

Policy

Reportable Conduct Scheme

1. Introduction

The protection of children and young persons is the responsibility of everyone who works at Scotch College including its staff, contractors, parents and volunteers. We all share responsibility for promoting the wellbeing and safety of children.

The Reportable Conduct Scheme is administered by the Commission for Children and Young People. The Scheme provides for the reporting to the Commission of allegations of reportable conduct, or misconduct that may involve reportable conduct, committed by Employees of the College (refer to Appendix 1 for definition of 'employee' per the *Child Safety and Wellbeing Act 2005* (Vic)).

2. Purpose

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

The Principal is responsible for ensuring compliance by Scotch College with its obligations under the Reportable Conduct Scheme. In particular, the Principal will ensure that Scotch College has in place:

- a system for preventing the commission of reportable conduct by an employee of the College within the course of employment;
- a system for enabling any person, including employees of the College, to notify the Principal of a reportable allegation of which the person becomes aware, or to notify the Chairman of Council of an allegation involving the Principal;
- a system for investigating and responding to a reportable allegation against an employee of the College.

Everyone involved in Scotch College has a role to play, and may disclose an allegation of reportable conduct involving an employee to the Commission, the Child Protection Officer or to the Principal.

3. Reportable Allegation

Any person who has any information leading to a reasonable belief that an employee of Scotch College has committed:

- (a) reportable conduct; or
- (b) misconduct that may involve reportable conduct,

whether or not the misconduct is alleged to have occurred within the course of the employee's employment with Scotch College, is encouraged to report such information directly to the Principal or:

- in writing addressed to the Principal in a sealed envelope marked **Private and confidential** and delivered to the College's reception or to the Principal's office
- in writing sent by post in an envelope marked **Private and confidential** and addressed to:
The Principal
Scotch College
1 Morrison Street
Hawthorn Vic 3122
- by email marked – **Reportable Conduct** – sent to – principal@scotch.vic.edu.au
- by telephone or fax advising that the person wishes to report an allegation of reportable conduct to the Principal:
Telephone: (03) 9810 4321
Facsimile: (03) 9810 4333

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If a staff member – teacher or non-teaching staff – forms a reasonable belief that reportable conduct has taken place they must report this information to the Child Protection Officer or the Principal, in accordance with the College's Child Safe Policies.

If the person has information of a reportable allegation involving the Principal of Scotch College, the person must directly notify the Chairman of Council:

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

The Chairman of Council
c/- Scotch College
1 Morrison Street
Hawthorn Vic 3122

In relation to allegations against the Principal, steps required to be taken in this policy by the Principal will be taken by the Chairman of Council or their delegate.

A report may also be made directly to the Commission for Children and Young People at:
Commission for Children and Young People, Level 18 570 Bourke Street Melbourne Victoria 3000

Telephone: (03) 8601 5281

Via secure webform: <https://ccyp.vic.gov.au/report-an-allegation/notify-about-a-reportable-allegation/>

A report may be made whether or not the conduct or misconduct is alleged to have occurred within the course of the employee's employment with Scotch College.

4. Preventing Reportable Conduct From Occurring

Scotch College has policies and practices that take a preventative approach to keeping children safe, and for the early identification and response to risks of child abuse in the College's physical and online environment. Such policies and practices include:

- Child Safety and Wellbeing Code of Conduct
- Safeguarding Children and Young People Policy
- ICT Policy – Staff Use
- ICT Policy – Student Use
- Safeguarding Reporting Policy
- Safeguarding Incident Management Policy

5. Procedures for Responding to and Reporting Suspected Child Abuse

Scotch College has procedures for responding to and reporting suspected abuse of a child currently in its care. Scotch College also has practices and programs that support, encourage and enable College staff, parents and children to understand, identify, discuss and report child safety matters. Such policies and practices include:

- Safeguarding Reporting Policy
- Safeguarding Incident Management Policy
- Staff Issue Resolution Procedure
- Complaints (Parent, Student and Community) Policy
- Procedure for Investigating Allegations of Misconduct

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6. Reportable Allegation Investigation

As soon as practicable after becoming aware of a reportable allegation against an employee, the Principal will commence an investigation, which may include appointing an independent investigator. Depending on the nature of the allegation, the Principal may follow the processes set out in the other College policies noted above.

Generally, the person appointed to conduct the investigation will decide on the appropriate process for the investigation, taking into account the principles of natural justice, and will advise the parties of such matters.

The investigator will, as soon as practicable:

- conduct an investigation into the allegation;
- conduct interviews of relevant persons and seek any further information he/she deems necessary;
- provide to the Principal a confidential report of his/her findings in relation to the allegation against the employee; and
- if requested, make recommendations about what disciplinary or other action should be taken (if any).

The Principal will consider the findings, and recommendations if any, and determine what further action, if any, to take in relation to the allegations.

If an allegation involves a possible criminal offence, the Principal will first obtain clearance from Victoria Police before beginning an investigation.

7. Responsibilities of the Principal

The Principal 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 Principal becomes aware of a reportable allegation against an employee of Scotch College he 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">• the name and date of birth (if known) of the employee involved• whether Victoria Police has been contacted• contact details for the College and the Principal
As soon as practicable and within 30 calendar days	<ul style="list-style-type: none">• details of the allegation• details of the College's response to the allegation• reasons for whether or not any disciplinary or other action is proposed• any written response from the employee concerning the allegation that the employee wished to have considered in determining what, if any, disciplinary or other action should be taken
Advice on investigation – as soon as practicable	<ul style="list-style-type: none">• Name of investigator
Outcomes of investigation – as soon as practicable	<ul style="list-style-type: none">• a copy of the findings and reasons for the findings• details of any disciplinary or other action that the Principal proposes to take• reasons for taking or not taking any disciplinary or other action
Additional documents and information	<ul style="list-style-type: none">• any information or documents relating to the allegation or an investigation that the Commission may request.

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8. Policy Review

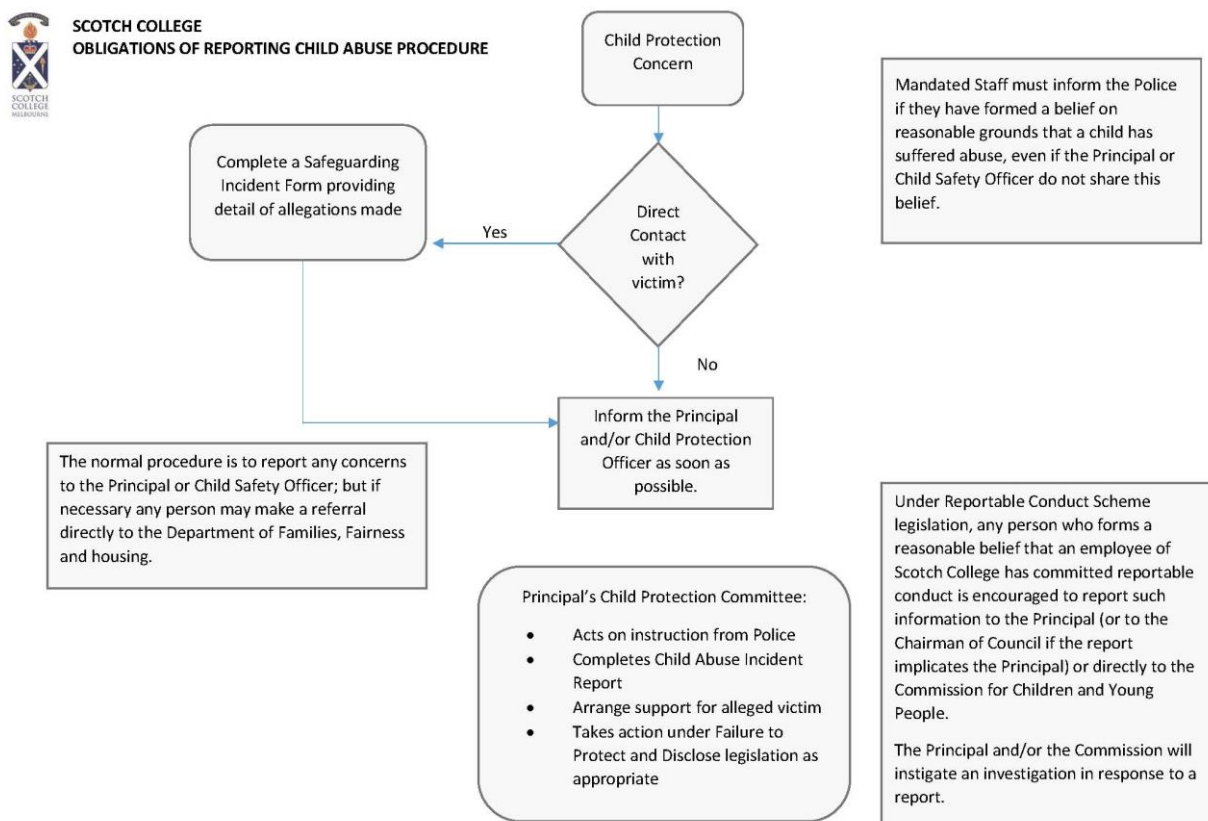
This policy will be reviewed every two years or more often as circumstances require.

9. Relevant Legislation:

Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)

Child Wellbeing and Safety Act 2005 (Vic)

Commission for Children and Young People Act 2012 (Vic)



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Appendix 1 – Definition of ‘Employee’

as defined in the *Child Safety and Wellbeing Act 2005 (Vic)*, with an updated definition coming into force on 1 July 2024:

employee, in relation to an entity to which the reportable conduct scheme applies, means a person of or over the age of 18 years who is–

- (a) employed by the entity, whether or not the person is employed in connection with any work or activities of the entity that relate to children; or
- (b) engaged by the entity to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children; or
- (ba) a person who–
 - (i) is supplied to the entity by a provider for whom the person is a worker or volunteer worker; and
 - (ii) performs work in and as part of the business or undertaking of the entity under the direction, supervision or control of the entity, whether or not the work relates to children; or

Examples

1. A relief teacher in a school.
2. An agency nurse working in a hospital.

(bb) a secondee to the entity who performs work in and as part of the business or undertaking of the entity under the direction, supervision or control of the entity, whether or not the work relates to children; or

(bc) if the entity is an applicable entity who is an individual, the individual; or

(bd) engaged by the entity through another body of which the person is a director or other office holder, whether or not the person provides services to children; or

Example

A sole director of a company that has entered into a contract for services with the entity, provided that the director performs work for the entity.

(c) if the entity is a religious body (within the meaning of section 81 of the **Equal Opportunity Act 2010**)– a minister of religion, a religious leader or an employee (within the meaning of paragraph (a) or (b)) or officer of the religious body; or

(d) either–

- (i) a foster carer approved by the provider of an out of home care service with whom a child is or has been placed in accordance with the Children, Youth and Families Act 2005 or an order made under that Act; or
- (ii) a family member or other person of significance to a child with whom the child is or has been placed in out of home care, or who is supervised in that care, by the entity, or the head of the entity, under the Children, Youth and Families Act 2005 or in accordance with an order made under that Act–
and–
- (iii) a permanent care order has not been made in respect of the child; or
- (iv) a permanent care order has been made in respect of the child and a reportable allegation in relation to the child is made concerning the permanent carer in respect of the period before the making of the order; or

(e) a person in a prescribed class of person–

but does not include a person in a class of person prescribed not to be an employee.