

SIENA COLLEGE CAMBERWELL REPORTABLE CONDUCT POLICY



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POLICY TITLE: REPORTABLE CONDUCT POLICY

DEVELOPED / REVIEWED BY

Deputy Principal Wellbeing and Strategy
Risk and Compliance Manager
Human Resources Manager
Siena College Policy Committee
MACS (Melbourne Archdiocese Catholic Schools)

REVIEW SUMMARY

Siena College 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.

DOCUMENT DEVELOPMENT PROCESS

This document was first developed by Deputy Principal Wellbeing and Strategy, Antonella Rosati, and Human Resources Manager, Sarah Egan, in June 2022 based on a review of the new Child Safe Standards coming into effect from 1 July 2022.

RATIONALE

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, Siena College and other organisations which are required to meet the Child Safe Standards.

The MACS (Melbourne Archdiocese Catholic Schools) Executive Director must ensure that Siena College maintains systems that:

- prevent reportable conduct by employees of the College 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.

DEFINITIONS

child	A child who is under the age of 14 years.
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Controlled Document:	Date: 01/06/2022	Page 1 of 8
Name of Document:	Revision No.: 2	Authorised by:

SIENA COLLEGE CAMBERWELL REPORTABLE CONDUCT POLICY



SIENA
COLLEGE
CAMBERWELL

young person	A person from 14 – 17 years of age.
young adult	A person from 18 – 22 years of age.
employee	For the purposes of the <i>Child Wellbeing and Safety Act 2005</i> (Vic.), employee is defined as a person aged 18 years or over who is either: <ul style="list-style-type: none"> employed by the College whether or not that person is employed in connection with any work or activities of the school that relate to children engaged by the College to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children.
mandatory reporting	Is the 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 either: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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

PRINCIPLES / GUIDING PRINCIPLES

This Policy applies to all employees of Sienna College 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.

Controlled Document:	Date: 01/06/2022	Page 2 of 8
Name of Document:	Revision No.: 2	Authorised by:



PROCEDURES

The College 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).*

The RCS is an allegations-based scheme. This means that the threshold for notifying the CCYP is low. Sienna College'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. 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 College Principal or, where there is an allegation against a Principal, the Board Chair or a 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
<ul style="list-style-type: none"> • Rape or sexual assault • Sexual activity with or in the presence of a child • Grooming or encouraging a child to 	<ul style="list-style-type: none"> • Behaviour, physical contact, speech or other communication of a sexual nature • Physical contact without valid reason 	<ul style="list-style-type: none"> • Hitting, kicking, punching • Pushing, shoving, grabbing, throwing, shaking • Use of an object 	<ul style="list-style-type: none"> • Exposure to violence or threats of violence • Anti-social behavior • Self-destructive behavior 	<p>Deprived from the following:</p> <ul style="list-style-type: none"> • clothing or food • medical attention or care • shelter • supervision access to



engage in sexual activity	<ul style="list-style-type: none"> • Crossing professional boundaries • Voyeurism 	<ul style="list-style-type: none"> • Inappropriate restraint, excessive force • Causing a child to believe that force is about to be used (apprehended) 	<ul style="list-style-type: none"> • Persistent hostility or rejection • Humiliation or belittling • Scapegoating 	drugs or alcohol
<ul style="list-style-type: none"> • Offences relating to child abuse material 				

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 College Principal. An allegation against the College Principal should be referred to the Board Chair or 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 College 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 College Reportable Conduct Policy and Mandatory Reporting 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 College 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 Principal (or for allegations against a Principal, the Board Chair or a member of the Leadership team) 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 investigating or facilitating the conduct of an investigation.

Note: *Sienna College 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 Principal, this must be reported to the Board Chair or another member of the Leadership team, the Regional General Manager or directly to the MACS Executive Director via the Safeguarding and Standards Team.

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 Manager 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
<ul style="list-style-type: none"> College contact details Name of the employee, volunteer or contractor Their date of birth Initial advice on the nature of the allegation Any police report 	<ul style="list-style-type: none"> Details of the investigation Details of the College response Details regarding disciplinary or other action proposed Any written response from the employee, volunteer or contractor regarding the allegation, proposed disciplinary or other action 	<p>As soon as is practicable:</p> <ul style="list-style-type: none"> name of the investigator their contact details 	<ul style="list-style-type: none"> Copies of the investigation findings Details regarding disciplinary or other action proposed Reasons for taking or not taking action 	<ul style="list-style-type: none"> Promptly providing any further information to the CCYP as requested



Investigating reportable allegations

Sienna College will ensure procedural fairness throughout the entire investigation process.

Note: *It is anticipated that any investigations will be undertaken by the Principal (or another member of the Leadership team) unless it is deemed appropriate by the Principal, the Regional General Manager (in the case of an allegation against the 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 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 Principal will also ensure that all other relevant MACS and College-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 member of the Leadership team (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.

Controlled Document:	Date: 01/06/2022	Page 6 of 8
Name of Document:	Revision No.: 2	Authorised by:



Recordkeeping and the Privacy Act

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

The College 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 College maintains all records in accordance with the [Public Record Office Victoria Recordkeeping Standards](#).

RESPONSIBILITY

- Principal (Primary responsibility)
- All mandated reporters
- All Siena College Staff

RELATED LEGISLATION

- 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.)
- Privacy Act 1998 (Cth.)

RELATED SIENA COLLEGE POLICIES

- Child Safety and Wellbeing Policy June 2022
- Mandatory Reporting Policy June 2022
- School Student Behaviour Policy June 2022
- School Complaints Handling Policy June 2022

RELATED DOCUMENTS

- Safeguarding Children and Young People Code of Conduct
- Staff and Student Professional Boundaries
- Protect: Identifying and Responding to Abuse Reporting Obligations
- Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

Controlled Document:	Date: 01/06/2022	Page 7 of 8
Name of Document:	Revision No.: 2	Authorised by:

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NEXT REVIEW

June 2023

POLICY LOCATION

<https://sienacentral.siena.vic.edu.au/send.php?id=46655>

Controlled Document:	Date: 01/06/2022	Page 8 of 8
Name of Document:	Revision No.: 2	Authorised by: