under the Scheme. This may include creating and developing systems, sending approved notifications to the Commission, and conducting investigations on their behalf. While heads of organisations can seek internal support and assistance from within their organisations, it is ultimately their responsibility to ensure the Commission is notified of any reportable allegations they become aware of.

### **Investigating Reportable Allegations**

The school will ensure procedural fairness throughout the entire investigation process.

*NOTE: It is anticipated that any investigation will be undertaken by a suitably qualified, third party engaged in consultation with CES Ltd Office Assistant to the Executive Director: Pastoral Wellbeing.*

The school will however, ensure that all relevant policies and procedures are used to guide the investigation including Codes of Conduct, processes for managing and investigating complaints, misconduct, discipline, grievances, dispute resolution and employee welfare and support.

## Procedural Fairness

This school acknowledges that the procedures used to conduct an 'initial investigation' into 'reportable conduct' are fair and reasonable. This will usually include ensuring that, before any findings are made or disciplinary action is taken, the subject of an allegation:

- is notified of any adverse information that is credible, relevant and significant
- has a reasonable opportunity to respond to that information.

Procedural fairness; however, *does not* require the school to notify the subject of the allegations when the CES Ltd Office Assistant to the Director: Pastoral Wellbeing or CCYP are first notified or when the reportable allegations are deemed to be unsubstantiated.

The school will give consideration to when the subject of the reportable allegation should be first told about an allegation, in order to ensure the investigation is not compromised, but remains procedurally fair.

## Initial Investigation

Upon receipt of a reportable allegation the Principal will immediately contact the CES Ltd Office Assistant to the Director: Pastoral Wellbeing for advice and counsel. Subsequent to this the Principal will commence an initial investigation into the alleged misconduct to determine if it can be substantiated.

When participating in an initial investigation into reportable conduct the Principal will apply the balance of probabilities as the standard of proof. This means that all preliminary enquiries will consider whether it is more likely than not that reportable conduct has occurred.

To establish the balance of probabilities the Principal will gather information by conducting and documenting interviews with the alleged victims, their parents or guardians and any other witness or individual identified as having knowledge of the misconduct.

Time will be taken to compare versions of events given by different witnesses in order to decide which version is the more probable. However, investigations will not undertake a mathematical or mechanical assessment of probabilities. Rather, the person conducting the investigation must be persuaded, based on the information available, that reportable conduct has occurred and must be further investigated.

Upon the conclusion of the initial investigation into the reportable allegation, the Principal will provide a written brief to CES Ltd Office Assistant to the Director: Pastoral Wellbeing for further advice and counsel to ensure school meets its legislative obligations.

**If the alleged conduct is potentially criminal in nature, Victoria Police must also be notified as a first priority and any investigation by Victoria Police will take precedence.**

## Record Keeping and Privacy Act

The school maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

The school must not publish information that would enable the identification of:

- a person or who notified the Commission
- a child in relation to whom a reportable allegation was made or a finding of reportable conduct was made.

The Act provides more information on the meaning of publish, which includes making the information publicly available in writing or email.

**Table 2: Head of Entity (Executive Director) Reporting to CCYP**

Within 3 Business Days	Within 30 Calendar Days	Advice on Investigation	Outcomes of Investigation	Additional Documents
<ul style="list-style-type: none"> <li>• School Contact Details</li> <li>• Name of the employee, volunteer or contractor</li> <li>• Their date of birth</li> <li>• Initial advice on the nature of the allegation</li> <li>• Any Police Report</li> </ul>	<ul style="list-style-type: none"> <li>• Details of the allegation</li> <li>• Details of the school's response</li> <li>• Details regarding disciplinary or other action proposed</li> <li>• Any written response from the employee, volunteer or contractor regarding the allegation, proposed disciplinary or other action</li> </ul>	<ul style="list-style-type: none"> <li>• As soon as is practical:</li> <li>• Name of the investigator</li> <li>• Their contact details</li> </ul>	<ul style="list-style-type: none"> <li>• Copies of the investigation findings</li> <li>• Details regarding disciplinary or other action proposed</li> <li>• Reasons for taking or not taking action</li> </ul>	<ul style="list-style-type: none"> <li>• Promptly providing any further information to the CCYP as requested</li> </ul>

## 6. Relevant Legislation

*Child Wellbeing & Safety Act 2005 (Vic)*

*Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)*

*Protecting Children — Reporting and Other Legal Obligations, Victorian Department of Education, 2020*

## 7. Evaluation

This policy will be reviewed in consultation with members of the wider community as part of the school's three year review cycle.

Update of the policy will occur if and when new legislated requirements are announced to ensure the policy is adequate and effective to meet the requirements for compliance with the legislation.

Insert date