St John's Primary School Mitcham
Reportable Conduct Policy

MELBOURNE ARCHDIOCESE CATHOLIC SCHOOLS

St John's Primary School Mitcham

St John's Primary School Mitcham is a school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by Melbourne Archdiocese Catholic Schools Ltd (MACS).

Introduction

St John's Primary School Mitcham is committed to providing a safe environment for all children, 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.

Purpose

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 RCS applies to our governing body, St John's Primary School Mitcham and other organisations which are required to meet the Child Safe Standards.

The MACS Executive Director must ensure that St John's Primary School Mitcham 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 MACS Executive Director, or made directly to the MACS Executive Director via the Safeguarding and Standards Team 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 St John's Primary School Mitcham and requires them to report allegations of reportable conduct to the Principal who must contact the MACS Safeguarding and Standards Team. Allegations that concern the Principal can be referred to another member of the Leadership Team, the MACS Regional General Manager or directly to the MACS Executive Director via the Safeguarding and Standards Team.

Reportable conduct of St John's Primary School staff, volunteers and others

Who is an employee?

For the purposes of the *Child Wellbeing and Safety Act 2005* (Vic.), employee is defined as a person aged 18 years or over who is either:

- 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
- 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.

Key definitions

Child: Any person who is under the age of 18 years.

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 means any information that leads a person to form a reasonable belief that an employee has committed either:

- reportable conduct, or
- misconduct that may involve reportable conduct,

whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

Reportable conduct means:

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

Implementation

The school will ensure the reporting of any reportable allegation made against an employee to the MACS Safeguarding and Standards Team.

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*

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

St John's Primary School Mitcham's Principal, a member of the Leadership Team, the MACS Regional General Manager or the MACS Executive Director does not need to agree with or share the belief that the alleged conduct has occurred. The RCS is an allegations-based scheme. This means that the threshold for notifying the CCYP is low. All allegations must be referred to the MACS Safeguarding and Standards Team for advice.

The MACS Safeguarding and Standards Team (or a delegate of the MACS Executive Director) on behalf of the Executive Director in consultation with the school Principal or, where there is an allegation against a Principal, member of the Leadership Team or Regional General Manager will then:

- submit a notification to the CCYP within three days of the MACS Executive Director becoming aware of the reportable allegation
- meet the milestones and reporting requirements to the CCYP under the RCS.

Reportable conduct includes:

Sexual Offence	Sexual Misconduct	Physical Violence	Behaviour that causes significant Psychological or Emotional Harm	Significant Neglect
• Rape or sexual assault • Sexual activity with or in the presence of a child • Grooming or encouraging a child to engage in sexual activity • Offences relating to child abuse material	• Behaviour, physical contact, speech or other communication of a sexual nature • Physical contact without valid reason • Crossing professional boundaries • Voyeurism	• Hitting, kicking, punching • Pushing, shoving, grabbing, throwing, shaking • Use of an object • Inappropriate restraint, excessive force • Causing a child to believe that force is about to be used (apprehended)	• Exposure to violence or threats of violence • Anti-social behavior • Self-destructive behavior • Persistent hostility or rejection • Humiliation or belittling • Scapegoating	Deprived from the following: • clothing or food • medical attention or care • shelter • supervision Access to drugs or alcohol

The above examples are not exhaustive and consideration should be given to other conduct which may need to be reported. Any reportable allegation listed above, or not listed above but which may constitute reportable conduct, will need to be immediately reported by the school Principal. An allegation against a school Principal should be referred to another member of the Leadership Team, the MACS Regional General Manager or directly to the MACS Executive Director via the Safeguarding and Standards Team.

It is important to note that existing mandatory reporting obligations have not changed. The school will report any allegation of abuse to the 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 Victoria Police and the DFFH.

Reportable conduct, mandatory reporting and reporting to the VIT

Reportable conduct allegations as listed above are referred to the 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 the DFFH as per the school's Child Protection – Reporting Obligations Policy.

If an employee against whom an allegation of reportable conduct is made is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the school must notify the Victorian Institute of Teaching (VIT) immediately under conduct that is reportable to the VIT.

Responsibilities of the Principal

Note: *Principals must comply with the PROTECT reporting obligations, which are in addition to the reporting requirements to the CCYP under the RCS.*

The MACS Executive Director is ultimately responsible for notification of any reportable allegation to the CCYP and for ensuring that a reportable allegation is investigated.

However, it is the responsibility of the school Principal (or for allegations against a Principal, the relevant leader) to ensure that all reportable allegations are taken seriously and referred to the MACS Safeguarding and Standards Team as soon as they become aware of them, and to follow the advice and guidance of the MACS Safeguarding and Standards Team (as authorised by the MACS Executive Director) to respond appropriately. This will usually include conducting an investigation or facilitating the conduct of an investigation.

Note: *St John's Primary School staff members are not required to make a report directly to the CCYP; this is the responsibility of the MACS Safeguarding and Standards Team (or other person authorised by the MACS Executive Director) on behalf of the MACS Executive Director. However, any person with a concern (including a staff member who wishes to remain anonymous, students, parents and/or other members of the community) may notify the CCYP directly of a reportable allegation via a community notification on the website.*

In the event of a reportable allegation against the school Principal, this must be reported to another member of the Leadership Team, the Regional General Manager or directly to the MACS Executive Director via the Safeguarding and Standards Team.

School Principals (and other leaders as appropriate) must also facilitate any requests for information or documentation from MACS, Victoria Police or a regulator in the course of an investigation to ensure compliance with the RCS and the law.

Reporting to the CCYP

Upon becoming aware of a reportable allegation against an employee, the Principal, member of the Leadership Team or MACS Regional General Manger must contact the MACS Safeguarding and Standards Team as soon as practicable in order to ensure that the following milestones and reporting requirements to the CCYP are met:

Within three business days	Within 30 calendar days	Advice on investigation	Outcomes of investigation	Additional documents
• School contact details • Name of the employee, volunteer or contractor • Their date of birth	• Details of the investigation • Details of the school's response • Details regarding disciplinary or	As soon as is practicable: • name of the investigator • their contact details	• Copies of the investigation findings • Details regarding disciplinary or other action proposed	• Promptly providing any further information to the CCYP as requested

• Initial advice on the nature of the allegation • Any police report	other action proposed • Any written response from the employee, volunteer or contractor regarding the allegation, proposed disciplinary or other action		• Reasons for taking or not taking action	

Investigating reportable allegations

St John's Primary School Mitcham will ensure procedural fairness throughout the entire investigation process.

Note: *It is anticipated that any investigations will be undertaken by the school Principal (or another school leader) unless it is deemed appropriate by the Principal, the Regional General Manager (in the case of an allegation against a Principal) or the MACS Executive Director for a suitably qualified, third party engaged in consultation with MACS Safeguarding and Standards Team to be appointed.*

The school Principal will ensure that for current employees the process set out in clause 13 of the *Victorian Catholic Education Multi-Enterprise Agreement 2018* (VCEMEA 2018) is followed. Further, the school principal will also ensure that all other relevant MACS and school-based policies and procedures (including Codes of Conduct, processes for managing and investigating complaints, misconduct, discipline, grievances, dispute resolution, and employee welfare and support), as well as any CCYP and other regulatory guidance, are considered to guide the investigation.

For an allegation against a current employee, this means that the Principal will follow the clause 13 process set out in the VCEMEA 2018 and follow the advice and guidance of the MACS Safeguarding and Standards and Employee Relations Teams.

In all cases, before any findings are made or disciplinary action is taken, the subject of an allegation will be:

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

The MACS Safeguarding and Standards Team (acting on the MACS Executive Director's behalf) in consultation with the Principal or MACS Regional General Manager (for allegations against a Principal) will determine when the subject of the reportable allegation should be first told about an allegation, in order to ensure that any police investigation is not prejudiced; child safety risks are appropriately assessed and mitigated; and the investigation is not compromised, but remains procedurally fair.

Initial investigation

Note: *Upon receipt of a reportable allegation, the Principal or other relevant leader (for allegations against a Principal) will immediately contact the MACS Safeguarding and Standards Team for advice.*

The Principal or other relevant leader is then guided by the MACS Safeguarding and Standards Team (acting under the authority of the MACS Executive Director) to ensure an appropriate investigation is conducted into the reportable allegation/s by reference to the requirements of the RCS, together with any relevant guidance published by MACS and the CCYP.

At the conclusion of the investigation, the MACS Executive Director will make a decision on the reportable conduct findings recommended in the Investigation Report.

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.

Recordkeeping 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.

References

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

Child Wellbeing and Safety Act 2005 (Vic.)

Children, Youth and Families Act 2005 (Vic.)

Public Records Act 1973 (Vic.)

Evaluation

- This policy will be reviewed in consultation with members of the wider community as part of the school's two-year review cycle.
- Update of the policy will occur if any new requirements come to hand.

Responsible director	Director, Learning and Regional Services
Policy owner	General Manager, Student Wellbeing
Approving body/individual	MACS Board
Approval date	13 April 2022
Risk rating	High
Date of next review	April 2023

POLICY DATABASE INFORMATION	
Related documents	
Superseded documents	Reportable Conduct Policy – v1.0 - 2021
New policy	