

## Reportable Conduct Scheme Policy

### Background

Daylesford Dharma School is committed to:

- zero tolerance of child abuse;
- listening to and empowering children and young people; and
- keeping children and young people safe.

Daylesford Dharma School, in carrying out its governance responsibilities, facilitates and ensures the implementation of Child Safe Policies and Codes of Conduct throughout school. Daylesford Dharma School Board of Governance vests the management of the School through the different convened Board subcommittees. The Daylesford Dharma School Board executes its management responsibility through the Principal and the Leadership Team of the School to ensure that the Daylesford Dharma School is a safe place for children and young people and is a place where they can flourish. The Daylesford Dharma School is committed to playing a proactive role in the care, wellbeing and protection of children and young people.

Daylesford Dharma School has particular responsibilities for the safeguarding of children and young people as required by Ministerial Order No. 870: Child Safe Standards – Managing the risk of child abuse in schools (MO 870). This places accountability for managing the risk of child abuse with the Daylesford Dharma School. Consistent with MO 870, the School is required to have appropriate arrangements to regulate the conduct and decisions of school staff for the benefit of its students. These arrangements include implementing and complying with Daylesford Dharma School's Child Safety and Wellbeing Policies and having clear and comprehensive procedures and reporting mechanisms.

The objective is for the Daylesford Dharma School and the school community to be confident in the school's capacity to make and implement appropriate decisions, with child safety as a guiding principle. The School is cognisant of the National Principles for Child Safe Organisations (National Principles), that has been endorsed by the Council of Australian Governments (COAG). Daylesford Dharma School acknowledges that the Victorian Government has reviewed the Victorian Standards to better align with the National Principles, and that it is still required to comply with the Ministerial Order 870: Child Safe Standards – Managing the risk of child abuse in schools (MO 870). Therefore, our Child Safety Standards policies and procedures continue to reflect the Ministerial order MO 870.

### Reportable Conduct Scheme

The Child Wellbeing and Safety Act 2005 (Vic) (the Act) requires schools to report to the Commission for Children and Young People (CCYP) all allegations of 'employee' reportable conduct or misconduct that may involve reportable conduct.

This policy sets out the procedures for enabling persons to report reportable conduct and for such reports to be investigated and responded to.

The CCYP's website provides additional guidance and materials which assist the Daylesford Dharma School to understand and meet their obligations under the Act: [CCYP | Reportable Conduct Scheme information sheets](#)

### **Who is an Employee?**

For the purposes of the Act, 'employee' is defined as a person aged 18 years or over who is:

- employed by Daylesford Dharma School whether that person is employed in connection with any work or activities of Daylesford Dharma School that relate to children; or
- engaged by Daylesford Dharma School to provide services, including as a volunteer, contractor, office holder or officer, regardless of whether the person provides services to children. A minister, ordained Chaplain, or a religious leader is also an employee.

### **Of relevance to Daylesford Dharma School, the following people are considered employees:**

- Board of Governance Members;
- The Principal;
- Staff members of the School;
- Board Subcommittee members;
- Volunteers;
- Third Party Contractors;
- and External Education Providers.

For the purposes of this policy, all of the above are referred to collectively as "staff" or "staff members".

### **What is Reportable Conduct?**

Reportable conduct is defined in the Child Wellbeing and Safety Act 2005 (Vic) to mean:

- a sexual offence committed against, with or in the presence of, a child, whether 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; or
- significant neglect of a child.

Sexual misconduct includes:

- behaviour, physical contact or speech or other communication of a sexual nature, for example;
- 'sexting';
- inappropriate touching or physical contact;
- grooming behaviour; and

- voyeurism.

Sexual offence for the purposes of the Reportable Conduct Scheme means a serious sexual offence as set out in Clause 1 of Schedule 1 of the Sentencing Act 1991 (Vic), which includes rape, attempted rape, sexual assault, incest, indecent act with a child, persistent sexual abuse of a child, grooming and the production or possession of child pornography.

Significant means in relation to emotional or psychological harm 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.

The CCYP has provided guidance on how to identify physical violence, behaviour that causes emotional or psychological harm to a child and neglect.

Physical violence includes an act that causes physical injury or pain. Examples of physical violence can include:

- hitting/kicking/punching;
- pushing/shoving/grabbing/throwing/shaking;
- using an object to hit or strike; and
- using inappropriate restraint/excessive force.

Physical violence does not include:

- reasonable steps taken to protect a child from immediate harm, such as taking a child's arm to stop them from going into oncoming traffic; or
- medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid.

Behaviour that causes emotional or psychological harm to a child requires a clear link between the alleged conduct and the significant harm suffered (significant is defined above).

Signs that a child may have been emotionally or psychologically harmed may include:

- patterns of out of character behaviour;
- regression in behaviour;
- distress and anxious behaviours; and
- other physical symptoms, such as self-harm.

The exacerbation or aggravation of an existing mental health disorder may also cause emotional or psychological harm.

Examples of emotional or psychological harm may include:

- exposure to violence or threats of violence;
- self-destructive behaviour;
- antisocial behaviour;
- persistent hostility/rejection;
- humiliation/belittling; and
- scapegoating.

**It will not be reportable conduct if:**

- a person takes reasonable steps to protect a child from immediate harm;
- a person with responsibility for discipline takes lawful and reasonable disciplinary action, such as enabling a child to spend supervised time in 'time out' (refer to the Restraint and Seclusion policy) ; or
- an appropriately qualified person gives medical treatment in good faith such as a first aid officer administering first aid.

Neglect occurs when a person does not meet their obligations and responsibilities to keep a child safe and well. The neglect:

- must be more than minor and insignificant;
- does not need to have a lasting or permanent effect; and
- may be an ongoing situation or a one-off incident if it is not minor in nature.

The Daylesford Dharma School Child Safe Code of Conduct outlines the acceptable and unacceptable behaviours for employees. Teachers are also bound by the Victorian Institute of Teaching (VIT) Teaching Profession Code of Conduct. These codes, and similar for other professions, outline expected standards of behaviour of all staff, volunteers, and third-party contractors at the School. It is important to note that a breach of these Codes will not always constitute an incident of reportable conduct. Such breaches can often be dealt with at the school level and do not need to be reported to the CCYP. For example, reasonable disciplinary consequences for a student would not amount to behaviour that causes emotional or psychological harm to a child and therefore is not reportable conduct.

**What Must Be Notified?**

Under the Child Wellbeing and Safety Act 2005 (Vic), schools must notify the CCYP of a reportable allegation against a staff member. Reportable allegation is defined in the Act to mean any information that leads a person to form a reasonable belief that an employee (member of staff) has committed:

- reportable conduct; or
- misconduct that may involve reportable conduct – whether the conduct/misconduct is alleged to have occurred in the course of the person's employment at a school.

Guidance from the CCYP states that reasonable belief is more than a suspicion. There must be some objective basis for the belief. However, it is not the same as proof and does not require certainty.

**Who Must Notify?**

Any person may disclose a reportable allegation to the CCYP by using an online form available from the CCYP's website <https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/> , by phone or by letter.

While any person may disclose a reportable allegation, the School must notify the CCYP of a reportable allegation (under section 16M). The designated head of the Daylesford Dharma School organisation who carries the legal obligations under the Reportable Conduct Scheme is the Board of Governance

Chairperson. The Board Chairperson is ultimately responsible for the School's compliance with the scheme. The Board Chairperson will be required to notify the Commission for Children and Young People of any reportable allegations and investigate these allegations, among other responsibilities. The Board Chairperson works with the Principal of the School to ensure that the systems are in place across the School to prevent reportable conduct from occurring, and that there are systems in place to enable staff to make reportable allegations.

The Principal as the operational head of the school, must notify the Daylesford Dharma School Board of Governance Chairperson, if they suspect reportable conduct has occurred. The School has distinct responsibilities under the Reportable Conduct Scheme and the Principal has primary responsibility for the School's workplace operations compliance with the Victorian Reportable Conduct Scheme and escalating any issues directly and immediately to the Board Chairperson.

The Principal may authorise a relevant member of the Leadership Team to:

- notify and update the CCYP of reportable allegations concerning Daylesford Dharma School employees and/or
- ensure all reportable allegations made against employees are immediately escalated to the Board Chairperson for investigations and reporting and/or
- comply with all obligations of the School under the Scheme.

It is a criminal offence for the Board Chairperson and the Principal to fail to disclose a reportable allegation to the CCYP without a reasonable excuse. The Act does not define what a reasonable excuse may be but section 16M (5) provides an exemption if the person honestly and reasonably believed that another person had notified the CCYP. The report must be made using an online form available from the CCYP's website noted above.

Where the reportable allegation involves the Principal, the Daylesford Dharma School Board Chairperson will;

- notify and update the CCYP of reportable allegations concerning Daylesford Dharma School employees and/or
- ensure investigations are undertaken into all reportable allegations made against employees and/or
- comply with all obligations under the Scheme.

### **Fulfilling the Principal's Responsibilities and Reporting to the Board Chairperson**

The Daylesford Dharma School Principal is responsible for ensuring that the School operations complies with the reportable conduct obligations under the Child Wellbeing and Safety Act 2005 (Vic). It is the responsibility of the Board Chairperson to oversee these systems and procedures. The Principal is expected to notify immediately to the Board Chairperson any reportable conduct allegations. The CCYP does not expect the Principal to practically carry out their responsibilities alone. They may seek help from other people within the school or the Independent Schools Victoria organisation. This may include

creating and developing systems with consultation, or notifying the Board Chairperson who will be responsible for conducting investigations on the behalf of the Principal's allegations.

### **Reportable Conduct and Other Reporting Obligations**

The Reportable Conduct obligation covered in this policy is separate and distinct from the:

- Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Vic);
- Obligation to Report a Sexual Offence obligation under (Vic);
- Obligation to Report a Sexual Offence obligation under the Crimes Act 1958 (Vic); and
- Conduct that is Reportable to the Victorian Institute of Teaching under the Education and Training Reform Act 2006 (Vic).

The threshold for reporting allegations of reportable conduct is much lower than these other reporting obligations. Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to the Victorian Police as the first priority. A Police investigation will take priority over any investigation conducted by Daylesford Dharma School under this policy.

### **How To Report Allegations of Reportable Conduct**

The table below describes the information to be included when an allegation of reportable conduct is made about an employee (persons engaged by the entity such as volunteers, contractors, office holders, school board members and representatives of a religious body) at the School.

The Reportable Conduct Scheme is in addition to a school staff member's mandatory reporting or criminal reporting obligations. Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to Victoria Police as the priority.

However, school staff members may find they also need to make an allegation of reportable conduct for the same incident. Daylesford Dharma School staff are required to notify the Principal or, if the Principal is the subject of the allegation, must notify the Chairperson, Board of Governance, [mel.ogden@dharmaschool.com.au](mailto:mel.ogden@dharmaschool.com.au) 0419 655 851 if they have a reportable conduct allegation.

The Principal must notify the Chairperson, Board of Governance, [mel.ogden@dharmaschool.com.au](mailto:mel.ogden@dharmaschool.com.au) 0419 655 851 if they have a reportable conduct allegation, as soon as possible.

The Reportable Conduct Scheme does not change mandatory reporting or other reporting obligations, including internal reporting and reporting criminal behaviour to Victoria Police. Reportable conduct reporting should be done in addition to these other reporting obligations.

## Making an Allegation of Reportable Conduct

Action	Description
<b>1. Keep notes</b>	Comprehensive notes must be kept, dated, and include the following information: <ul style="list-style-type: none"><li>• a description of the concerns (e.g. physical injuries, student behaviour)</li><li>• the source of those concerns (e.g. observation, report from child or another person)</li><li>• any actions taken as a result of the concerns (e.g., consultation with the Principal, report to DFFH Child FIRST service etc.).</li></ul>
<b>2. Make the report</b>	If a reasonable belief is formed that an employee (persons engaged by the School such as volunteers, contractors, office holders, school board members and representatives of a religious body) at the School has engaged in conduct or misconduct that is construed as reportable conduct, this allegation must be reported to the school's Principal or, if the Principal is involved in the allegation, a direct report to the Daylesford Dharma School Board of Governance Chairperson.

### **Reporting to the CCYP: Principal, Board Chairperson or an authorised person.**

Where the Principal or the Board Chairperson receives a reportable allegation from any person, the Board Chairperson must notify the CCYP within three business days. Where the reportable allegation involves the Principal, the person making the reportable allegation must notify the Board of Governance Chairperson. The Board Chairperson must then notify the CCYP within three business days.

There are two stages of reporting.

The Principal or Board Chairperson, or a person with authority to report, must notify the CCYP in writing of:

- The reportable allegations as soon as possible, and in any event within three business days of the Board Chairperson as the head of the organisation being notified of the reportable allegation. (This is a Stage One Report); and
- The proposed next course of action (see below), as soon as practicable, and within 30 days of becoming aware of the reportable allegation. (This is a Stage Two Report).

### **Stage One Report**

The report to the CCYP must state:

- that a reportable allegation has been made against a staff member;

- the name (including any former name and alias, if known) and date of birth, if known, of the staff member;
- whether the Victoria Police has been contacted about the reportable allegation;
- the name, address and telephone number of the school; and
- the name of the Principal;
- the name of the Board Chairperson.

An online form available on the CCYP's website must be used for the Stage One Report.

If the staff member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the Principal must notify the Victorian Institute of Teaching (VIT) immediately under Conduct that is Reportable to the VIT.

The timing of making a Stage One Report to the CCYP under this policy will coincide with the timing of a report made to the VIT.

### What should the Principal at Daylesford Dharma School do about a reportable allegation?

Below are the steps that a Principal should take if there is a potential reportable allegation. These steps are in general order of priority, but the guidance may change depending on the circumstances.

<b>If a student or another child provides information concerning a reportable allegation:</b>	<b>If a staff member or another adult provides information concerning a reportable allegation:</b>
<p><b>1.</b> The first step should always be to ensure the student/child is safe. If a child seems to be facing immediate danger or risk of harm, Victoria Police must be contacted on 000.</p>	<p><b>1.</b> The first step should always be to ensure that the student/child is safe. If a child seems to be facing immediate danger or risk of harm, Victoria Police must be contacted on 000.</p>
<p><b>2.</b> The Principal needs to be aware that the child has spoken to them because they can be trusted. Therefore, the Principal needs to:</p> <ul style="list-style-type: none"> <li>• give the child or young person full attention.</li> <li>• listen calmly and empathically.</li> <li>• Reassure the child or young person that it is right to tell.</li> <li>• accept that the child or young person will disclose only what they are comfortable disclosing and recognise the bravery/strength of the child for talking about something that is difficult.</li> <li>• allow the child or young person to take their time.</li> <li>• let the child or young person use their own words.</li> <li>• refrain from making promises they can't keep.</li> </ul>	<p><b>2.</b> The person should be thanked for raising the matter of the allegation. They are to be offered support and assistance, as necessary.</p> <p><b>3.</b> The person making the report needs to be made aware that the school will manage the concern confidentially and, to protect all parties, they should not discuss the matter.</p>



<p><b>3.</b> The Principal must tell the child or young person what they plan to do next. The Principal will engage the Child Safety and Wellbeing team to create a support strategy for the child and enact and manage the support measures.</p>	
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**4.** A record of the allegations must be made.

If appropriate, Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools can be used. It is advisable also to diarise the happenings. If a staff member, parent/carer or other adult was present, they should be requested to make a record as well.

**5.** The matter may need to be referred to Victoria Police or DFFH Child FIRST service:

<https://services.dffh.vic.gov.au/child-protection-contacts>

If necessary, it is to be reported in accordance with the actions documented in PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse, using PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools.

**6.** If relevant the child's parents/carers are to be notified following advice in PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

**7.** As soon as practicable a Principal's Consultant at Independent Schools Victoria must to be contacted on (03) 9825 7200 for additional advice (including guidance as to whether the alleged conduct is reportable), support and assistance to discuss the circumstances.

**8.** If the matter does involve a reportable allegation, the Principal will notify both the Board Chairperson and the CCYP.

**9.** A risk assessment is to be conducted by the Board Chairperson with the assistance of the Independent Schools Victoria to determine any measures that should be put in place to manage the person against whom allegations have been made, and to protect the student(s)/child(ren) against whom reportable conduct may have occurred.

## Stage One Report

### The report to the CCYP must state:

- that a reportable allegation has been made against a staff member;
- the name (including any former name and alias, if known) and date of birth, if known, of the staff member;
- whether the Victoria Police has been contacted about the reportable allegation;
- the name, address and telephone number of the school; and

- the name of the Principal and the Board Chairperson.

An online form available on the CCYP's website must be used for the Stage One Report.

If the staff member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the Principal must notify the Victorian Institute of Teaching (VIT) immediately under Conduct that is Reportable to the VIT. The timing of making a Stage One Report to the CCYP under this policy will coincide with the timing of a report made to the VIT.

## **Stage Two Report**

The report to the CCYP must state:

- detailed information about the reportable allegation;
- whether or not the school proposes to take any disciplinary or other action in relation to the staff member and the reasons why it intends to take, or not to take, that action; and
- any written submissions made to the Principal, the Board Chairperson or any other person authorised under this policy, concerning the reportable allegation that an employee wished to have considered in determining what, if any disciplinary or other action should be taken in relation to the staff member.

**Any allegation of child abuse, including physical violence, significant emotional or psychological abuse, sexual offences or significant neglect, must be reported to the Victorian Police. A Police investigation will take priority over any investigation conducted by Daylesford Dharma School under this policy.**

## **What happens after a Report to the CCYP is made?**

After the Principal, Board Chairperson, or other authorised person under this policy has made a report to the CCYP, they must ensure that an appropriate investigation of the reportable allegation is conducted.

The Board Chairperson will be responsible to appoint, directly or via another authorised person under this policy, an independent investigator. The Board Chairperson must notify the CCYP of who will be conducting the investigation. The investigation must be conducted in accordance with the rules of procedural fairness and natural justice. For example, the investigation should be conducted without bias and the person against whom the allegation is made should be given the right to respond.

Refer to the CCYP's Information Sheet 4 Investigation Overview for more information on what to consider when conducting an investigation.

## **A Police investigation into any matter takes priority over an investigation initiated by the Board of Governance Chairperson.**

### **On becoming aware that the Police are investigating a reportable allegation:**

- The Board Chairperson should consult with the Police before commencing an investigation to find out if the Police are, or will be, conducting an investigation; or
- the School's investigation should be put on hold until the Police investigation is complete. The Board Chairperson must give the CCYP:
- a copy of the findings of the investigation and the reasons for those findings;

- details of any disciplinary or other action that the Board Chairperson or Principal, proposes to take in relation to the staff member and the reasons for that action; and
- if the Board Chairperson or Principal does not propose to take any disciplinary or other action in relation to the staff member, the reasons why no action is to be taken. Under the Act, a staff member may seek a review by the CCYP of a finding made at the conclusion of an investigation.

### **Information Sharing:**

#### **Children and Parents/Carers**

Under the Act, the Board Chairperson or Principal may disclose:

- information about the progress of the investigation;
- the findings, reasons for the findings and the recommendations made at the conclusion of investigation;
- an action taken in response to those finding; To:
- the child who is the subject of the reporting allegation;
- a parent/carer; or
- the DFFH or Orange Door if the child is under this care.

### **Information Sharing:**

#### **Schools, the CCYP and Others Under the Act,**

the Board Chairperson or Principal may disclose information in relation to:

- a reportable allegation;
- a concern that reportable conduct has been committed;
- the investigation of a reportable allegation or concern about reportable conduct;
- the findings of an investigation and the reasons or recommendations made at the conclusion of the investigation; or
- any action taken in response to those findings; To:
- the CCYP;
- the head of another entity governed by the Act, such as another school; a regulator;
- the Chief Commissioner of Police;
- if necessary for the purposes of an investigation, an independent investigator;
- if necessary for the purposes of a Working with Children Check Clearance, the Secretary to the Department of Justice and Regulation; and
- a relevant Minister.

### **Publication of Information**

Daylesford Dharma School 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 Act provides more information on the meaning of 'publish', which includes making the information publicly available in writing or email.

### **Powers of the CCYP**

The CCYP has broad powers under the Act in relation to investigating a reportable allegation at the School. The CCYP may visit the school, inspect documents, and interview staff members or children involved in the reportable allegation. The School must assist the CCYP in all reasonable aspects of its investigation.

### **Breaches of This Policy**

If you believe that Daylesford Dharma School has breached its obligations, please contact the Board Chairperson [mel.ogden@dharmaschool.com.au](mailto:mel.ogden@dharmaschool.com.au) or the Principal in writing at [principal@dharmaschool.com.au](mailto:principal@dharmaschool.com.au) or by telephone to 5348 3112. Daylesford Dharma School will investigate your notification and will inform you of the outcome as soon as is practicable after a decision has been made. A breach of this Policy may lead to disciplinary action including possible termination of employment or appointment and/or referral to the appropriate authorities.

### **References**

- DDS Child Safety and Wellbeing Policy
- DDS Mandatory Reporting and Failure to Disclose Policy
- PROTECT: Reporting and Responding Obligations Policy
- PROTECT: Reporting and Responding Obligations Procedures for Schools
- DDS Child Safe Code of Conduct
- CCYP Reportable Conduct Scheme Information Page