

REPORTABLE CONDUCT SCHEME POLICY

Brunswick East Primary School Primary School OSHC is committed to the safety, wellbeing, and support of all children in our care. From January 1st, 2019, the Reportable Conduct Scheme has been implemented in Victoria. This aims to complement the [Child Safe Standards](https://ccyp.vic.gov.au/child-safe-standards/) and other existing child safety measures and ensure that timely reports are made and investigated should there be allegations against employees, volunteers, or visitors of the Service (State of Victoria [Commission for Children and Young People], 2018). Our Service promotes the wellbeing and safety of children and as an authorised Information Sharing Entity (ISE) will share information and respond to requests for information from other ISEs when relevant requirements for sharing are met under the Information Sharing Schemes (the Schemes) and MARAM.

NATIONAL QUALITY STANDARD (NQS)

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| QUALITY AREA 2: CHILDREN’S HEALTH AND SAFETY | | |
| 2.2 | Safety | Each child is respected. |
| 2.2.1 | Supervision | At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard. |
| 2.2.2 | Incident and emergency management | Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented. |
| 2.2.3 | Child Protection | Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect. |

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| EDUCATION AND CARE SERVICES NATIONAL REGULATIONS | |
| 84 | Awareness of child protection law |
| 155 | Interactions with children |
| S162 (A) | Persons in day to day charge and nominated supervisors to have child protection training |

OTHER RELEVANT LAWS

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| Child Wellbeing and Safety Act 2005 (Vic) |
| Children, Youth and Families Act 2005 (as amended 2014) (Vic) |
| The Commission for Children and Young People Act 2012 |
| Failure to Disclose 2014 (Under Section 327 of the *Crimes Act* 1958 [Vic]) |
| Failure to Protect 2015 (Under Section 327 of the *Crimes Act* 1958 [Vic]) |
| The Charter of Human Rights and Responsibilities Act 2006 (Vic) |
| Working with Children Act 2005 (Vic) |
| Child Wellbeing and Safety Act 2005 (Vic) |
| Family Law Act 1975 |

RELATED POLICIES

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| Child Protection Policy  Child Safe Environment Policy  Child Safety and Wellbeing Policy  CCTV Policy  Code of Conduct Policy | Dealing with Complaints Policy  Privacy and Confidentiality Policy  Recruitment Policy  Supervision Policy |

PURPOSE  
The Approved Provider, Nominated Supervisor and educators are committed to identifying possible risk and significant risk of harm to children and young people at the Brunswick East Primary School OSHC. We understand our duty of care to protect children from all types of abuse, including protecting them from potential abuse that could occur within the service by employees, visitors, students or contractors. It is therefore imperative that all staff have a thorough knowledge and understanding of the requirements of the Reportable Conduct Scheme, which seeks to improve the responses of organisations to allegations of child abuse and neglect by their employees or volunteers.

To promote and support the wellbeing and/or safety of a child or group of children, all staff and management are aware of the Child Information Sharing Scheme, Family Information Sharing Scheme and MARAM which enable ISEs to request and share confidential information with other ISEs when certain requirements for sharing are met.

SCOPE  
This policy applies to children, families, staff, management the Approved Provider, Nominated Supervisor and visitors of Brunswick East Primary School OSHC Service.

DEFINITIONS

Reportable Conduct

There are five types of ‘reportable conduct’:

* Sexual offences committed against, with or in the presence of a child.
* Sexual misconduct committed against, with or in the presence of a child.
* Physical violence 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.

Head of the organisation

The structure of the organisation will determine the ‘head’. In Early Childhood Services this will likely be the Approved Provider, or Chief Executive Officer (CEO) of larger organisations.

Failure to disclose

Under the *Crimes Act 1958* (Vic) all adults must make a report to the Victoria Police if they hold a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 years.

Failure to protect

Under the *Crimes Act 1958* (Vic) a person in a position of authority in an organisation must act to reduce or remove a substantial risk to a child under 16 years of age who is under their care or supervision who may become the victim of sexual abuse committed by an adult associated with their organisation.

Mandatory reporters

Professional groups, including early childhood teachers and workers, who are mandated under the *Children, Youth and Families Act 2005* (CYFA) (s. 182) are mandated to report their concerns for a child to child protection if they form a belief on reasonable grounds that a child is in need of protection (Source: Victorian Government: Child Protection Manual).

Reasonable grounds

A belief on reasonable grounds is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example,

* a child states they have been physically or sexually abused
* a child states they know someone who has been physical or sexually abused (sometimes the child may be talking about themselves)
* someone who knows the child states the child has been physically or sexually abused
* professional observations of the child’s behaviour or development leads the mandated professional to form a belief the child has been abused or is likely to be abused
* signs of physical or sexual abuse leads to a belief the child has been abused.

(Source: Victorian Government, CCYP)

IMPLEMENTATION

The Head of the organisation must:

* be fully aware of, and knowledgeable about the responsibilities of the head of an organisation, which include all points below
* be aware of legislation relating to sharing of information regarding child health and wellbeing under the Child Information Sharing Scheme (CISS) or the Family Violence Information Sharing Scheme (FVISS) and MARAM
* ensure information regarding the health and wellbeing of a child is not shared with others unless consent has been provided, in writing, or provided the disclosure is required or authorised by law under relevant state/territory legislation (including Child Information Sharing Scheme (CISS) or the Family Violence Information Sharing Scheme (FVISS)). See *Child Protection Policy* for further information regarding legal obligations to sharing of information as per CISS or FVISS Schemes.
* sign up and maintain a subscription for Commission updates in order to maintain current knowledge on Child Protection issues in Victoria (See Resources).
* ensure there are systems in place to prevent child abuse
* ensure allegations are brought to the attention of appropriate persons for investigation and response
* ensure that all allegations based on reasonable grounds are reported, including allegations made against employees who do not have direct contact with children, and conduct that allegedly occurred outside of their work
* contact 000 if they have immediate safety concerns about a child or young person
* Contact the Commission if unclear on whether or not a reportable allegation should be made about a person: Phone 1300 78 29 78
* Email: contact@ccyp.vic.gov.au
* gather the information required to complete the report. *Note: The types of information required can be found in Appendix A.*
* notify the Commission within three business days of becoming aware of a reportable allegation, using the online forms found at <https://ccyp.vic.gov.au/report-an-allegation/notify-about-a-reportable-allegation/> *Note: You are not able to save the form once commenced: It must be completed in one session.*
* make a report to Victoria Police as soon as you aware that a reportable allegation may involve criminal conduct (if any reportable allegation involves suspected criminal behaviour, notify both the Victoria police and the Commission)
* understand that police investigations take priority over reportable allegation notifications and as such the organisation’s investigation may need to be deferred until the police investigation has been completed
* provide the Commission with details of who is conducting the investigation
* begin an investigation using the CCYP Investigation Guide (see Resources)
* manage risks to children whilst undertaking the investigation
* maintain detailed and objective notes on all aspects of the investigation
* provide the Commission with updates on the organisation’s response to the allegation via the online forms
* assess the evidence and make a decision based on the strength of the evidence as to whether or not the Reportable Conduct occurred
* provide the Commission with detailed information on the reportable allegation and any action taken within thirty calendar days of the initial notification via the online forms. This should include (Source: CCYP Information sheet 8: Investigation findings.):
* The findings:
  + ***Substantiated*** *-* This finding should be used when a decision maker has decided that the reportable conduct has been proven to have happened on the balance of probabilities. The evidence suggests it is more likely than not that the reportable conduct happened because there is enough reliable, convincing, evidence of weight.
  + *Unsubstantiated - insufficient evidence* - This finding should be used when there was some evidence of weight to support the allegation, but not enough for the decision maker to make a substantiated finding. The evidence does not suggest that it is more likely than not that the reportable conduct happened.
  + *Unsubstantiated - lack of evidence of weight* - This finding should be used when there is not enough evidence to properly investigate the allegation, or the small amount of
  + evidence available is contradictory or confusing. There is not enough evidence to establish whether the reportable conduct did or did not happen.
  + *Unfounded**-* This finding should be used when there is strong evidence that the reportable conduct did not happen. The evidence suggests that it is more likely than not that the reportable conduct did not happen.
  + *Conduct outside scheme -* This finding should be used when the decision maker has investigated the conduct and, although the conduct occurred, it does not fit any of the types of reportable conduct listed in the Act. An example of this might be slapping a child’s hand away from a hot stove.
  + The reasons for the finding, which should explain:
    - How the investigation was done.
    - The evidence that was collected and how it was assessed.
    - Whether the evidence was relevant and reliable.
    - How the evidence supported or contradicted the allegation of Reportable Conduct.
    - How convincing the evidence was in all of the circumstances
* Seek help from the Commission if there are any concerns or guidance is required: Phone 1300 78 29 78
* Understand that the Reportable Conduct Scheme does not replace the legal requirement to report allegations to the Victoria Police.

THE APPROVED PROVIDER AND NOMINATED SUPERVISORS WILL ENSURE:

* a robust recruitment process is implemented with effective pre-employment screening including at least 2 reference checks, WWCC and where applicable National Police criminal history checks
* induction includes relevant information on child safe practices adhering to the new Child Safe Standards, Code of Conduct, strategies that identify, assess and minimise risks to children and mandatory reporting procedures
* that they, and all employees have an in-depth understanding of the Reportable Conduct Scheme and how to notify reportable conduct
* all employees are aware of who holds the position of ‘head of organisation’
* there are systems in place to prevent child abuse
* that they, and all educators maintain a current Working with Children Check
* that they, and all educators follow policies and procedures concerning Child Protection, Child Safe Environments, Child Safety and Wellbeing- including the new Child Safe Standards, and Reportable Conduct
* allegations are immediately brought to the attention of the Head of the organisation
* that they will notify the Commission of any alleged Reportable Conduct if the Head of the organisation fails to do so for any reason
* educators employ ‘*active supervision’* strategies at all times
* visitors, students are never left with children unsupervised
* all staff, educators and families have been notified in writing about CCTV surveillance devices utilized in the Service (if applicable).

EDUCATORS WILL ENSURE:

* that they have a thorough understanding of their duty of care in relation to Child Protection
* that they maintain a current Working with Children Check
* that they have an in-depth understanding of the Reportable Conduct Scheme and how to notify Reportable Conduct
* they have a thorough understanding, and follow all policies and procedures concerning Child Protection and the new Child Safe Standards
* information regarding the health and wellbeing of a child is not shared with others unless consent has been provided, in writing, or provided the disclosure is required or authorised by law under relevant state/territory legislation (including Child Information Sharing Scheme (CISS) or the Family Violence Information Sharing Scheme (FVISS)). See *Child Protection Policy* for further information regarding legal obligations to sharing of information as per CISS or FVISS Schemes.
* all allegations are immediately brought to the attention of the Head of the organisation and/or the Nominated Supervisor and/or Responsible Person
* they contact 000 if they have any immediate safety concerns about a child or young person
* that they will notify the Commission of any alleged Reportable Conduct if the Head of the organisation and/or the Nominated Supervisor and/or Responsible Person fails to do so for any reason
* that they understand that failure to comply with the Reportable Conduct Scheme requirements may lead to their Working with Children Check being revoked
* they are always engaged in active supervision of children.

RESOURCES

Subscription to Commission updates:

<https://ccyp.vic.gov.au/contact-us/sign-up-for-commission-updates/>

Information sheets <https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/reportable-conduct-scheme-information-sheets/>

Information sheet 1: About the Reportable Conduct Scheme

Information sheet 2: What is reportable conduct?

Information sheet 3: Responsibilities of the head of an organisation

Information sheet 4: Investigation overview

Information sheet 5: Other reporting obligations

Information sheet 6: Child Safe Standards and Reportable Conduct Scheme

Information sheet 7: Reporting to the Commission

Information sheet 8: Investigation findings

Information sheet 9: Sexual misconduct

Information sheet 10: Physical violence

Information sheet 11: Significant neglect

Information sheet 12: Historical allegations

Information sheet 13: Workers and volunteers

Information sheet 14: Commission own motion investigations

Information sheet 15: Identifying the head of an organisation

Information sheet 16: Reviews of Reportable Conduct Scheme and Child Safe Standards decisions made by the Commission

Information sheet 17: Reporting past harm or abuse as an adult

Information sheet 18: Behaviour that causes significant emotional and psychological harm

Frequently asked questions

NOTIFICATION FORMS

Available from <https://ccyp.vic.gov.au/report-an-allegation/>

* Three-day notification – head of organisation
* 30-day update
* Investigation outcome update
* Investigator update
* Other information update

CONTINUOUS IMPROVEMENT/REFLECTION

* Our *Reportable Conduct Scheme Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

SOURCE

Australian Government: Australian Institute of Family Studies. (2018). *Australian child protection legislation* [CFCA resource sheet]. Retrieved from <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>

State of Victoria (Commission for Children and Young People). (2018*). Investigation findings* [Information sheet 8]. Retrieved from <https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets/#TOC-8>

State of Victoria (Commission for Children and Young People). (2018*). Reportable conducts scheme.* Retrieved from <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

State of Victoria (Commission for Children and Young People). (2018*). Reporting to the Commission* [Information sheet 7]. Retrieved from <https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets/#TOC-8>

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Victoria State Government: Health and Human Services. (2018). *Changes to child protection law.* Retrieved from <http://providers.dhhs.vic.gov.au/changes-child-protection-law>

Victoria State Government (Department of Education). (2021). *Information Sharing and Family Violence Reforms Content Guidance*

Victoria State Government (Department of Education). (2021). *The Information Sharing and Family Violence Reforms Toolkit*

REVIEW

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| POLICY REVIEWED BY | Ranita Swamy | Coordinator | 5 June 2024 |
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