



HOLY NAME PRIMARY SCHOOL

Reportable Conduct Policy

Holy Name Primary School 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), where formation and education are based on the principles of Catholic doctrine, and where the teachers are outstanding in true doctrine and uprightness of life.

Introduction

Holy Name 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. Our School and our governing body maintain a comprehensive suite of child protection strategies, embedded in its Child Safety Standards, and acknowledge its responsibility to report any misconduct by an employee, volunteer or contractor to the Commission for Children and Young People (CCYP).

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 CCYP 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 our governing body, *Holy Name Primary School* and other organisations who are required to meet the Child Safety Standards.

The Executive Director of MACS must ensure that *Holy Name Primary 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 MACS Executive Director, or made directly to the MACS Executive 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 *Holy Name Primary School* and requires them to report allegations of reportable conduct to either the Principal who must contact the MACS Employee Relations Unit. For allegations that concern the Principal allegations can be referred to another member of the Leadership Team, the Regional General Manager or directly to the MACS Executive Director.

Reportable Conduct of *Holy Name Primary School* Staff, Volunteers and Others

Who is an Employee?	<p>For the purposes of the Act, 'employee' is defined as a person aged 18 years or over who is:</p> <ul style="list-style-type: none"> ● 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; or ● 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. <p>School staff means an individual working in the School environment who is:</p> <ul style="list-style-type: none"> ● directly engaged or employed by the School governing authority ● a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary) ● a minister of religion
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<p>Key Definitions</p>	<p>Child: Any person who is under the age of 18 years.</p> <p>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 Health and Human Services (DHHS) Child Protection.</p> <p>Reportable allegation: means any information that leads a person to form a reasonable belief that an employee has committed-</p> <ul style="list-style-type: none"> ● <u>reportable</u> conduct; or ● <u>misconduct</u> that may involve reportable conduct- <p>whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.</p> <p>Reportable Conduct: means:</p> <ul style="list-style-type: none"> ● <u>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</u> ● <u>sexual misconduct, committed against, with or in the presence of, a child</u>
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	<ul style="list-style-type: none"> ● <u>physical violence committed against, with or in the presence of, a child</u> ● <u>any behaviour that causes significant emotional or psychological harm to a child</u> ● <u>significant neglect of a child.</u> <p>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:</p> <ol style="list-style-type: none"> a. A campus of the school b. Online school environments, including email & intranet systems c. Other locations provided by the school for a child’s use including school camps, sporting events, excursions, competitions, school community and other events. <p>CCYP: Commissioner of Children and Young People.</p> <p>DHHS: Department of Health and Human Services (DHHS) Child Protection.</p>
<p>Implementation</p>	<p>The school will ensure the reporting of any ‘reportable allegation’ made against an employee to the MACS Employee Relations Unit.</p> <p>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 <i>may</i> involve reportable conduct. This includes where a reportable allegation is made against the school Principal.</p> <p><i>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.</i></p> <p><i>For example, a person is likely to have a ‘reasonable belief’ if they:</i></p> <ul style="list-style-type: none"> » <i>Observed the conduct themselves</i> » <i>Heard directly from a child that the conduct occurred</i> » <i>Has received information from another credible source (including another person who witnessed the reportable conduct or misconduct).</i> <p><i>Holy Name Primary School’s Principal, member of the Leadership Team, the Regional General Manager or the MACS Executive Director do not need to agree with or share the belief that the alleged conduct has occurred. The reportable conduct scheme is an allegations based scheme. This means that the</i></p>

threshold for notifying the CCYP is low. All allegations must be referred to the Employee Relations Unit for advice.

The MACS Employee Relations Unit (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 the 3 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 Abuse	Sexual Misconduct	Physical Abuse	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 engage in sexual activity • Offences relating to child abuse material 	<ul style="list-style-type: none"> • Behaviour, physical contact, speech or other communication of a sexual nature • physical contact without valid reason • Crossing professional boundaries • Voyeurism 	<ul style="list-style-type: none"> • Hitting, kicking, punching • Pushing, shoving, grabbing, throwing, shaking • Use of an object • Inappropriate restraint, excessive force 	<ul style="list-style-type: none"> • Exposure to violence or threats of violence • Anti-social behaviour • Self-destructive behaviour • Persistent hostility or rejection • Humiliation or belittling • Scapegoating 	<ul style="list-style-type: none"> • Deprived from the following: • Clothing or food • Medical Attention or care • Shelter • Supervision • Access to drugs or alcohol.

Any 'reportable allegation' listed above will be immediately reported by the School Principal. An allegation against a School Principal should be referred to either another member of the Leadership Team, the Regional General Manager or directly to the MACS Executive Director. It is important to note that existing **Mandatory Reporting** obligations have not changed. The school will report any allegation of abuse to the 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.

Where the allegation falls under the Mandatory Reporting domain, the reporting to CCYP is in addition to reporting to Police and DHHS.

Reportable conduct, Mandatory	Reportable conduct allegations as listed above are referred to CCYP.
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<p>reporting and reporting to VIT</p>	<p>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 DHHS as per the school's Child Protection - Reporting Obligations Policy.</p> <p>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 Victorian Institute of Teaching.</p>
<p>Responsibilities of the School Principal</p>	<p>NOTE: Principals must comply with the PROTECT reporting obligations, which are in addition to the reporting requirements to the CCYP under the RCS.</p> <p>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.</p> <p>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 referred to the MACS Employee Relations Unit as soon as they become aware of them; and, to follow the advice and guidance of the MACS Employee Relations Unit (as authorised by the MACS Executive Director) to respond appropriately. This will usually include conducting an investigation or facilitating the conduct of an investigation.</p> <p><i>Note: Holy Name Primary School Staff Members are not required to make a report directly to the CCYP; this is the responsibility of the MACS Employee Relations Unit (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. .</i></p> <p><i>In the event of a 'reportable allegation' against the school Principal, this must be reported to either another of the Leadership Team, the Regional General Manager or directly to the MACS Executive Director.</i></p> <p><i>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.</i></p>
<p>Reporting to CCYP</p> <p>Upon becoming aware of a reportable allegation against an employee, the Principal, member of the Leadership Team or Regional General Manager must contact the MACS Employee</p>	

Relations

Unit as soon as practicable in order to ensure that the following milestones and reporting requirements to the CCYP are met:

Within 3 Business Days	Within 30 Calendar Days	Advice on Investigation	Outcomes of Investigation	Additional Documents
<ul style="list-style-type: none"> • School 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 allegation • Details of the school's 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 	<ul style="list-style-type: none"> • As soon as is practical: • 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

Holy Name Primary School 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 either 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' Employee Relations Unit 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 (VCMEA) is followed. Further 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 VCMEA and follow the advice and guidance of the Employee Relations Unit.

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

	<ul style="list-style-type: none"> » notified of any adverse information that is credible, relevant and significant; » given a reasonable opportunity to respond to that information. <p>The MACS Employee Relations Unit (acting on the Executive Director’s behalf) in consultation with the Principal or 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; and, child safety risks are appropriately assessed and mitigated; and, the investigation is not compromised, but remains procedurally fair.</p>
<p>Initial Investigation</p>	<p>NOTE: Upon receipt of a ‘reportable allegation’ the Principal or other relevant leader (for allegations against a Principal) will immediately contact the MACS’ Employee Relations Unit Department for advice.</p> <p>The Principal or other relevant leader then guided by the MACS Employee Relations Unit (acting under the authority of the Executive Director) to ensure an appropriate investigation is conducted into the reportable allegation by reference to the requirements of the RCS together with any relevant guidance published by MACS and the CCYP.</p> <p>At the conclusion of the investigation, the MACS Executive Director will make a decision on the reportable conduct findings recommended in the Investigation Report.</p> <p>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.</p>
<p>Record Keeping & Privacy Act</p>	<p>The School maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.</p> <p>The School must not publish information that would enable the identification of:</p> <ul style="list-style-type: none"> ● a person who notified the Commission; ● a child in relation to whom a reportable allegation was made or a finding of reportable conduct was made. <p>The Act provides more information on the meaning of 'publish', which includes making the information publicly available in writing or email.</p>

References:

Victorian Government 2017, *Child Wellbeing & Safety Act 2005, Children's
Legislation (Reportable Conduct) Act*,
Victorian Government 2005, *Child Wellbeing & Safety Act*,
Victorian Government 2005, Education and Training *Child Protection Reporting Obligations*

Evaluation:

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

Drafted: 2020

Review: 2023