

## Reportable Conduct Scheme Policy

### 1.0 Purpose

The Reportable Conduct Scheme, which commenced in Victoria on 1 July 2017, is a child safety mechanism administered by the Commission for Children and Young People, and provides for the reporting to the Commission of allegations of reportable conduct, committed by employees (including volunteers, contractors and office holders) within or connected to the School.

The Reportable Conduct Scheme complements the child safe standards and other existing child safety measures, including but not limited to, mandatory reporting.

The purpose of this policy is to ensure that the School complies with its obligations under the Reportable Conduct Scheme.

### 2.0 Scope

This policy applies to everyone who works at the School including staff, contractors, parents and volunteers.

### 3.0 Definitions

Child	A person who is under the age of 18 years.
Child abuse	Child abuse is defined in section 3 of the <i>Child Wellbeing and Safety Act (2005)</i> (Vic) as including: <ol style="list-style-type: none"> <li>a) any act committed against a child involving:             <ul style="list-style-type: none"> <li>• a sexual offence or</li> <li>• an offence under section 49B(2) of the <i>Crimes Act 1958</i> (Vic) (grooming)</li> </ul> </li> <li>b) the infliction, on a child, of:             <ul style="list-style-type: none"> <li>• physical violence or</li> <li>• serious emotional or psychological harm</li> </ul> </li> <li>c) serious neglect of a child.</li> </ol>
Commission	Commission for Children and Young People
Employee	A person of or over the age of 18 years who is: <ol style="list-style-type: none"> <li>a) an employee of the School, whether or not the person is employed in connection with any work or activities of the School that relate to children</li> <li>b) 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.</li> </ol>
Physical violence	Means conduct committed against, with, or in the presence of a child, including an act that causes physical injury or pain such as hitting, kicking, punching, pushing, shoving, grabbing, throwing, shaking, hitting or striking with an object,

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	or using inappropriate restraint or excessive force.
Reportable Allegation	Means information that leads a person to form a reasonable belief that an employee, worker or volunteer has committed: <ul style="list-style-type: none"> <li>a) reportable conduct; or</li> <li>b) misconduct that may include reportable conduct.</li> </ul>
Reportable conduct	Reportable conduct means: <ul style="list-style-type: none"> <li>a) 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; or</li> <li>b) sexual misconduct committed against, with or in the presence of, a child; or</li> <li>c) physical violence committed against, with or in the presence of a child; or</li> <li>d) any behaviour that causes significant emotional or psychological harm to a child; or</li> <li>e) significant neglect of a child.</li> </ul>
School environment	The SMGS school environment is any physical or virtual place that was made available or authorized by the School for use by a child during or outside school hours, and includes: <ul style="list-style-type: none"> <li>a) The School campus at 25 Chapel St, St Kilda</li> <li>b) St George's Church at 4 Chapel St, St Kilda</li> <li>c) The School's Information Communication and Technology (ICT) including email and intranet systems</li> <li>d) Other locations provided by SMGS for a student's use, including locations used for school camps, sporting events, performance venues, excursions, competitions and other events.</li> </ul>
Sexual misconduct	Sexual misconduct includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching or physical contact, grooming behaviour and voyeurism.
Sexual offence	Means a serious sexual offence as set out in clause 1 of Schedule 1 of the <i>Sentencing Act 1991</i> (Vic) which includes rape, attempted rape, sexual assault, incest, various sexual offences against or involving a child, persistent sexual abuse of a child, grooming, and the production, distribution or possession of child abuse material.
Significant	Means in relation to emotional or physical harm to a child, or neglect, that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.

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SMGS or the School	St Michael's Grammar School
School Community	Existing and prospective staff (teaching and non-teaching), Parents, Students, Board, and other stakeholders.

### 4.0 Reportable Allegation

Any person, including an employee, students, parents, or members of the public, may form a reasonable belief that an employee of the School has engaged in reportable conduct, or misconduct that may involve reportable conduct.

A Reportable Allegation must be made to the Head of the School:

- in writing addressed to the Head of the School in a sealed envelope marked **Private and confidential** and delivered to the School's reception or to the Head of the School's office
- in writing sent by post in an envelope marked **Private and confidential** and addressed to:

Head of the School  
St Michael's Grammar School  
25 Chapel St,  
St Kilda Vic 3182

- by email marked – **Reportable Conduct** – and sent to – [Head@stmichaels.vic.edu.au](mailto:Head@stmichaels.vic.edu.au)
- by telephone advising that the person wishes to report an allegation of reportable conduct to the Head of the School:

Telephone: (03) 8530 3243

Where a verbal report is made via telephone, the person should provide a written report to the Head of the School within 48 hours of the verbal report.

If the person has information of a reportable allegation involving the Head of the School, the person must directly notify the Chairman of the School Board:

- in writing addressed to the Chairman of the School Board in a sealed envelope marked **Private and confidential** and delivered to the School's reception
- in writing sent by post in an envelope marked **Private and confidential** and addressed to:

The Chairman of the Board  
c/- St Michael's Grammar School  
25 Chapel St,  
St Kilda Vic 3182

A Reportable Allegation may also be made directly to the Commission at:

Commission for Children and Young People  
Level 18, 570 Bourke Street  
Melbourne Vic 3000

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Telephone: (03) 8601 5281

email: [childsafestandards@ccyp.vic.gov.au](mailto:childsafestandards@ccyp.vic.gov.au)

To be clear, a Reportable Allegation may be made whether or not the reportable conduct or misconduct is alleged to have occurred within the course of the employee's employment with the School.

### 5.0 Responsibilities of the Head of the School

The Head of the School is primarily responsible for ensuring the School's compliance with its obligations under the Reportable Conduct Scheme. In particular, the Head of the School will ensure that the School has in place:

- a system for preventing the commission of reportable conduct, or misconduct that may involve reportable conduct by an employee of the School within the course of his or her employment;
- a system for enabling any person, including employees of the School, to notify the Head of the School of a Reportable Allegation, or to notify the Chairman of the School Board of a Reportable Allegation involving the Head of the School; and
- a system for investigating and responding to a Reportable Allegation.

The Head of the School is responsible for notifying the Commission of a Reportable Allegation in line with the Reportable Conduct Scheme and for investigating such allegations and providing the findings to the Commission.

If the Head of the School becomes aware of a Reportable Allegation against an employee they will notify the Commission in writing of the following:

Within 3 business days after becoming aware of the allegation	<ul style="list-style-type: none"> <li>• the name and date of birth (if known) of the employee involved; and</li> <li>• whether Victoria Police has been contacted; and</li> <li>• contact details for the School and the Head of the School.</li> </ul>
As soon as practicable and within 30 calendar days	<ul style="list-style-type: none"> <li>• detailed information about the Reportable Allegation; and</li> <li>• details of the School's response to the Reportable Allegation, including whether the School proposes to take any disciplinary or other action in relation to the employee; and</li> <li>• reasons why the School intends to take or not to take any disciplinary or other action; and</li> <li>• any written response from the employee concerning the Reportable Allegation that the employee wished to have considered in determining what, if any, disciplinary or other action should be taken.</li> </ul>
Advice on investigation	<ul style="list-style-type: none"> <li>• Name and contact details of investigator</li> </ul>

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– as soon as practicable	appointed.
Outcomes of investigation – as soon as practicable	<ul style="list-style-type: none"> <li>• a copy of the findings and reasons for findings; and</li> <li>• details of any disciplinary or other action that the Head of the School proposes to take; and</li> <li>• reasons for taking or not taking any disciplinary or other action.</li> </ul>
Additional documents and information	<ul style="list-style-type: none"> <li>• any information or documents relating to the allegation or an investigation that the Commission may request.</li> </ul>

### 6.0 Reportable Allegation Investigation

As soon as practicable after becoming aware of a Reportable Allegation, the Head of the School will commence an investigation, which may include the appointment of an independent investigator.

Depending on the nature of the Reportable Allegation:

- the investigator may be one or more of the Director of People & Strategy, the School's Child Safety Officer, or an external party; and
- the Head of the School may follow the processes set out in the other School policies.

The investigator will decide on the investigation process, taking into account the principles of natural justice, and will advise the parties of such matters.

The investigator will, as soon as practicable:

- conduct interviews of relevant persons and seek any further information they deem necessary;
- provide to the Head of the School a confidential report of their findings in relation to the Reportable Allegation; and
- if requested, make recommendations about what disciplinary or other action should be taken (if any).

The Head of the School will consider the findings, and recommendations if any, and determine what further action, if any, to take in relation to the Reportable Allegation.

If a Reportable Allegation involves an allegation of child abuse or other criminal offence, the Head of the School may not commence an investigation until obtaining clearance from Victoria Police to do so.

The Commission and/or Victoria Police may investigate a Reportable Allegation. In doing so, they may:

- attend the School's premises;
- inspect documents; and
- interview staff or students who are involved in the Reportable Allegation.

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The School will assist the Commission and/or Victoria Police in performing its investigation.

### 8.0 Communication

The School Community will be informed about this Policy, which will be made publicly available.

This Policy will be available on the School's website and will also be communicated in the School's newsletters, personnel induction programs and during recruitment and enrolment processes for staff, contractors and volunteers.

All members of the School Board, staff, volunteers and contractors of the School will be made aware of this Policy and the School's commitment to child safety.

### 9.0 Responsibilities

Stakeholder	Responsibilities
Head of the School	The Head of the School is primarily responsible for ensuring compliance by the School with its obligations under the Reportable Conduct Scheme.
Deputy Head of the School	In the absence of the Head of the School the Deputy Head of the School will assume responsibility for this procedure.
Independent Investigator	The Director of People & Strategy, the School's Child Safety Officer, or an external party (as determined by Head of the School), will decide on the investigation process, taking into account the principles of natural justice, and will advise the parties of such matters.
School Board	The School Board may also be advised confidentially of allegations of child abuse that are disclosed to the Head of the School or the Deputy Head of the School under this procedure.
The School acknowledges that complying with this procedure will not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.	

### 10.0 Preventing Reportable Conduct from Occurring

The School has various policies and practices that take a preventative approach to keeping children safe, and for the early identification and response to risks of child abuse.

Such policies and practices include:

- At Risk Behaviour Policy
- Child Protection – Child Safe Policy
- Code of Conduct

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- Child Protection – Disclosure Policy
- Child Protection - Mandatory Reporting Policy.

### 11.0 Related procedures

- Anti-Bullying Policy
- At Risk Behaviour Policy
- Child Protection – Child Safe Policy
- Child Protection – Child Sexual Abuse Crimes Act Policy
- Child Protection – Disclosure Policy
- Child Protection – Mandatory Reporting Policy
- Child Protection – Past Abuse Response Policy
- Child Protection – Risk Management Strategy
- Code of Conduct
- Incident Report – Child Abuse
- Our way of Doing, Being and Becoming
- Pastoral Care Policy
- Statement of Philosophy
- Triage Process
- VIT Registration Policy
- Working with Children Check Policy.

These policies and procedures may be updated from time to time.

### 12.0 References

- *Children Legislation Amendment (Reportable Conduct) Act 2017*
- *Child Wellbeing and Safety Act 2005*
- *Commission for Children and Young People Act 2012*
- *Sentencing Act 1991 (Vic)*

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