



Covenant College

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REPORTABLE CONDUCT OF STAFF, VOLUNTEERS AND OTHERS POLICY

Intent

Covenant College and Covenant College Kinder believe that all children have the right to physical and emotional safety in all School and Kinder environments, both physical and online, and therefore seeks to uphold both Scriptural precepts and the laws of Australia with regard to child safety and protection. For the purpose of clarity in this policy, the use of the term Covenant College, refers to both the Kinder and the College and their respective responsibilities in regards to Child Safety.

Covenant College is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse. All School and Kinder staff at Covenant College are responsible for the care and protection of children and reporting information about child abuse. It is imperative that this policy be read and understood in conjunction with these additional Covenant College policies; the Mandatory Reporting Policy; the Child Safety Policy and the Community Code of Conduct Policy.

The Child Wellbeing and Safety Act 2005 (Vic) (the Act) requires Covenant College to investigate and report to the Commission for Children and Young People (Commission) allegations of 'employee' reportable conduct or misconduct that may involve reportable conduct.

Covenant College has developed the following Reportable Conduct of Staff, Volunteers and Other Policy which sets out our systems for enabling persons to report reportable conduct and for such reports to be investigated and responded to. This policy is made available to all staff, volunteers, contractors, members of the Board/Council, families and students via our public website and staff intranet. A PDF copy of our Reportable Conduct of Staff, Volunteers and Others Policy is available here.

The Commission's website provides additional guidance and materials which assist Covenant College in understanding and meeting obligations stipulated by the Act.

Definition of Employee

For the purpose of the Act, 'employee' is defined as a person aged 18 years or over who is:

- Employed by Covenant College whether or not that person is employed in connection with any work or activities of Covenant College that relate to children; or
- Engaged by the College to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children.

A Minister of religion or a religious leader is also an employee. In the context of the Covenant College community, the following people are considered to be employees:

- Covenant College Board members
- The Principal
- Executive Leadership and Leadership team
- The Child Safety team
- Staff members
- Volunteers
- Third Party Contractors
- External Education Providers

For the purpose of this policy, all of the above are referred to collectively as “staff” or “staff members”.

Definition of Reportable Conduct

Reportable conduct is defined in the Act to include:

- A sexual offence committed against, or in the presence of a child;
- 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; or
- Significant neglect of a child.

“Sexual misconduct” includes:

- Behaviour, physical contact or speech or other communication of a sexual nature, for example ‘sexting’;
- Inappropriate touching or physical contact
- Grooming behaviour; and
- Voyeurism.

“Sexual offence” means a serious sexual offence as set out in clause 1 of Schedule 1 of the Sentencing Act 1991 (Vic), which includes rape, attempted rape, sexual assault, incest, indecent act with a child, persistent sexual abuse of a child, grooming and the production or possession of child pornography.

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

Refer to Child Abuse-Definitions and Key Risk Indicators (Child Safety Policy) for more information about sexual offences, grooming, physical violence, emotional or psychological harm and neglect.

Our Community Code of Conduct outlines expected standards of behavior of staff members at Covenant College when interacting with children and young people. It also explains the importance of staff members maintaining professional boundaries with students. The commission of conduct which breaches the Child Safety Code of Conduct will constitute reportable conduct under this policy, which includes breaches of professional boundaries with students.

What Must Be Notified?

Under the Act, Covenant College must notify the Commission of a reportable allegation against a staff member.

Reportable allegation is defined in the Act to mean any information that leads a person to form a reasonable belief that an employee (member of staff) has committed:

- Reportable conduct; or
- Misconduct that may involve reportable conduct

whether or not the conduct/misconduct is alleged to have occurred in the course of the person's employment at the College.

Who Must Notify?

Under the Act, any person may disclose a reportable allegation to the Commission (section 16L). A disclosure can be made using an online form available from the Commission's website, by phone or letter.

At Covenant College, the Principal must also notify the Commission (section 16M). The Principal is defined in the Act to include the chief executive officer or Principal of the entity. The Principal must make a report using an online form available from the Commission's website.

In practice, the Principal is the person who is primarily responsible for the College's compliance with the reportable conduct obligations under the Act. Guidance from DHHS states that a school Principal will be a Head.

At Covenant College, the Head is the College Principal.

Reportable Conduct and Other Reporting Obligations

The Reportable Conduct obligation covered in this policy is separate and distinct from the:

- **Mandatory Reporting** obligation under the Children, Youth and Families Act 2005 (Vic)
- **Obligation to Report a Sexual Offence** obligation under the Crimes Act 1958 (Vic); and
- **Conduct that is Reportable to the Victorian Institute of Teaching** under the Education and Training Reform Act 2006 (Vic).

The threshold for reporting allegations of reportable conduct is much lower than these other reporting obligations.

Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to the Victorian Police as first priority.

Internal Reporting of Reportable Allegations

As soon as a person, including a staff member, forms a reasonable belief that a staff member at Covenant College has engaged in reportable conduct or misconduct that may involve reportable conduct (the reportable allegation), the person must notify the Principal direct, or the Child Safety Representative who must then notify the Principal. The report may be made verbally or in written form using the Responding to Suspected Child Abuse Template available here.

Whilst this template was created for reporting abuse rather than reportable conduct, it is an excellent way to record as much information about the incident/s as is available.

When the reportable allegation involves the Principal, the staff member must notify the Child Safety Representative who must then notify the Chairman of the Covenant College Board.

It is important to note that the Child Safety Representative does not have a formal role under the Act (unless they are also the Principal of the College). However, it is the College policy that the Child Safety Representative is notified first.

Where a verbal report is made by a staff member, it should be followed up with a written report provided to the Principal within 48 hours of the verbal report.

Where a staff member has a reasonable belief that the Principal has engaged in reportable conduct, verbal and written reports should be given by the Child Safety Representative to the Chairman of the College Board.

Reporting to the Commission: The Principal or Chairman of the Board

Where the Principal receives a reportable allegation from any person, including a staff member or Child Safety Representative, they must notify the Commission.

Where the reportable allegation involves the Principal, the person must notify the Child Safety Representative who must then notify the Chairman of the Board who will become the 'Head of the College' for the purposes of reporting the reportable allegation.

There are two stages of reporting.

The Commission must be notified in writing of:

- The reportable allegation as soon as possible, and in any event within three business days being notified (**Stage One Report**); and
- The proposed next course of action (see below), as soon as practicable, and within 30 days of becoming aware of the reportable allegation (**Stage Two Report**).

Stage One Report

The report to the Commission must state:

- That a reportable allegation has been made against a staff member;
- The name (including any former name and alias, if known) and date of birth, if known, of the staff member
- Whether the Victoria Police has been contacted about the reportable allegation;
- The name, address and telephone number of Covenant College; and
- The name of the Principal.

An online form available on the Commission's website must be used for the Stage One Report.

If the staff member is a registered teacher and the misconduct involves a charge, conviction or found guilty of a sexual offence, Covenant College must notify the Victorian Institute of Teaching (VIT) immediately under **Conduct that is Reportable to the VIT**. The timing of making a Stage One Report to the Commission under this policy will coincide with the timing of a report made to the VIT.

Stage Two Report

The report to the Commission must state:

- Detailed information about the reportable allegation;
- Whether or not the College proposes to take any disciplinary action or other action in relation to the staff member and the reasons why it intends to take, or not to take, that action; and
- Any written submissions made to the Principal concerning the reportable allegation that an employee wished to have considered in determining what, if any disciplinary or other action should be taken in relation to the staff member.

Any allegation of child abuse, including physical violence, significant emotional or psychological abuse, sexual offences or significant neglect, must be reported to the Victorian Police.

What Happens After a Report to the Commission is Made?

After the Principal or the Chair of the Board has made a report to the Commission, they must ensure that an appropriate investigation of the reportable allegation is conducted.

The investigation can be conducted by the Principal or Chair of the Board (if the allegation involves the Principal) or Covenant College can appoint a regulator (for example, the VIT) or an independent investigator. A regulator engaged by Covenant College for the purposes of an investigation may also appoint an independent investigator.

The Principal must notify the Commission of who will be conducting the investigation.

The investigation must be conducted in accordance with the rules of natural justice. For example, the investigation should be conducted without bias and the person against whom the allegation is made should be given the right to respond.

Upon conclusion of the investigation, the Principal or Chairman must give the Commission:

- A copy of the findings of the investigation and the reasons for those findings;
- Details of any disciplinary or other action that the Principal or Chairman proposes to take in relation to the staff member and the reasons for that action;
- If the Principal or Chairman does not propose to take any disciplinary or other action in relation to the staff member, the reasons for why no action is being taken must be detailed.

Under the Act, a staff member may seek a review by the Commission of a finding made at the conclusion of an investigation.

Information Sharing: Children and Parents/Carers

Under the Act, the Principal may disclose:

- Information about the progress of the investigation
- The findings, reasons for the findings and the recommendations made at the conclusion of the investigation:
- An action taken in response to those findings;

To:

- The child who is the subject of the reporting allegation
- A parent
- A carer; or

- The DHHS if the child is in its care.

Information Sharing: Schools, the Commission and Others

Under the Act, the Principal may disclose information in relation to:

- A reportable allegation;
- A concern that reportable conduct has been committed;
- The investigation of a reportable allegation or concern about reportable conduct;
- The findings of an investigation and the reasons or recommendations made at the conclusion of the investigation; or
- Any action taken in response to those findings;

To:

- The Commission;
- The head of another entity governed by the Act, such as another school;
- A regulator;
- The Chief Commissioner of Police;
- An independent investigator; if necessary for the purposes of an investigation,
- The Secretary to the Department of Justice and Regulation; If necessary for the purposes of a Working With Children Check
- A relevant minister.

Publication of Information

Covenant College must not publish information that would enable the identification of:

- A person or who notified the Commission;
- A child in relation to whom a reportable allegation was made or a finding of reportable conduct was made.

The Act provides more information on the meaning of 'publish', which includes making the information publicly available in writing or email.

Powers of the Commission

The Commission has broad powers under the Act in relation to investigating a reportable allegation at Covenant College. The Commission may visit the College, inspect documents and interview staff members or children involved in the reportable allegation.

Covenant College must assist the Commission in all reasonable aspects of its investigation.

Record Keeping

Covenant College maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

Records relating to a child protection incident are only disposed of in accordance with our **Records Management Policy**.