



Policy	Reportable Conduct Policy	Date approved	13 June 2024
Policy Owner	Principal	Date of next review	13 June 2026
Approved by	School Council	Version	2

Introduction

Trinity Grammar School, Kew (the **School**) is committed to the safety and wellbeing of all students; the School has no tolerance for child abuse.

The Reportable Conduct Scheme, which is established under the *Child Wellbeing and Safety Act* (the **CWS Act**) and administered by the Commission for Children and Young People (**CCYP**), requires the Principal to investigate and report to the CCYP allegations of reportable conduct, or misconduct that may involve reportable conduct, against employees (**Reportable Conduct Scheme**).

This policy forms part of the School's Child Safety Framework and should be read in conjunction with the Child Safety and Wellbeing Policy and the Policy & Procedures for Responding to and Reporting Child Abuse.

Purpose

The purpose of this policy is to ensure that the School complies with its obligations under the Reportable Conduct Scheme. The policy, which is one aspect of the School's Child Safety Framework, sets out the School's expectations and procedures for:

- enabling any person, including staff members, to make an allegation of reportable conduct internally to the Principal (or, in the case of an allegation of reportable conduct involving the Principal, to the Chair of the School Council) and/or to the CCYP; and
- notifying the CCYP of allegations of reportable conduct and investigating such allegations.

Scope

This Policy applies to all staff (including teaching and non-teaching staff, casual staff and pre-service teachers on placement), members of the School Council, volunteers, contractors, parents/guardians and any other person who is associated with or comes into contact with the School.



Definitions

<p>Behaviour that causes significant emotional or psychological harm</p>	<p>To be reportable conduct under this category:</p> <ul style="list-style-type: none"> the allegation must concern the employee’s behaviour; and there must be a clear link between the alleged behaviour and the harm suffered by the child; and the harm must be significant. <p>“Significant” emotional or psychological harm is defined in section 3 of the CWS Act to mean 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.</p> <p>Signs that a child may have been significantly emotionally or psychologically harmed may include suicidal action, suicidal ideation or self-harm, patterns of out-of-character, self-destructive, antisocial or anxious behaviour, ongoing sleep disturbance, nightmares or bedwetting and/or regression in behaviour.</p> <p>The exacerbation or aggravation of an existing mental health disorder may also cause emotional or psychological harm.</p> <p>Examples of behaviour causing significant emotional or psychological harm may include exposure to violence or threats of violence, verbal abuse, coercive or manipulative behaviour, persistent hostility/rejection, humiliation/belittling, scapegoating.</p> <p>Behaviour that causes significant emotional or psychological harm does not include:</p> <ul style="list-style-type: none"> taking lawful and reasonable disciplinary action, such as sending a child to sit in a ‘time out’ in line with disciplinary policy taking reasonable steps to protect a child from immediate harm medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid.
<p>Child</p>	<p>Child is defined in the CWS Act as a person under the age of 18. The child does not have to be a student at the School.</p>
<p>Employee</p>	<p>The CWS Act defines an employee 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>For the purposes of this policy, all staff members, volunteers, contractors, external education providers, and members of the School Council are considered to be employees.</p>
<p>Physical violence</p>	<p>Physical violence can be actual or apprehended.</p> <p><u>Actual Physical Violence</u> An employee intentionally or recklessly uses physical force against, with or in the presence of a child which has the ability to cause physical injury or harm to the child. It does not matter whether injury or harm was actually caused to the child. Examples of actual physical</p>



	<p>violence can include hitting/kicking/punching; pushing/shoving/grabbing/throwing/shaking; using an object to hit or strike; using inappropriate restraint/excessive force.</p> <p>Actual physical violence does not include:</p> <ul style="list-style-type: none"> 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 medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid. <p><u>Apprehended Physical Violence</u> An employee intentionally or recklessly engages in conduct or behaviour against, with or in the presence of a child (such as words, gestures or actions) that causes the child to think that physical force is about to be used against them or another person. It does not matter whether or not the employee actually intended to carry out the physical violence.</p>
Reasonable belief	A 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.
Reportable Allegation	<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"> reportable conduct; or misconduct that may involve reportable conduct. <p>It does not matter whether the conduct/misconduct is alleged to have occurred in the course of the person's employment or engagement at the School.</p>
Sexual misconduct	<p>Sexual misconduct captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal. The CCYP defines sexual misconduct as conduct that:</p> <ul style="list-style-type: none"> amounts to misconduct; and is of a sexual nature; and occurred against, with or in the presence of, a child. <p>"Misconduct" is defined by the CCYP as conduct that is a departure from the accepted standards of the role and is intentional or seriously negligent.</p> <p>Section 3 of the CWS Act says that sexual misconduct includes behaviour, physical contact or speech or other communication of a sexual nature; inappropriate touching; grooming behaviour; voyeurism.</p>
Sexual offence	<p>A 'sexual offence' for the purposes of the Reportable Conduct Scheme means a serious sexual offence (as set out in the <i>Sentencing Act 1991 (Vic)</i>) committed with or in the presence of a child. These include but are not limited to rape, attempted rape, sexual assault, incest, indecent act with a child, persistent sexual abuse of a child, grooming offences and the production or possession of child pornography.</p> <p>An employee does not need to be charged with or convicted of a sexual offence for their behaviour to be reportable conduct.</p>
Significant neglect	Significant neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs, but failed to do so.



<p>Significant neglect is defined in section 3 of the CWS Act to mean that the neglect itself (not 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 defines neglect as “significant” if there has been a deliberate or reckless omission or omissions that have had, or could have, considerable force or effect on the safety or wellbeing of the child who is the victim of the neglect.</p> <p>The CCYP has identified four types of significant neglect that may constitute reportable conduct:</p> <ul style="list-style-type: none">• <u>Supervisory neglect</u> – a failure to exercise adequate supervision or control of a child (such as leaving a child alone or unsupervised for an extended period of time or exposing the child to inappropriate material or environments)• <u>Physical neglect</u> – a failure to meet a child’s physical needs (such as inadequate food, clothing, shelter or hygiene)• <u>Educational neglect</u> – a failure to ensure that a child’s formal educational needs are met (such as failing to register a child in school or condoning truancy)• <u>Emotional neglect</u> – a failure to provide adequate nurturing, affection, encouragement and support (such as rejecting, shaming or isolating a child, or permitting or encouraging the child to engage in criminal behaviour).
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Policy and Procedures

Reportable allegations

Any person who has any information which leads the person to form a reasonable belief that an employee of the School has committed reportable conduct, or misconduct that may involve reportable conduct, is encouraged to report that information to the Principal or to a Child Safety Leader.

What is Reportable Conduct?

Reportable conduct is defined in the CWS Act to mean:

- a sexual offence or sexual misconduct 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;
- 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.

These terms are defined in the ‘Definitions’ section of this policy.

The conduct does not have to have occurred at or in the course of the employee’s work at or for the School.

What is not Reportable Conduct?

Reportable conduct does not include:

- a person taking reasonable steps to protect a child from immediate harm



- a person with responsibility for discipline taking lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time
- an appropriately qualified person, giving medical treatment in good faith such as a first aid officer administering first aid.

Some examples of conduct that would not constitute reportable conduct include touching a child to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental.

Staff members who are unsure whether employee behaviour constitutes reportable conduct, or whether an investigation may be necessary to determine whether it constitutes reportable conduct, should discuss this with a School Child Safety Leader, who can assist in clarifying concerns and reporting obligations under this policy.

How to make a report

The information can be reported as follows:

- by email marked 'Reportable Conduct' to the Principal at principal@trinity.vic.edu.au or to a Child Safety Leader;
- verbally by telephoning the Principal/Child Safety Leader on 9854 3600; or
- in writing addressed to the Principal/Child Safety Leader in an envelope marked 'Private & Confidential', and delivered to the School Reception or posted to:

The Principal/ Child Safety Leader
Trinity Grammar School, Kew
40 Charles St
Kew VIC 3101

If the information relates to the Principal, a report may be made by emailing the Chair of School Council directly at schoolcouncil@trinity.vic.edu.au or in writing in an envelope marked 'Private & Confidential' and delivered to the School Reception or posted to:

The Chair of School Council
C/o- Trinity Grammar School, Kew
40 Charles St
Kew VIC 3101

The information can also be directly reported to the CCYP at:

The Commission for Children & Young People
Level 18
570 Bourke St
Melbourne VIC 3000

Principal's obligations

1. Upon becoming notified of an allegation of reportable conduct, a Child Safety Leader must immediately inform the Principal.
2. Where the Principal receives a reportable allegation against an employee of the School, the Principal must notify the CCYP within 3 business days:
 - that a reportable allegation has been made against an employee;
 - the name and date of birth of the employee;



- the contact details of the School and the Principal; and
 - whether Victoria Police has been contacted.
3. The Principal (or the Chair of School Council) will (subject to police clearance if the allegation involves a possible criminal offence) ensure an investigation is conducted into the reportable allegation as soon as is practicable. An external investigator may be appointed if appropriate. The investigation will be conducted in accordance with the rules of procedural fairness/natural justice.
 4. The investigator will determine the appropriate process to be adopted and the investigation will be conducted in accordance with the rules of procedural fairness. This will generally involve:
 - informing the employee of the allegation(s);
 - providing the employee with a reasonable opportunity to respond to the allegation(s);
 - conducting interviews with relevant parties;
 - seeking any further information required;
 - providing the Principal with a confidential report of the investigator's findings in relation to the allegation(s)
 5. The Principal will consider the findings of the investigation and determine what, if any, action needs to be taken in relation to the allegations.
 6. Within 30 calendar days, the Principal (or the Chair of School Council) will provide a report to the CCYP which includes:
 - detailed information about the reportable allegation;
 - details about any disciplinary or other action proposed, and reasons why any action is to be taken or not taken;
 - any written response from the employee about the allegation or any proposed disciplinary or other action to be taken against them; and
 - any other information required by the CCYP.
 7. Any allegation that involves possible criminal conduct by an employee must also be reported to Victoria Police. A police investigation will take priority over any investigation conducted by the Principal under this Policy.

Other Reporting Obligations

In some cases, conduct that is reportable conduct which must be reported internally and/or to the CCYP under this policy will also be conduct that meets the threshold for:

- a 'mandatory report' to the Department of Families, Fairness and Housing (Child Protection);
- the obligation to report a sexual offence committed against a child to Victoria Police under the Crimes Act 1958 (Vic)
- conduct that is reportable to the Victorian Institute of Teaching

Child Safety Codes of Conduct

The School's Child Safety Codes of Conduct outline expected standards of behaviour for all staff, contractors and volunteers at the School. However, breaches of these Codes of Conduct will not necessarily be reportable



conduct. For example, a volunteer accepting a social media 'friend' request from a student would be a breach of the Child Safety Code of Conduct but may not amount to reportable conduct.

These kinds of breaches of our Child Safety Codes of Conduct can be dealt with at the School level and do not need to be reported to the CCYP.

Key Responsibilities

The Principal is responsible for notifying the CCYP of a reportable allegation against an employee and conducting an investigation into the allegations in accordance with this Policy.

The Child Safety Leaders are responsible for receiving reports of reportable conduct and informing the Principal immediately of the allegations.

Communication

This Policy will be published on the School website and made available to staff on PolicyConnect.

Related Policies

Child Safety and Wellbeing Policy
Staff and Student Professional Boundaries Policy
Staff Code of Conduct
Child Safety Code of Conduct – Boarding House Staff
Procedures for Responding to and Reporting Child Abuse

References

Child Safety and Wellbeing Act 2005 (Vic)