



# Star of the Sea College

## Reportable Conduct Policy

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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 operated under the auspices 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*).

### **PURPOSE**

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 Safe 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

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 Commission for Children and young People (CCYP).

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



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### 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

**Child:** A child or a young person enrolled as a student at the College who is under 18.

**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 incidents or allegations of child abuse.

**Child neglect:** The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.

**Child physical abuse:** Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction

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

**Mandatory Reporting:** The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners.

**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:** Commissioner of Children and Young People

**Head of Entity:** The Chair of the Board is deemed to be the Head of Entity. In Archdiocese of Melbourne, Principals contact IR Unit and IR Unit will report on behalf of 'Head of Entity'



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### **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.

### **Reporting and Responding**

Star of the Sea College follows the guidelines outlined by CEM 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.



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### **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 unit of Catholic Education Melbourne.
- 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
  - 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 the IR unit 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.
- If a reportable offence has occurred, then the Principal must notify the CCYP within 3 days, and follow up with a report 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



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Multi Enterprise Agreement 2013 (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



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### Appendix 1: Identifying Reportable Conduct *(CEM briefing for staff 14.9.2017)*

<p><b>Sexual Abuse</b></p> <p>eg rape or sexual assault; offence relating to child abuse material</p>	<p><b>Sexual Misconduct</b></p> <p>eg crossing professional boundaries</p> <p>eg sexually explicit comments</p>	<p><b>Physical Abuse</b></p> <p>eg pushing, shoving, grabbing, shaking</p> <p>eg inappropriate restraint/excess force</p>	<p><b>Significant Psychological/ Emotional Harm</b></p> <p>eg exposure to violence or threats of violence</p> <p>eg humiliation/ belittling; persistent hostility/ rejection</p>	<p><b>Significant Neglect</b></p> <p>eg clothing or food; medical care; supervision; provision of drugs/ alcohol</p>
<p>Against, with or in the presence of a child</p>				



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### Appendix 2 Flow-chart of process *(CEM Briefing for staff, 14.9.2017)*

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





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Responsible Officer	Principal
Approved By	Chair of Board
Approved & Commenced	February 2017
Review By	November 2020
Relevant Legislation	Child, Wellbeing and Safety Act(2005)(Vic.) Children Legislation Amendment (Reportable Conduct) Act 2017 Crimes Act 1958 (Vic.) Education and Training Reform Act 2006 (Vic.) Equal Opportunity Act 2010 (Vic.) Ministerial Order No 870 - Child Safe Standards: Managing the Risk of Child Abuse in Schools Privacy and Data Protection Bill 2014 (Vic) Working with Children Act 2005
Related Policies & Procedures (CEM/Star of the Sea)	<a href="#">Policy 2.2: Guidelines Relating to the Employment of Staff</a> <a href="#">Policy 2.19: Child Protection – Reporting Obligations</a> <a href="#">Policy 2.19a: School Guidelines –Police and DHHS Interview Protocols</a> <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 Volunteer’s Policy
Version	4
Amendments to Version	Updated to include the notifiable disclosure reporting to CECV

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