



## Reportable Conduct Scheme

### **RATIONALE**

St Jude's Primary 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 protection strategies, embedded in its Child Safety Standards, and acknowledges its responsibility to report any misconduct by an employee, volunteer or contractor to the Victorian Commission for Children and Young People. As of 1st 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.

### **PURPOSE**

The Reportable Conduct Scheme is focussed on employee, volunteer and contractor conduct and how organisations investigate and respond to suspected child abuse. The scheme 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 scheme applies to St Jude's Primary School and other organisations who are required to meet the Child Safety Standards. St Jude's Primary School must ensure that it maintains systems that: » Prevent misconduct; » Ensure reportable allegations are made to the Principal; » Ensure reportable allegations that involve employees, volunteers, contractors and the Principal are reported to the Victorian Commission for Children and Young People.

### **SCOPE**

St Jude's Primary School's requirement to report any allegations of misconduct to the Victorian Commission for Children and Young People applies to any suspected or reported misconduct, alleged by an employee, volunteer and contractor and listed in the Victorian Child Wellbeing and Safety Act 2005, Children's Legislation (Reportable Conduct) Act 2017.

## Key Definitions

**Child:** Any child or young person enrolled as a student at the school who may have incidental involvement with the school.

**Child Abuse:** Includes:

1. Any Act committed against a child involving:
  - a. A sexual offence
  - b. An offence under section 49B (2) of the Crimes Act 1958 (grooming)
2. The infliction, on a child of:
  - a. Physical violence
  - b. Serious emotional or psychological harm
3. Serious Neglect of a child.

**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 report (Teaching Staff Member) '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 Health and Human Services (DHHS) Child Protection.

**Reportable Conduct:** includes allegations against an employee, volunteer or contractor of child abuse and misconduct involving children. Reportable conduct includes sexual misconduct or offences, grooming, 'sexting', inappropriate physical contact with a child or other conduct that crosses professional boundaries concerning children.

**School Environment:** Any physical or virtual place made available or authorised by the school for use by a child during or outside of school hours including:

1. A campus of the school
2. Online school environments, including email and intranet systems
3. Other locations provided by the school for a child's use including school camps, sporting events, excursions, competitions, school community and other events.

**School's Governing Authority:** the School's Proprietor (Parish Priest), including any person authorised to act for or on behalf of the proprietor; or the principal, as authorised by the proprietor of a school or the school's governing body.

## GUIDELINES FOR IMPLEMENTATION

St Jude's Primary School will ensure they promote the reporting of any 'reportable allegation' by an employee, volunteer or contractor to the Industrial Relations Department of the Catholic Education Commission of Victoria (CECV).

A 'reportable allegation' is made where a person makes an allegation, based on a 'reasonable belief', that an employee, volunteer or contractor has committed conduct that may involve reportable conduct. This includes where a reportable allegation is made against the school Principal.

*NOTE: 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*
- *Has received information from another credible source (including another person who witnessed the reportable conduct or misconduct).*

St Jude's Primary School's Principal does not need to agree with or share the belief that the alleged conduct has occurred. However, they will be initially required to report the allegation to the CECV Industrial Relations Department for further advice and counsel.

The CECV in consultation with the school Principal will then report the alleged misconduct to the Victorian Commission for Children and Young People within the 3 days that it has to do so. In the event that 'reportable conduct' is alleged by the school Principal, the CECV will report directly to the Victorian Commission for Children and Young People within the same time frame.

Reportable Conduct includes:

Sexual Abuse	Sexual Misconduct	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 Department of Health and Human Services (DHHS) 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.

### Responsibilities of the School Principal

The school Principal is ultimately responsible for the initial notification of any ‘reportable conduct’ and for participating in the investigation of any ‘reportable allegation’, in consultation with appointed representatives from the CECV Industrial Relations Department.

*Note: St Jude's Primary School Staff Members are not required to make a report directly to the Victorian Commission for Children and Young People (CCYP); this is the responsibility of the Principal.*

*In the event of a ‘reportable allegation’ against the school Principal, this must be reported to the CECV’s Industrial Relations Department who will then be responsible for reporting to the CCYP.*

Upon becoming aware of alleged misconduct St Jude's Primary School will commit to meeting the following milestones and reporting to the CCYP accordingly:

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>

### Investigating ‘Reportable Allegations’

St Jude's Primary 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 CECV’s Industrial Relations Department.*

The school will, however, ensure that all relevant policies and procedures are considered 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**

St Jude's Primary 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 CECV's Industrial Relations Department 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**

*NOTE: Upon receipt of a 'reportable allegation' the Principal will immediately contact the CECV's Industrial Relations Department 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 School 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 representatives of the CECV's Industrial Relations Department for further advice and counsel to ensure school meets its legislative obligations.

**References:**

Victorian Government 2017, Child Wellbeing and Safety Act 2005, Children's Legislation (Reportable Conduct) Act,

Victorian Government 2005, Child Wellbeing and Safety Act,

Victorian Government 2017, Commission for Children and Young People, 'About the Reportable Conduct Scheme' - Information Sheet One,

Victorian Government 2017, Commission for Children and Young People, 'The Responsibilities of The Head Of An Organisation - Information Sheet Three,

Victorian Government 2017, Commission for Children and Young People, 'Investigation Overview' Information Sheet Four, Victorian Government 1958, Crimes Act,

Victorian Government 2006, Education and Training Reform Act, Victorian Government 2005, Education and Training Child Protection Reporting Obligations

**Evaluation**

This policy will be reviewed in line the School's Review cycle or as required.