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## Reportable Conduct Policy

### 1. Purpose of this policy

- a. The Learning Co-operative is committed to preventing harm to children through the reporting of child abuse and neglect under the *Child Wellbeing and Safety Act 2005 (Vic)*<sup>1</sup> and *Child Wellbeing and Safety Regulations 2017 (Vic)*<sup>2</sup>
- b. The Reportable Conduct Policy sets out the principles and framework governing the school's responses to allegations of child abuse raised against those that work in the school and the identification of individuals who pose a risk of harm to children. The policy, together with the policy implementation documents listed in section 10, must be read and understood by all those connected to the school.

### 2. Principles

- a. The values and ethos as set out in the Learning Co-operative's Philosophy Statement form the foundation for the school's child safe standards policies.
- b. Collectively, the governing Board, employees, the families and volunteers and contractors share a **duty of care** to protect children from harm through abuse or neglect.
- c. There is a commitment to implement clear procedures for reporting and recording reports of suspected child abuse and grooming.
- d. The school will create a supportive culture in which children, staff, volunteers and families feel confident and comfortable in discussing any allegations of abuse, grooming or child safety concerns.

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<sup>1</sup> <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/030>

<sup>2</sup> <https://www.legislation.vic.gov.au/in-force/statutory-rules/child-wellbeing-and-safety-regulations-2017/003>

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### 3. Aims of the policy

- a. To comply with the school's reporting obligations under child protection law and criminal law and to fulfil its duty of care.
- b. 'To ensure systems are in place that:
  - i. prevent reportable conduct from being committed
  - ii. enable reportable allegations to be made to the head of the organisation<sup>3</sup>
  - iii. enable reportable allegations that involve the head of the organisation to be reported to the Commission for Children and Young People (CYYP).'<sup>4</sup>

### 4. Legal and regulatory basis for compliance

- Duty of Care
- *Child Wellbeing and Safety Act 2005*<sup>5</sup>
- *Child Wellbeing and Safety Regulations 2017*<sup>6</sup>
- *Children Legislation Amendment (Reportable Conduct) Act 2017*<sup>7</sup>
- Children, Youth and Families Act 2005 (Vic)<sup>8</sup>
- Crimes Act 1958 (Vic)<sup>9</sup>
- The Commission for Children and Young People, a Victorian independent statutory body, has oversight and regulatory responsibility for both Child Safe Standards and the Reportable Conduct Scheme.

### 5. Key definitions

- a. The **Reportable Conduct Scheme** was established under the amendments to the Child Wellbeing and Safety Act in February 2017<sup>10</sup> and which came into force in July 2017.

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<sup>3</sup> As defined in section 5

<sup>4</sup> <https://ccyp.vic.gov.au/assets/resources/Child-Safe-Standards-and-Reportable-Conduct-Scheme.pdf>

<sup>5</sup> <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/030>

<sup>6</sup> <https://www.legislation.vic.gov.au/in-force/statutory-rules/child-wellbeing-and-safety-regulations-2017/003>

<sup>7</sup> <https://www.legislation.vic.gov.au/as-made/acts/children-legislation-amendment-reportable-conduct-act-2017>

<sup>8</sup> <https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/121>

<sup>9</sup> <https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/292>

<sup>10</sup> <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/030>

The scheme sets out how organisations must ‘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.’<sup>11</sup>

The Victorian **Child Safe Standards** are a response to the Victorian Parliamentary *Inquiry into the Handling of Child Abuse by Religious and other Non-government Organisations*. The Child Safe Standards aim to assist organisations in preventing and improving responses to allegations of child abuse by embedding the protection of children in everyday life.

‘Child Safe Standards and the Reportable Conduct Scheme create distinct sets of responsibilities for organisations but have been designed to complement one another. Together, Child Safe Standards and the Reportable Conduct Scheme strengthen the capacity of organisations to prevent and respond properly to allegations of child abuse.’<sup>12</sup>

Any person may report an allegation to CCYP under the scheme. The head of the organisation must report an allegation to CCYP.

- b. CCYP sets out<sup>13</sup> in clear terms the differences in scope and purpose between the Child Safe Standards and the Reportable Conduct Scheme.
  - i. Child Safe Standards
    - 1. A system to promote child safety, prevent child abuse and respond properly to suspected child abuse.
    - 2. Focuses on organisations and preventative systems.
    - 3. Flexible in their application.
    - 4. Enables reportable conduct to be identified and reported.
  - ii. Reportable Conduct Scheme
    - 1. A system to independently oversee responses to allegations of child abuse raised against those that work in the organisation.
    - 2. Focuses on employee conduct.
    - 3. Prescribes actions that must be taken by the head of the organisation.
    - 4. Ensures reportable conduct is properly investigated and responded to.

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<sup>11</sup> CCYP Fact Sheet 6 <https://ccyp.vic.gov.au/assets/resources/Child-Safe-Standards-and-Reportable-Conduct-Scheme.pdf>

<sup>12</sup> *ibid*

<sup>13</sup> *ibid*

- c. As registered schools, the heads of all Victorian non-government schools have a legal duty under this legislation.<sup>14</sup>
- d. The head of the school and their responsibilities

**The Governing Board is responsible for:**

- i. ensuring the school is compliant with the scheme. The Board may delegate actions to others within the organisation but the responsibility for discharging this legal duty is normally non-delegable.<sup>15</sup>
- ii. protecting children, for developing and implementing systems and processes for reporting and investigating suspected and alleged abuse and for reporting to the CCYP.
- iii. The Board has specific obligations are to:<sup>16</sup>
- iv. Prevent reportable conduct from being committed.
  - 1. Enable reportable allegations to be made to CCYP
  - 2. Enable reportable allegations that involve the head of the organisation to be reported to CCYP.
  - 3. Report to Victoria Police as soon as they become aware that a reportable allegation may involve criminal conduct.<sup>17</sup>
- v. The detailed actions to be taken by the Board are set out clearly by CCYP.<sup>18</sup>
- e. **Reportable Conduct** includes:
  - i. Sexual offences (against, with or in the presence of, a child).
  - ii. Sexual misconduct (against, with or in the presence of, a child).
  - iii. Physical violence (against, with or in the presence of, a child).
  - iv. Behaviour that causes significant emotional or psychological harm.
  - v. Significant neglect.

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<sup>14</sup> <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/030>

<sup>15</sup> The school's procedures should set out what will happen if the Principal is absent.

<sup>16</sup> CCYP Fact Sheet 6 <https://ccyp.vic.gov.au/assets/resources/Child-Safe-Standards-and-Reportable-Conduct-Scheme.pdf>

<sup>17</sup> <https://ccyp.vic.gov.au/assets/resources/Other-reporting-obligations.pdf>

<sup>18</sup> CCYP Fact Sheet 3 <https://ccyp.vic.gov.au/assets/resources/Responsibilities-of-the-head-of-an-organisation.pdf>

The CCYP has provided descriptions of each of the above types of reportable conduct.<sup>19</sup>

The CCYP also gives guidance with respect to historical allegations.<sup>20</sup>

- f. Those that work in the school.

The Learning Co-operative Board Chair can report allegations about the behaviour and conduct of the following groups:<sup>21</sup>

- i. An employee.
- ii. A minister of religion, religious leader or officer of a religious body.
- iii. A foster or kinship carer.
- iv. A volunteer, contractor, office holder, officer or other position directly engaged by the school to provide services.

The CCYP has provided clarifying advice particularly with respect to volunteers and others who provide services for the school.<sup>22</sup>

- g. The Board is responsible for the management of an **investigation** following a reportable allegation.
  - i. The investigation is a workplace investigation which should follow the school's policies and procedures covered by one or more of the following policies/documents: code of conduct, complaints, grievance, discipline, misconduct, dispute resolution, employee welfare and support.
  - ii. Given the sensitive nature of such an investigation, schools are encouraged to consider:
    - 1. Appointing an independent investigator external to the school.
    - 2. Seeking independent legal advice.
    - 3. Obtaining assistance from an HR specialist.
  - iii. If the allegation is criminal in nature, the school must get clearance from Victoria Police before beginning the investigation.<sup>23</sup>

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<sup>19</sup> CCYP Fact Sheet 2 <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/FINALPDF-Information-Sheet-2-What-is-reportable-conduct-2.pdf>

<sup>20</sup> <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/Historical-Allegations-110718.pdf>

<sup>21</sup> CCYP Fact Sheet 1 <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/AboutRCS120718.pdf>

<sup>22</sup> *ibid*

<sup>23</sup> CCYP Fact Sheet 4 <https://ccyp.vic.gov.au/assets/resources/Investigation-overview.pdf>

- iv. CCYP provides a range of advice with regard to conducting the investigation including Fact Sheets 4 and 8<sup>24</sup> alongside the more detailed '*Guidance for Organisations: Investigating a Reportable Conduct Allegation*'.<sup>25</sup> The Guidance booklet includes a number of examples and templates.
- h. Under child safety legislation, there is a range of **reporting obligations** that are set out in CCYP's Fact Sheet 5.<sup>26</sup>
  - i. **Failure to disclose:** 'Any adult who forms a reasonable belief that a sexual offence [including grooming] has been committed by an adult against a child under 16 must report that information to Victoria Police. It is a criminal offence to fail to disclose that information to Victoria Police.' *Crimes Act 1958 (Vic)*
  - ii. **Failure to protect:** 'If you are a staff member in a position of authority, and you become aware that an adult associated with your organisation (such as a worker or volunteer) poses a risk of sexual abuse to a child who is under the care, authority or supervision of the organisation, you must take all reasonable steps to remove or reduce the risk. If you fail to take reasonable steps in these circumstances, this may amount to a criminal offence.' *Crimes Act 1958 (Vic)*
  - iii. **Mandatory reporting:** 'Doctors, nurses, midwives, teachers (including early childhood teachers), Principals, and police are all "mandatory reporters. They must report to Child Protection if they form a reasonable belief that a child is in need of protection from physical injury or sexual abuse.' *Children, Youth and Families Act 2005 (Vic)*
  - iv. Victoria Police:
    - 1. Any suspected criminal behaviour must be reported to police.
    - 2. If a reportable allegation involves suspected criminal behaviour, both Victoria Police and CCYP must be notified.
    - 3. A police investigation into any matter takes priority over a reportable conduct investigation and may require the school's investigation to be put on hold until the police investigation is complete.
    - 4. The Principal should consult with Victoria Police before beginning an investigation to gain their advice and find out if police are, or will be, conducting an investigation.

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<sup>24</sup> <https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets/>

<sup>25</sup> <https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>

<sup>26</sup> CCYP Fact Sheet 5 <https://ccyp.vic.gov.au/assets/resources/Other-reporting-obligations.pdf>

- v. **Child and Family Information, Referral and Support Teams** (Child First)<sup>27</sup> is a Victorian Government Department of Health and Human Services (DHHS) initiative to provide support and help for vulnerable families, children and babies. Anyone may make a referral to Child First if they have a significant concern for a child's wellbeing.
- i. **Making a report under the scheme:** CCYP provides an online space to notify and update allegations of reportable conduct.<sup>28</sup> Principals must report to CCYP within 3 days of receiving an allegation of reportable conduct.
- j. **Child Protection** is the statutory child protection service provided by the Department of Health and Human Services<sup>29</sup>, which is able to intervene to protect children and young people at risk of significant harm.

## 6. Scope

- a. The policy is directly relevant to principals in terms of their statutory responsibilities.
- b. Others connected to the school (members of the governing board, all school staff, volunteers, contracted service providers and ministers of religion working in the school environment) should be aware of the policy.

## 7. Roles and responsibilities

- a. The Board must oversee steps that have been taken to ensure that the Principal is aware of their statutory responsibilities.
- b. The Board Chair must take on the Principal's responsibilities under this legislation if an allegation of child abuse is raised against the Principal.
- c. The Principal has direct responsibilities as set out in legislation and as summarised above.
- d. The principal will report on the implementation of the Reportable Conduct Policy as required and discuss child safety and wellbeing as a standing agenda item at Board and general members' meetings.
- e. Others connected with the school have a duty of care to protect children from abuse.

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<sup>27</sup> <https://services.dhhs.vic.gov.au/child-first-and-family-services>

<sup>28</sup> <https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/>

<sup>29</sup> <https://services.dhhs.vic.gov.au/child-protection-contacts>

- f. Other specific child safety responsibilities are set out in related policies and documents: Child Safety and Wellbeing Policy, Amendments to the Crimes Act, Mandatory Reporting Policy and the Child Safe Code of Conduct.

**8. Communication of the policy**

- a. The school will make regular and frequent public statements to raise an awareness of the school community's collective responsibility in reporting allegations of child abuse.
- b. This policy and relevant policy implementation documents will be made publicly available on the school's website and from the school office.
- c. The school will put in place arrangements to ensure the school community (including applicants for jobs) is informed about the school's child safe standards policies, procedures and allocated roles and responsibilities.

**9. Policy implementation documents**

- a. The documents setting out the strategies and actions required to implement this policy are:
  - i. Internal reporting procedures and flow chart.
  - ii. Communication plan to inform the school community about the reportable conduct policy and procedures, allocated roles and responsibilities.
  - iii. Detailed roles and responsibilities for ensuring reporting procedures are implemented, monitored and reviewed.
  - iv. Training policy to include training in the school's reporting procedures.
  - v. Training and guidance in recognising signs and indications of child abuse.
- b. Procedures to support this policy should include:
  - i. The ways in which and to whom anyone connected with the school can raise allegations of abuse by a person who works (or has worked) in the school.
  - ii. An outline of the way in which an investigation might proceed.

**10. Links to other policies**

Child Safety and Wellbeing Policy

Mandatory Reporting Policy

Amendments to the Crimes Act Policy

Recruitment Policy  
Risk Management Policy  
Child Safe Code of Conduct  
Volunteers and Visitors Policy  
Information Sharing Scheme Policy  
Record Management Policy (including Archiving Policy)  
Communication Policy

**11. Policy review**

The Learning Co-operative Board will review the Reportable Conduct Policy every two years.

**Evaluation**

This policy was ratified by the board on: **11/10/2021**

Chairperson's signature



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(MYRA THEISZ)

*Version and revision control record*

No previous versions

Date	version	Approver	Next review
15/10/2021	1	Name: MYRA THEISZ  Position: Chairperson  Signature: 	October 2023