



# REPORTABLE CONDUCT POLICY

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## PURPOSE

Monivae College is committed to providing a safe environment for all students and young people, and takes active steps to protect them from neglect and abuse. Our school and governing body maintain a comprehensive suite of child protection strategies, embedded in the Child Safe Standards, and acknowledge our responsibility to report any misconduct by an employee, volunteer or contractor to the Commission for Children and Young People (CCYP).

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

The CCYP is focused on employee, volunteer and contractor conduct and how organisations investigate and respond to suspected child abuse. The RCS aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children, but do not have a criminal record.

The Monivae College Board Director must ensure that the School 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 and then notified to the MSC Director or made directly to the MSC Director if the reportable allegation concerns the Principal
- ensure reportable allegations that involve employees are notified to the CCYP and responded to in accordance with the requirements of the RCS.

## SCOPE

This Policy applies to all employees of the School, including boarding house staff and requires them to report allegations of reportable conduct to the Principal who must contact the MSC Director and Board Chairperson. Allegations that concern the Principal can be referred to another member of the Leadership Team, or directly to the MSC Director.

This policy also applies to all volunteers, contractors, parents, students including boarding students, prospective parents and prospective students and other people who are associated with, or come in contact with, the School including its Boarding House's and residence.

This policy also applies only to allegations about the conduct of a person who is 18 years or older against, with or in the presence of a child who is under 18 years.

## DEFINITIONS

| Key word/abbreviation | Definition  |
|-----------------------|---|
| Act                   | <i>Child Wellbeing and Safety Act 2005</i>                  |
| Child Safety Officer  | Child Safety Officer as set out in the Child Safety Policy. |
| Child                 | Any person under the age of 18 years.                       |

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| CCYP                            | Commission for Children and Young People.  |
| Employee                        | a person of, or over, the age of 18 who is: <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>a minister of religion.</li> </ul>   |
| Immediately                     | as soon as reasonably practicable, within a period of 24 hours (or if after hours, the next business day).   |
| Mandatory Reporting             | is a term used to describe the legislative requirement imposed on selected classes of people to report suspected cases of child abuse and neglect to government authorities. Where a mandated reporter forms a belief on reasonable grounds that a student or young person is in need of protection from physical injury or sexual abuse, they are to report their concerns to the Department of Families, Fairness and Housing (DFFH) Child Protection.   |
| Reportable Allegation           | 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              | <ul style="list-style-type: none"> <li>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</li> <li>sexual misconduct committed against, with, or in the presence of a child; or</li> <li>physical violence committed against, with, or in the presence of a child; or</li> <li>any behaviour that causes significant emotional or psychological harm to a child; or</li> <li>significant neglect of a child.</li> </ul> |
| Reportable Conduct Scheme (RCS) | 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                  | 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                     | 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.   |

## 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.

### **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 their concerns to a Child Safety Officer and/or the Principal. In addition, all staff who are mandatory reporters, must also report their concerns to the appropriate authorities (following the Four Critical Actions guidelines). To maintain the integrity of the process and ensure procedural fairness, no other entity or persons should be made aware of the alleged reportable conduct beyond those outlined in the Four Critical Actions guidelines. The Child Safety Officer notified of a reportable allegation must notify the Principal of the matter. Where the reportable allegation is against the Principal the Child Safety Officer must notify the MSC Director.

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 or the Principal 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 or the Principal.

### **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: take reasonable and timely steps to manage any immediate risks to children, which for allegations of suspected Reportable Conduct, will involve reporting to Victoria Police;
- Notify the MSC Director 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;
- 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.

## **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.

## **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;
- unless there is a need to protect others, maintain the privacy of individuals involved in an investigation, and the information they provide, in accordance with the School's Privacy Policy; 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 deemed to be without foundation; and
  - 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 provided in a timely manner to and considered by the investigator, and may add or change the nature and/or scope of the Reportable Allegation and the subsequent investigation.

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. Unless required by law, staff (including employees), students and parents who are asked to participate in an internal or independent investigation are not mandated to do so.

## **Interaction with Child Safety Response and Mandatory Reporting Policy and Child Safety and Wellbeing Policy**

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

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

### **Implications for Practice 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;
- this policy is incorporated into the Board's / Principal's record of current policies.

### **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.

### **Record Keeping and the Privacy Act**

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

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

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

The Privacy Act 1988 (Cth) provides more information on the meaning of publish, which includes making the information publicly available in writing or email.

The school maintains all records in accordance with the Public Record Office Victoria Recordkeeping Standards.

## **GOVERNANCE**

|                       |   |
|-----------------------|---|
| Supporting procedures | Child Safety Response and Mandatory Reporting Procedure                                   |
| Supporting schedules  | Child Safety Officer Role Description<br>Child Safety Code of Conduct                     |
| Associated policies   | Child Safety and Wellbeing Policy<br>Child Safety Response and Mandatory Reporting Policy |

|                     |  |
|---------------------|--|
| Related Legislation | <p>Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic.)</p> <p>Child Wellbeing and Safety Act 2005 (Vic.)</p> <p>Children, Youth and Families Act 2005 (Vic.)</p> <p>Public Records Act 1973 (Vic.)</p> <p>Ministerial Order 1359 – Implementing the Child Safe Standards (PDF)</p> <p>Sentencing Act 1991 (Vic);</p> |
| Category            | Student Health, Safety, Wellbeing and Engagement   |
| Approval            | <p>Board of Directors</p> <p>04.12.2023</p>  |
| Endorsement         | <p>Leadership Team</p> <p>04.12.2023</p>   |
| Policy Owner        | Compliance and Risk Manager  |
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| Review Date         | (1 year from effective date)   |
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