



19. REPORTABLE CONDUCT POLICY

Last Review: October 2020	Constructed / Reviewed by: Clayton Utz
Next Review: October 2021	Approval Required: Board Motion
Policy Number: 19	Board Sign Off Date: 18 August 2021

1. Statement of Context and Purpose

Mentone Grammar is committed to the safety of its students. Under the *Child Wellbeing and Safety Act 2005* (Vic), Mentone Grammar must investigate and report to the Commission for Children and Young People allegations of 'employee' reportable conduct. This policy sets out Mentone Grammar's approach to complying with the reportable conduct scheme. This policy operates together with the Mandatory Reporting Policy and the Child Safety Policy and Procedure.

2. Application

This policy applies to all staff (including an Employee) of Mentone Grammar, as well as volunteers, contractors, parents, students, prospective parents and prospective students and other people who are associated with or come in contact with Mentone Grammar.

3. Reference Points/Background Papers

- Mandatory Reporting Policy;
- Child Safety Policy and Procedure;
- *Child Wellbeing and Safety Act 2005* (Vic);
- *Crimes Act 1958* (Vic); and
- *Sentencing Act 1991* (Vic).

4. Definitions

Act means the *Child Wellbeing and Safety Act 2005* (Vic).

Child Safety Officer means the Child Safety Officer as set out in the Child Safety Policy.

Commission means the Commission for Children and Young People.

Employee means a person of or over the age of 18 who is:

- employed by Mentone Grammar whether or not that person is employed in connection with any work or activities of Mentone Grammar that relate to children; or
- engaged by Mentone Grammar to provide services, including as a volunteer, contractor, office holder or officer, whether or not that person provides services to children; and/or
- a minister of religion.



Immediately means as soon as reasonably practicable, within a period of 24 hours (or if after hours, the next business day).

Reportable Allegation means any information that leads a person to form a reasonable belief that an Employee has committed Reportable Conduct, or misconduct that may involve Reportable Conduct, whether or not the conduct is alleged to have occurred in the course of the Employee's employment at Mentone Grammar.

Reportable Conduct means:

- a sexual offence committed against, with, or in the presence of a child, whether or not a criminal proceeding has commenced or concluded in relation to the offence; or
- sexual misconduct committed against, with, or in the presence of a child; or
- physical violence committed against, with, or in the presence of a child; or
- any behaviour that causes Significant emotional or psychological harm to a child; or
- significant neglect of a child.

Reportable Conduct Scheme means the scheme to report reportable conduct established under Part 5A of the *Child Wellbeing and Safety Act 2005* (Vic).

Sexual misconduct includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism.

Sexual offence means a sexual offence referred to in the *Sentencing Act 1991* (Vic), which includes but is not limited to rape, attempted rape, sexual assault, incest, grooming, and distribution and possession of child abuse material.

Significant means, in relation to emotional or psychological harm or neglect, that the harm or neglect is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.

5. Reportable Allegations Procedure and Obligations

Mentone Grammar has specific obligations under the Reportable Conduct Scheme. To assist Mentone Grammar in meeting its obligations under that Scheme, all staff (including Employees), parents, students, visitors and contractors have responsibilities in relation to Reportable Allegations. This section of the Policy outlines these various obligations and responsibilities.

5.1 Mandatory Reporting – Reportable Allegations

All staff (including Employees), parents, students, visitors and contractors must immediately after becoming aware of conduct that might amount to a Reportable Allegation, report the matter to the Child Safety Officer.

The Child Safety Officer must then notify the Principal of the matter.

Reportable Allegations may also be made by persons external to Mentone Grammar, in the manner described above.



Any person may also disclose a Reportable Allegation directly to the Commission. However, reporting the Reportable Allegation to the Commission does not displace the requirement to notify the Child Safety Officer of the matter.

If a child is at immediate risk of abuse or danger the Victoria Police should be contacted without delay on 000; with subsequent notification to the Child Safety Officer.

5.2 Obligations on the Principal

Following receipt of a Reportable Allegation, or the Principal otherwise becoming aware of a Reportable Allegation against an Employee, the Principal must:

- **Manage Immediate Risks:** Manage any immediate risks to children, which for allegations of suspected Reportable Conduct, will involve reporting to the Victoria Police;
- **Notify:** Ensure the Commission is notified in writing within 3 business days of becoming aware of the Reportable Allegation of the following:
 - that a Reportable Allegation has been made against an Employee;
 - the name and date of birth of the Employee concerned;
 - whether Victoria Police has been contacted about the Reportable Allegation;
 - the address and telephone number of Mentone Grammar; and
 - the Principal's name.
- **Investigate:** As soon as practicable, investigate the Reportable Allegation or permit an independent investigator to do so (subject to police clearance on criminal matters). The Principal must inform the Commission of the person conducting the investigation. The investigator must provide information or documents obtained in the investigation to the Commission if the Commission makes such a request.
- **Update:** Notify the Commission in writing within 30 business days of becoming aware of the Reportable Allegation of the following:
 - detailed information about the Reportable Allegation;
 - whether or not Mentone Grammar proposes to take disciplinary or other action in relation to the Employee concerned and the reasons for this decision; and
 - any written submission made by the Employee concerned regarding whether disciplinary or other action should be taken.

5.3 Reportable Conduct Allegation Investigations

Allegations of suspected Reportable Conduct will be reported to Victoria Police as the first priority, who will maintain the primacy of an investigation.

Mentone Grammar will work with Victoria Police and the Commission to ensure:

- allegations of criminal conduct are dealt with appropriately; and



- any internal investigation, aimed at gathering and examining information to establish and make findings in relation to allegations of child abuse against an Employee, does not interfere with police investigations.

Any investigation initiated by Mentone Grammar, may include recommendations about what disciplinary or other action should be taken (if any).

In circumstances where Mentone Grammar is unable to investigate or otherwise engage an independent person or body to investigate a Reportable Allegation, Mentone Grammar will work with the Commission, to the greatest extent possible, to support the Commission's independent oversight and investigation into the matter.

5.4 Procedural Fairness

Determinations made with respect to Reportable Allegation are required to be made on the balance of probabilities, following principles of procedural fairness.

In response to a Reportable Allegation, Mentone Grammar must:

- obtain clearance from Victoria Police, if the allegation is criminal in nature, before initiating a workplace investigation; and
- before any findings are made or disciplinary action taken:
 - notify the Employee the subject of the allegation of details of any adverse information that is credible, relevant and significant. This need not be at the time the Commission is notified so as to ensure an investigation is not compromised; or at all, in circumstances the allegations is fictitious.
 - provide the Employee the subject of the Reportable Allegation a reasonable opportunity to respond to that information.

Any person that is the subject of a Reportable Allegation may choose (but is not obliged) during the course of an investigation, to give information or documents that support their version of events; or prove/disprove any fact or issue being investigated.

In circumstances where other allegations or concerns are identified the additional information will be considered by the investigator, and may add or change the nature and/or scope of the Reportable Allegation.

Interviews with witnesses, management, other staff, the Employee and/or victim of the allegation may be undertaken by: the Victoria Police; Mentone Grammar; an independent investigator engaged by Mentone Grammar; the Commission or other regulator; with expert opinion or advice (such as from a specialist medical practitioner or legal counsel) obtained during a workplace investigation as deemed required.

6. Interaction with Mandatory Reporting Policy and Child Safety Policy

This Policy operates in conjunction with the Mandatory Reporting Policy and the Child Safety Policy. The obligations under the Reportable Conduct Scheme are in addition to the obligations set out in the Mandatory Reporting Policy and the Child Safety Policy.



For the avoidance of doubt, conduct that is reportable under the Mandatory Reporting Policy and the Child Safety Policy also constitutes Reportable Conduct under this Policy.

7. Implications for practice

7.1 At Board / Principal Level

To properly implement this policy, Mentone Grammar, the Board and/or the Principal must ensure that:

- this policy is endorsed on an annual basis;
- copies of this policy are made available to all staff (including Employees), parents and students (including prospective parents and students), for example on the Mentone Grammar intranet and internet page, as well as in physical form in the staff room and on Employee bulletin boards;
- this policy is incorporated into the Board's / Principal's record of current policies.

7.2 At Other Levels

To properly implement this policy, all Mentone Grammar's staff (including Employees), as well as parents, students, prospective parents and prospective students must ensure that they will abide by this policy and assist Mentone Grammar in the implementation of this Policy and meeting its obligations under the Reportable Conduct Scheme. In addition, all prospective parents and students of Mentone Grammar will be required to sign appropriate terms and conditions of enrolment.