

HIGHVIEW COLLEGE CHILD SAFE REPORTABLE CONDUCT POLICY



Purpose

Highview College is committed to providing a safe environment for all students and young people and takes active steps to protect them from neglect and abuse. Our College maintains a comprehensive suite of child protection strategies, embedded in the Child Safe Standards, and acknowledges 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. This policy sets out the obligations of the College in supporting the safety of children and young people and its care in relation to the conduct of adults associated with the College.

Scope

This policy applies to all members of the College Staff as defined below. It applies to all College activities during and outside of school hours that occur on school campus, offsite, or online, including extracurricular, sports activities and programs, excursions, camps, interstate and overseas travel. College Staff members are bound by this policy and required to report concerns about or incidents of child abuse or neglect. Fulfilling the roles and responsibilities contained in this policy and associated procedures does not displace or discharge any other obligations that arise if a person reasonably believes that a child or young person is at risk of child abuse.

Key Definitions

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

Mandatory reporter: someone who is mandated to report cases of suspected child abuse and neglect. The people mandated to report varies across states. In Victoria, it includes, but is not limited to, school principals, teachers, early childhood educators, nurses, psychologists and counsellors.

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 mandatory 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.

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.

School environment: Any physical or virtual place made available or authorised by the College for use by a child during or outside school hours, including:

- a campus of the school
- online school environments, including Google Meet, Zoom, email and intranet systems;
- other locations provided by the school for a child's use including school camps and sporting grounds as well as those used for excursions, competitions, or school community events.

College staff member: means an individual working in the school environment who is:

- directly engaged or employed by the school governing authority, including teaching staff, non-teaching staff, allied health workers, coaches, casual relief teachers and examination supervisors;
- the school governing authority including Highview College and the College Board;
- volunteers and contractors;
- third party providers;
- student host families;
- foster carers or carers who are family members;
- a minister of religion, members of a religious congregation or congregational clergy.

Implementation: making a report

Highview College will report any reportable allegation made against an employee to CCYP.

A 'reportable allegation' is made where a person makes an allegation, based on a reasonable belief, that a member of the College Staff as defined in this policy has committed conduct that may involve reportable conduct. This includes where a reportable allegation is made against the College Principal.

Note: A 'reasonable belief' is more than a 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).

Under the Reportable Conduct Scheme, as head of the organisation, the Principal must ensure that processes and procedures are in place to prevent reportable conduct from being committed and enable reportable allegations to be made.

When an employee of Highview College becomes aware of a potentially reportable allegation, they should inform the Principal or a member of the College Executive Team.

The Principal of Highview understands they 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 threshold for notifying the CCYP is low.

The Principal or nominee will:

- submit a notification to the CCYP within three days of becoming aware of the reportable allegation;
- meet the milestones and reporting requirements to the CCYP under the RCS.
- make a report to Victoria Police if they believe a reportable allegation may involve criminal conduct.

Reportable conduct includes:

- sexual offences;
- sexual misconduct
- grooming;
- physical violence;
- serious emotional or psychological harm;
- serious neglect.

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 a 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 	<p>Deprived from the following:</p> <ul style="list-style-type: none"> ● clothing or food ● medical attention or care ● shelter ● supervision

Any reportable allegation listed above that is reported to the Principal will be immediately reported by the College Principal. An allegation against the Principal should be referred to the College Board.

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

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 DHHS as per the school's Child Safe – Mandatory 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 College will 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.

Note: 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 CCYP website.

Reporting To The CCYP

Upon becoming aware of a reportable allegation against an employee, the Principal or member of the Executive Team must contact the Chair of the College Board as soon as practicable 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"> • 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 actions 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 actions 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

HIGHVIEW COLLEGE IS COMMITTED TO PROCEDURAL FAIRNESS THROUGHOUT THE ENTIRE INVESTIGATION PROCESS.

For current employees, the Principal will follow the process set out in the Highview College Enterprise Agreement 2023-2025. Further, all other relevant 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 process set out in the Highview College Enterprise Agreement 2023-2025. 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 College Board, in consultation with the Principal, will determine when the subject of the reportable allegation should be first told about an allegation, 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

The Principal or nominee will be guided by the advice of CCYP to ensure an appropriate investigation is conducted into the reportable allegation.

At the conclusion of the investigation, the College Board, in consultation with the Principal, 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 College maintains records of these 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.

Review of Policy

At Highview College, we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstances. The College will maintain a history of updates to the policy and report these changes to the College Board.

This policy was ratified by the Highview College Board in March 2024 and will be reviewed and ratified again in three years.

References

- *Victorian Children Legislation Amendment (Reportable Conduct) Act 2017*
- *Victorian Child Wellbeing and Safety Act 2005*
- *Victorian Children, Youth and Families Act 2005*