



# Star of the Sea College

## Reportable Conduct Policy

---

Star of the Sea College is a Catholic Independent Girls' school, founded by the Presentation Sisters in 1883. Since 2014, Star of the Sea College has been a member of Kildare Ministries.

At Star of the Sea College we hold the care, safety and wellbeing of our students as a central and fundamental responsibility of our College. Our commitment is drawn from, and inherent in, the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel: *CECV Commitment Statement to Child Safety*:

The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ's teaching: that is why the promotion of the human person is the goal of the Catholic School (*Congregation for Catholic Education 1997, n.9*).

### INTRODUCTION

Star of the Sea College is committed to providing a safe environment for all children, students and young people, and takes active steps to protect them from neglect and abuse. Our school 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.

### PURPOSE

The CCYP is focused on employee, volunteer and contractor conduct and how organisations investigate and respond to suspected child abuse. The RCS aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children, but do not have a criminal record.

The RCS applies to Star of the Sea College and other organisations which are required to meet the Child Safe Standards.

### SCOPE

The purpose of the Reportable Conduct Policy is to ensure that all Star of the Sea College parents, staff and students are aware of conduct which is deemed "reportable conduct" under the legislation, and understand how to make a report. This policy complements the College Child Safety and Wellbeing Policy and other policies linked to child safety and demonstrates the strong commitment of Star of the Sea College to the care, safety and wellbeing of all students at our College. The Reportable Conduct Scheme as outlined in the legislation does not replace existing reporting requirements for the protection of children. Wherever relevant and as required by law, the College is obliged to continue to report to:

- Victoria Police, where criminal conduct has been committed or is suspected
- Child Protection, if a child is in need of protection
- Victorian Institute of Teaching (VIT)
- Government funding bodies, as part of any funding and service agreement obligations



# Star of the Sea College

## Reportable Conduct Policy

---

The Reportable Conduct Policy takes into account relevant legislative requirements within the state of Victoria, as a result of the Children Legislation Amendment (Reportable Conduct) Act 2017, and is administered by the CCYP.

The Reportable Conduct Policy applies to College staff, including College employees, volunteers, contractors and clergy.

Allegations of reportable conduct should be reported to the Principal. Allegations that concern the Principal can be referred to another member of the Leadership Team, the College Board Chair, MACS via the Safeguarding and Standards team and/or the Executive Director of Kildare Ministries.

### **POLICY COMMITMENTS**

All students enrolled at Star of the Sea College have the right to feel safe and be safe. The wellbeing of students in our care will always be our first priority and we do not and will not tolerate child abuse. We aim to create a child safe and child friendly environment where students are free to enjoy life to the full without any concern for their safety. We pay particular attention to the most vulnerable students, including Aboriginal and Torres Strait Islander students, students from culturally and/or linguistically diverse backgrounds, and students with a disability.

### **PRINCIPLES**

The following principles underpin our commitment to child safety at Star of the Sea College:

- Star of the Sea College is committed to preventing child abuse and identifying risks early, and removing and reducing these risks.
- All adults in our College, including teaching and non-teaching staff, clergy, volunteers, and contractors, have a responsibility to care for students, to positively promote their wellbeing and to protect them from any kind of harm or abuse.
- Staff, clergy, volunteers, contractors, parents and students should feel free to raise concerns about child safety, knowing these will be taken seriously by the Leadership Team.
- Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.

### **DEFINITIONS USED IN THIS POLICY**

**Employee:** For the purposes of the *Child Wellbeing and Safety Act 2005* (Vic.), employee is defined as a person aged 18 years or over who is either:

- 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
- 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.



# Star of the Sea College

## Reportable Conduct Policy

---

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

**Child abuse:** Includes -

- (a) any act committed against a child involving:
  - (i) a sexual offence
  - (ii) an offence under section 49B (2) of the Crimes Act 1958 (grooming)
- (b) the infliction on a child, of:
  - (i) physical violence
  - (ii) serious emotional or psychological harm
- (c) serious neglect of a child.

**Child safety:** Encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse.

**Child neglect:** Includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health and physical development of the child is significantly impaired or placed at serious risk.

**Child physical abuse:** Generally, child physical abuse refers to the non-accidental infliction of physical violence on a child by any person. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour.

**Child protection:** Statutory services that are designed to protect children who are at risk of serious harm.

**Child sexual abuse:**

- is when a person uses power or authority over a child to involve them in sexual activity
- can include a wide range of sexual activity including fondling the child's genitals, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.

Child sexual abuse may not always include physical sexual contact and can also include non-contact offences, for example:

- talking to a child in a sexually explicit way
- sending sexual messages or emails to a child
- exposing a sexual body part to a child
- forcing a child to watch a sexual act (including showing pornography to a child)
- having a child pose or perform in a sexual manner (including child sexual exploitation).

Child sexual abuse does not always involve force. In some circumstances a child may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love,

---



# Star of the Sea College

## Reportable Conduct Policy

---

through a process of grooming. Consensual sexual activity between adolescents at a similar developmental level is not considered abuse.

**College staff:** means an individual working in a College environment who is:

- directly engaged or employed by a College governing authority
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)
- a minister of religion

**CCYP** is the Commissioner of Children and Young People.

**Head of Entity:** The Chair of the College Board or Principal is deemed to be the Head of Entity. In Archdiocese of Melbourne, Principals contact the Employee Relations Unit / Safeguarding and Standards Team of MACS.

**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 mandated 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 Families, Fairness and Housing (DFFH) Child Protection. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners.

**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.

See appendix 1 for a non-exhaustive table of examples.

### IMPLEMENTATION

The school will ensure the reporting of any reportable allegation made against an employee to the MACS Safeguarding and Standards Team.

---



# Star of the Sea College

## Reportable Conduct Policy

---

A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that an employee, volunteer or contractor has committed conduct that *may* involve reportable conduct. This includes where a reportable allegation is made against the school Principal.

**Note:** A reasonable belief is more than 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).

The College Principal, a member of the Leadership Team, the MACS Regional General Manager or the MACS Executive Director does not need to agree with or share the belief that the alleged conduct has occurred. The RCS is an allegations-based scheme. This means that the threshold for notifying the CCYP is low. All allegations must be referred to the MACS Safeguarding and Standards Team for advice.

The Principal, after consultation with MACS, will then:

- 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.

It is important to note that existing mandatory reporting obligations have not changed. The College will report any allegation of abuse to the DFFH 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 DFFH.

---



# Star of the Sea College

## Reportable Conduct Policy

---

### Reporting and Responding

Star of the Sea College follows the guidelines outlined by MACS in responding to any allegation relating to Reportable Conduct.

Star of the Sea College records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. The College complies with legal obligations that relate to managing the risk of child abuse under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (Vic.) and the recommendations of the [Betrayal of Trust](#) report.

### Risk Management

At Star of the Sea College we are committed to proactively and systematically identifying and assessing risks to student safety across our whole College environment, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise.

### Reportable conduct, mandatory reporting and reporting to the VIT

Reportable conduct allegations as listed in Appendix 1 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 DFFH as per the College's Child Protection – 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 school must notify the Victorian Institute of Teaching (VIT) immediately under conduct that is reportable to the VIT.

### Process to determine if a Reportable Offence has occurred:

- Staff, students, parents and members of the community may inform the Principal of conduct by staff members which may fall under the Reportable Conduct notification.
- Where an employee is suspected of breaching any obligation, duty or responsibility within this Reportable Conduct Policy, the Principal will contact the Employee Relations / Safeguarding and Standards Team of MACS.
- The Principal must act where they have any information that leads a person to form a reasonable belief that:
  - an employee has committed reportable conduct



# Star of the Sea College

## Reportable Conduct Policy

---

OR

- an employee has committed misconduct which may include reportable conduct (e.g. being in a classroom alone with a student with a closed door or without a line of sight to others)

The threshold for reasonable belief is lower than in other cases.

In Victoria, it is an offence to engage in certain sexual behaviours against, with or in front of, a child. Many of these behaviours are reportable conduct under the Reportable Conduct Scheme (see Appendix 1).

A person does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be Reportable Conduct.

'Sexual misconduct' captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal.

- If MACS determines this is a Police matter, the Principal immediately informs the Police and waits for further instruction.
- If the advice suggests that it is not a police matter, the Principal interviews the students with their Pastoral Leader present, to gather information.
- For reportable allegations against an employee, the Principal must notify the CCYP within 3 business days, and follow up with a report on the investigation, school's response and disciplinary or other action proposed within 30 days. (see Appendix 2)
- In addition, when a notifiable disclosure event has occurred, such as Reportable Conduct, the Principal must notify CECV within 30 days.
- If the matter is deemed not reportable, but still comes under Clause 13 for misconduct or other offences, the Principal may start the process under Clause 13 of the Victorian Catholic Education

Multi Enterprise Agreement 2018 (VCEMEA) for managing employment concerns. This may result in disciplinary consequences.

- Documentation of all conversations and investigations will be filed in a hard copy folder "Reportable Offences" which resides in the Principal's Office. Hand-written and electronic notes taken during meetings will also be kept.
  - E copies of files will be stored in the drive Department (\\starfs) (X:) Leadership Executive folder in the IT directory, accessible by the Leadership Team.
  - Follow up meetings with parents, the student and /or the teacher may occur.
-



### Appendix 1: Identifying Reportable Conduct

Reportable conduct includes:

Sexual Offence	Sexual Misconduct	Physical Violence	Behaviour that causes significant Psychological or Emotional Harm	Significant Neglect
<ul style="list-style-type: none"> <li>Rape or sexual assault</li> <li>Sexual activity with or in the presence of a child</li> <li>Grooming or encouraging a child to engage in sexual activity</li> <li>Offences relating to child abuse material</li> </ul>	<ul style="list-style-type: none"> <li>Behaviour, physical contact, speech or other communication of a sexual nature</li> <li>Physical contact without valid reason</li> <li>Crossing professional boundaries</li> <li>Voyeurism</li> </ul>	<ul style="list-style-type: none"> <li>Hitting, kicking, punching</li> <li>Pushing, shoving, grabbing, throwing, shaking</li> <li>Use of an object</li> <li>Inappropriate restraint, excessive force</li> <li>Causing a child to believe that force is about to be used (apprehended)</li> </ul>	<ul style="list-style-type: none"> <li>Exposure to violence or threats of violence</li> <li>Anti-social behavior</li> <li>Self-destructive behavior</li> <li>Persistent hostility or rejection</li> <li>Humiliation or belittling</li> <li>Scapegoating</li> </ul>	<p>Deprived from the following:</p> <ul style="list-style-type: none"> <li>clothing or food</li> <li>medical attention or care</li> <li>shelter</li> <li>supervision</li> <li>Access to drugs or alcohol</li> </ul>

The above examples are not exhaustive and consideration should be given to other conduct which may need to be reported. Any reportable allegation listed above, or not listed above but which may constitute reportable conduct, will need to be immediately reported by the school Principal.





# Star of the Sea College

## Reportable Conduct Policy

---

### Appendix 2: Flow-chart of process

- Notify**
- The 'Head of Entity' must ensure notification to the CCYP within **3 working days** of becoming aware and forming 'reasonable belief' of a reportable allegation. (Note: *threshold for reasonable belief is low*)
- In the Archdiocese of Melbourne, Principals contact the MACS Employee Relations Unit / Safeguarding and Standards Team.
- Investigate**
- Must investigate or arrange for investigation of an allegation – *subject to Police clearance on criminal matters.*
  - Must advise the CCPY who is undertaking the investigation.
  - Must manage the risks to children.
- Update**
- Within **30 working days** must provide the CCYP detailed information about the reportable allegation and any action have taken.
- Outcomes**
- Must notify the CCPY of the investigation and disciplinary actions the Head of Entity has taken (or why no action was taken).
-



# Star of the Sea College

## Reportable Conduct Policy

---

Responsible Officer	Principal
Approved By	Board
Approved & Commenced	February 2017
Last Reviewed	June 2022
Next Review	June 2024
Relevant Legislation	Child Wellbeing and Safety Act 2005 (Vic.) Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic.) Children, Youth and Families Act 2005 (Vic.) Crimes Act 1958 (Vic.) Education and Training Reform Act 2006 (Vic.) Equal Opportunity Act 2010 (Vic.) Ministerial Order No 1359 - Implementing the Child Safe Standards: Managing the Risk of Child Abuse in Schools and Boarding Premises Privacy Act 1988 (Cth.) Public Records Act 2005 (Vic.) Worker Screening Act 2020 (Vic.)
Related Policies & Procedures	<a href="#">PROTECT identifying and Reporting all forms of abuse in schools</a> Child Safety – Reporting Obligations Child Safety Code of Conduct Grievance Procedures ICT Staff Policy ICT Student Policy Respectful Relationships Policy Pastoral Care Policy Privacy Policy Visitors, Volunteers and Contractors Checklist Visitors to the School Policy Volunteer Procedures
Version	5
Amendments	Updated Ministerial Order 1359

---