

## Reportable Conduct Scheme Policy

<b>Date Approved:</b>	20/06/2023
<b>Scheduled Review Date:</b>	30/06/2025
<b>Policy Owner:</b>	Principal

### 1. Context & Purpose

In 2012 and 2013, the Victorian Parliament's Family and Community Development Committee inquired into the handling of child abuse allegations by religious and other non-government organisations.

The Committee concluded there was a need for independent scrutiny of organisations' systems and processes to prevent and respond to allegations of child abuse. In response, the Victorian Government amended the Child Wellbeing and Safety Act 2005 to create Reportable Conduct Scheme, which seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. It seeks to do this by giving oversight and monitoring responsibility to the Commission for Children and Young People ("the Commission"), and by creating obligations on heads of organisations that are within the scheme to:

- have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the Commission is notified and given updates on the organisation's response to an allegation.

As a registered school, the Reportable Conduct Scheme applies to the College. The purpose of this policy is to set out how the College will comply with the scheme, and to inform staff about the scheme and their responsibilities.

### 2. Application

This policy applies:

- to all College staff, volunteers and members of the College Board.
- across College run events, activities and services, including where such activities, events and services take place outside of normal school hours or away from the College facilities.

*Who can an allegation be made about under the scheme?*

A reportable allegation can be made about certain workers or volunteers over 18 years of age. Given our operations and type of activities, for the College this will generally be:

- a paid staff member of the College
- a volunteer who has been engaged by the College (either in writing or verbally) to provide a service without receiving financial gain
- a Board member
- a contractor
- an external education provider

For the purpose of this policy, such people are referred to as “staff” or “staff member” even though there will not always be a strict employment relationship. Allegations must be reported about the conduct of staff even if:

- they do not have direct contact with children
- the conduct occurred outside of their work.

### **3. Statement of Policy**

At our College we have a zero tolerance for child abuse and are committed to acting in our student’s best interests and keeping them safe from harm.

This policy, together with our other child safe policies, demonstrates our commitment to creating and maintaining a child safe organisation. This policy sets out the practical steps we will take to appropriately handle allegations of reportable conduct and to ensure that the College is fulfilling its obligations under the Reportable Conduct Scheme - which are outlined in the sections that follow.

The College also welcomes the Commission’s role to:

- support and guide us with respect to allegations in order to promote fair, effective, timely and appropriate responses
- independently oversee, monitor and, where appropriate, make recommendations to improve the way we respond to allegations

Everyone at the College plays a role in keep children safe, and may disclose an allegation of reportable conduct involving a staff member to the Commission, or to the Principal.

The Principal has been identified as the head of the College responsible for ensuring our compliance under the Reportable Conduct Scheme. This includes the ensuring we have the following:

- a system for preventing the commission of reportable conduct by staff of the College
- a system for enabling any person, including staff, to notify the Principal of a reportable allegation of which the person becomes aware, or to notify the College Board Chairperson of an allegation involving the Principal

- a system for investigating and responding to a reportable allegation against staff of the College
- timely communication to the Commission to fulfil the College’s reporting obligations.

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police. The College’s “Child Safety – Responding & Mandatory Reporting Policy” therefore operates alongside this policy and still must be followed to report instances of child abuse.

#### **4. What is Reportable Conduct and What is a Reasonable Belief?**

##### ***Reportable Conduct***

There are five types of ‘reportable conduct’ listed in the Child Wellbeing and Safety Act 2005:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

The Commission has published a fact sheet which provides further information about this conduct so staff are able to better understand if the conduct has taken place – see the information sheet [What is reportable conduct?](#)

##### ***What is reasonable belief?***

A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that may involve reportable conduct. This includes where a reportable allegation is made against the head of the organisation, such as the Principal.

A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty.

For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves
- heard directly from a child that the conduct occurred
- received information from another credible source (including another witness).

The Principal of our College need not agree with or share the belief that the alleged conduct has occurred for the matter to be reported. However, they do not need to notify the Commission about the allegation if it is plainly wrong or has no basis at all in reality.

#### **5. Preventing Reportable Conduct from Occurring**

The College has policies, procedures and practices that take a preventative approach to keeping children safe, and for the early identification and response to risks of child abuse in the school's physical and online environment. Such policies, procedures and practices include our Child Safety and Wellbeing Policy and our Child Safety Code of Conduct for Board members, employees and volunteers.

## **6. Steps to Report an Allegation**

Any person who has any information that leads them to form a reasonable belief that a staff member has committed reportable conduct should make a report to the Principal. This can be done in writing (via email or letter), or by telephone. If the matter concerns the Principal, the matter should be reported to the Chairperson of the College. If a person does not know the specific address, email or phone details, they can contact the College directly for this information.

A person should be able and prepared to provide the details and information that has led them to form a reasonable belief that reportable conduct has taken place.

## **7. Steps to be Taken after Receiving an Allegation – Reporting to the Commission**

Where the Principal receives a reportable allegation from any person, including a staff member, they must notify the Commission within three business days.

Where the reportable allegation involves the Principal, the person must notify the Chairperson of the Board who will become the 'head of the School' for the purposes of reporting the reportable allegation.

There are two stages of reporting. The Commission must be notified by the Principal of:

- the reportable allegation as soon as possible, and in any event within three business days of the Principal being notified of the reportable allegation (Stage One Report); and
- the proposed next course of action (see below), as soon as practicable, and within 30 days of becoming aware of the reportable allegation (Stage Two Report).

It is a criminal offence for the Principal to fail to comply with the three-day and 30-day notification obligations without a reasonable excuse.

### ***Stage One Report***

The report to the Commission must state:

- that a reportable allegation has been made against a staff member;
- the name (including any former name and alias, if known) and date of birth, if known, of the staff member;
- whether the Victoria Police has been contacted about the reportable allegation;
- the name, address and telephone number of the College; and
- the name of the Principal.

The Principal must use the Commission's online form [Notify and update reportable allegations](#) for the Stage One Report.

If the staff member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the College must notify the Victorian Institute of Teaching (VIT) immediately under Conduct that is Reportable to the Victorian Institute of Teaching. The timing of making a Stage One Report to the Commission under this policy will coincide with the timing of a report made to the VIT.

### ***Stage Two Report***

The report to the Commission must state:

- detailed information about the reportable allegation;
- whether or not the College proposes to take any disciplinary or other action in relation to the staff member and the reasons why it intends to take, or not to take, that action; and
- any written submissions made to the Principal concerning the reportable allegation that staff member wished to have considered in determining what, if any disciplinary or other action should be taken in relation to the staff member.

Any allegation of child abuse, including physical violence, significant emotional or psychological abuse, sexual offences or significant neglect, must be reported to the Victorian Police. A Police investigation will take priority over any investigation conducted by the College under this policy.

### ***Conducting an Investigation***

After providing a Stage 1 report to the Commission, the Principal must ensure that an appropriate investigation of the reportable allegation is conducted. The Principal may undertake the investigation or appoint an independent investigator.

However, if an allegation might involve criminal conduct and has been reported to Victoria Police, the Principal must not start an investigation until and unless police have provided clearance to commence.

An investigation into a reportable allegation is a workplace investigation aimed at gathering and examining information to establish facts and make findings in relation to allegations of child abuse against an employee. The investigation may also make recommendations about what disciplinary or other action should be taken (if any).

The College will use its own policies and procedures to guide the investigation, including the processes for managing and investigating complaints in relation to staff members.

The investigation must be conducted in accordance with the rules of procedural fairness and natural justice. This means that the investigation should be conducted without bias and the person against whom the allegation is made should be given the reasonable opportunity to respond. During a reportable conduct investigation, the subject of an allegation may choose, but is not required, to give information or documents that support their version of events. However, the subject of an investigation is not obliged to prove or disprove any fact or issue that is being investigated.

The Commission has produced an information sheet [Investigation overview](#) and a detailed [Guidance for organisations – investigating a reportable conduct allegation](#), which the Principal will access for further assistance.

Following the investigation, the Principal must give the Commission:

- a copy of the findings of the investigation and the reasons for those findings;
- details of any disciplinary or other action that the Principal proposes to take in relation to the staff member and the reasons for that action; and
- if the Principal does not propose to take any disciplinary or other action in relation to the staff member, the reasons why no action is to be taken.

Under the Act, a staff member may seek a review by the Commission of a finding made at the conclusion of an investigation.

## **8. Communication**

### ***Knowledge of Policy***

This policy will:

- be available on the College's website and student management system
- form a part of induction for new staff members and ongoing staff training with respect to child safety

### ***Provision of Information to Children and Parents/Carers***

The Principal may disclose:

- information about the progress of the investigation;

- the findings, reasons for the findings and the recommendations made at the conclusion of the investigation;
- an action taken in response to those findings;

to:

- the child who is the subject of the reporting allegation;
- a parent
- a carer; or
- the DHHS if the child is under its care.

## 9. Policy Review

The Principal is responsible for reviewing and updating this policy at least every two years. The review may include input from students, parents/carers, the Board and the College community.

## 10. Policy History

Version	Policy Owner	Approval Date	Summary of Changes
1	Principal	20/6/23	First Adopted