

Child Protection and Safety Policy

Author	Date	ED Approval	Board Adoption	Revisions
EJT	February 2018	February 2018	February 2018	To be updated 2020

MITS Mission: The successful and confident transition of Indigenous students from home communities to Melbourne schools

MITS Vision: To create pathways to greater opportunity for Indigenous students

MITS Values: Respect Courage Culture Care

1 Introduction

Melbourne Indigenous Transition School has developed the following Child Protection and Safety Policy. This policy is an overarching document that provides key elements of our approach to protecting children from abuse.

The policy forms the foundation of the School's procedures, practices, decision-making processes and ultimately the School's culture with respect to child safety.

It is designed to be published on our public website as well as communicated through other mediums such as newsletters, our annual report and in induction and welcome packs for Board of Directors, staff and Volunteers. A PDF version of Melbourne Indigenous Transition School's Child Protection and Safety Policy is available here.

The School's Child Protection and Safety Policy has been approved and endorsed by the School's Board of Directors and is regularly reviewed by the Board.

1.1 Objectives

This policy provides the framework for:

- the development of work systems, practices, policies and procedures that promote child protection within the School;
- the creation of a positive and robust child protection culture;
- the promotion and open discussion of child protection issues within the School; and
- compliance with all laws, regulations and standards relevant to child protection in Victoria.

2 Statement of Commitment to Child Safety

Child abuse includes sexual offences, grooming, physical violence, serious emotional or psychological harm, serious neglect and a child's exposure to family violence. Melbourne Indigenous Transition School is committed to the protection of all children from all forms of child abuse and demonstrates this commitment through the implementation of a comprehensive Child Protection Program designed to keep children safe.

We want children to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers.

As a school for Indigenous students, we are committed to the cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds. We are also committed to providing a safe environment for children with disabilities.

At Melbourne Indigenous Transition School we have a zero tolerance for child abuse and are committed to acting in children's best interests and keeping them safe from harm. The School regards its child protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child protection laws and regulations and maintain a child safe culture.

3 Child Safe Values & Principles

The School's commitment to child safety is based on the following overarching principles that guide the development and regular review of our work systems, practices, policies and procedures to protect children from abuse.

1. All children have the right to be safe.
2. The welfare and best interests of the child are paramount.
3. The views of the child and a child's privacy must be respected.
4. Clear expectations for appropriate behaviour with children are established in our Child Safety Code of Conduct and Staff and Student Professional Boundaries Policy.
5. The safety of children is dependent upon the existence of a child safe culture.
6. Child safety awareness is promoted and openly discussed within our School community.
7. Procedures are in place to screen all staff, Direct Contact Volunteers**, Third Party Contractors and External Education Providers who have direct contact with children.
8. Child safety and protection is everyone's responsibility.
9. Child protection training is mandatory for all Board of Directors, staff and Direct Contact Volunteers.
10. Procedures for responding to alleged or suspected incidents of child abuse are simple and accessible for all members of the School community.
11. Children from culturally or linguistically diverse backgrounds have the right to special care and support including those who identify as Aboriginal or Torres Strait Islander.
12. Children who have any kind of disability have the right to special care and support.

**Direct Contact Volunteers are those volunteers who are involved in providing support, guidance and supervision directly to students and could potentially have direct contact with students during the normal course of providing the volunteer service.

The Working with Children Act 2005 (Vic) defines 'direct contact' as any contact between a person and a child (aged under 18) that involves:

- physical contact; or
- face to face contact; or
- contact by post or other written communication; or
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Examples of Direct Contact Volunteer activities may include volunteers involved in School camps and excursions, coaching sporting teams or assisting in learning activities.

4 Our Children

This policy is intended to empower children who are vital and active participants in our organisation. We involve them when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say.

We promote diversity and tolerance in our organisation, and people from all walks of life and cultural backgrounds are welcome. In particular we:

- promote the cultural safety, participation and empowerment of Aboriginal children;

- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds; and
- ensure that children with a disability are safe and can participate equally.

5 Child Protection Program

Melbourne Indigenous Transition School is committed to the effective implementation of our Child Protection Program and ensuring that it is appropriately reviewed and updated. We adopt a risk management approach by identifying key risk indicators and assessing child safety risks based on a range of factors including the nature of our School's activities, physical and online environments and the characteristics of the student body.

Our Child Protection Program relates to all aspects of protecting children from abuse and establishes work systems, practices, policies and procedures to protect children from abuse. It includes:

- clear information as to what constitutes child abuse and associated key risk indicators;
- clear procedures for responding to and reporting allegations of child abuse;
- strategies to support, encourage and enable staff, Volunteers, Third Party Contractors, External Education Providers, parents and students to understand, identify, discuss and report child protection matters;
- procedures for recruiting and screening Board of Directors, staff and Direct Contact Volunteers;
- procedures for reporting reportable conduct and/or misconduct;
- pastoral care strategies designed to empower students and keep them safe;
- policies with respect to cultural diversity and students with disabilities;
- a child protection training program;
- information regarding the steps to take after a disclosure of abuse to protect, support and assist children;
- guidelines with respect to record keeping and confidentiality;
- policies to ensure compliance with all relevant laws, regulations and standards (including the Victorian Child Safe Standards); and
- a system for continuous review and improvement.

As a part of Melbourne Indigenous Transition School's induction process, all staff and Direct Contact Volunteers are required to complete a selection of training modules on the content of our Child Protection Program.

All staff, Direct Contact Volunteers and Board of Directors are provided with additional, ongoing child protection training at least annually.

Staff, Volunteers, Third Party Contractors and External Education Providers are supported and supervised by the School's Child Safety Officers to ensure that they are compliant with the School's approach to child protection.

6 Responsibilities

Child protection is everyone's responsibility. At Melbourne Indigenous Transition School all directors of the Board of Directors and staff, as well as Volunteers, have a shared responsibility for contributing to the safety and protection of children. Specific responsibilities include:

6.1 Board of Directors

Each director of the Board of Directors is required to ensure that appropriate resources are made available to allow the School's Child Protection and Safety Policy and the Child Protection Program to be effectively implemented within the School and are responsible for holding the Executive Director and Leadership team accountable for effective implementation.

6.2 The Executive Director

The Executive Director is responsible, and will be accountable for, taking all practical measures to ensure that this Child Protection and Safety Policy and the School's Child Protection Program are implemented effectively and that a strong and sustainable child protection culture is maintained within the School.

6.3 The Leadership Team

The School's Leadership team consists of the Executive Director, Head of School and Head of Boarding. The Leadership team is ultimately responsible for receiving and managing allegations or disclosures of child abuse, responding appropriately to children who make or are affected by allegations of child abuse, ensuring compliance with this Policy and, where necessary, managing an alternative procedure where a member of the Leadership team cannot perform his or her role.

6.4 The School's Child Safety Officers

A number of senior staff members are nominated as the School's Child Safety Officers. Our Child Safety Officers receive additional specialised training with respect to child protection issues. They are the first point of contact for raising child protection concerns within the School. They are also responsible for championing child protection within the School and assisting in coordinating responses to child protection incidents

6.5 Staff Members

All staff are required to be familiar with the content of our Child Protection and Safety Policy and our Child Protection Program and their legal obligations with respect to the reporting of child abuse. It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with one of the School's Child Safety Officers.

6.6 Direct Contact Volunteers

All Direct Contact Volunteers, as defined in this policy, are required to be familiar with the content of our Child Protection and Safety Policy, our Child Protection Program and their legal obligations with respect to the reporting of child abuse.

It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with one of the School's Child Safety Officers.

6.7 Indirect Contact Volunteers

Indirect Contact Volunteers (or 'Indirect Volunteers') are those volunteers who are involved in providing support and services whilst not directly assisting a specific group of students.

All Indirect Volunteers are responsible for contributing to the safety and protection of children in the School environment.

All Indirect Volunteers are required by the School to be familiar with our Child Protection and Safety Policy and our Child Safety Code of Conduct.

Examples of Indirect Contact Volunteer activities may include assisting with School administrative functions.

6.8 Third Party Contractors

All Third Party Contractors (service providers) engaged by the School are responsible for contributing to the safety and protection of children in the School environment.

Third Party Contractors include, for example, maintenance and building personnel, consultants, casual teachers, tutors, sports coaches and school cleaners.

This also includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, rather than the School, but have an agreement with the School to use the School's facilities.

All service providers engaged by the School are required by the School to be familiar with our Child Protection and Safety Policy and our Child Protection Program.

The School may include this requirement in the written agreement between it and the service provider.

6.9 Direct Contact Contractors

Direct Contact Contractors are:

- those who have direct contact** with students during the normal course of their work;
- those who may be in a position to establish a relationship of trust with a student notwithstanding that unsupervised access to students would be rare (for example full-time maintenance personnel); and
- any contractors whom a school is legally required to screen.

**The Working with Children Act 2005 (Vic) defines 'direct contact' as any contact between a person and a child (aged under 18) that involves:

- physical contact; or
- face to face contact; or
- contact by post or other written communication; or
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

6.10 Indirect Contact Contractors

Indirect Contact Contractors are those contractors who do not meet the definition of "Direct Contact Contractor". Refer to Third Party Contractors' Responsibilities for more information.

6.11 External Education Providers

An External Education Provider is any organisation that the School has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the School.

The delivery of such a course may take place on School premises or elsewhere.

All External Education Providers engaged by the School are responsible for contributing to the safety and protection of children in the School environment.

All External Education Providers engaged by the School are required by the School to be familiar with our Child Protection and Safety Policy and our Child Protection Program.

Melbourne Indigenous Transition School may include this requirement in the written agreement between it and the External Education Provider.

6.12 Other Obligations Not Discharged

The roles and responsibilities set out in this Policy do not displace or discharge any other obligations that arise (for example, mandatory reporting obligations) if a person reasonably believes that a child is at risk of child abuse.

7 Reporting Child Protection Concerns

Our Child Protection Program provides detailed guidance for directors of the Board of Directors, staff and Direct Contact Volunteers as to how to identify key risk indicators of child abuse and how to report child abuse concerns to one of our School's nominated Child Safety Officers. It also contains detailed procedures with respect to the reporting of child abuse incidents to relevant authorities.

Staff, Third Party Contractors, External Education Providers, Volunteers, students, parents/guardians and other community members who have concerns that a child may be subject to abuse or grooming are asked to contact the School's Senior Child Safety Officer, Edward Tudor, by phoning 0438 536 835 or emailing edward.tudor@mits.vic.edu.au.

Communications will be treated confidentially on a "need to know basis".

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

8 Confidentiality & Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety. We have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it. Personal information will always be treated in accordance with our Privacy Policy.

9 Policy & Program Review

Melbourne Indigenous Transition School is committed to the continuous improvement of our Child Protection Program. The Program is regularly reviewed for overall effectiveness and to ensure compliance with all child protection related laws, regulations and standards.

Child Safety Code of Conduct

Author	Date	ED Approval	Board Adoption	Revisions
EJT	February 2018	February 2018	February 2018	To be updated 2020

MITS Mission: The successful and confident transition of Indigenous students from home communities to Melbourne schools

MITS Vision: To create pathways to greater opportunity for Indigenous students

MITS Values: Respect Courage Culture Care

1 Introduction

A Child Safety Code of Conduct lists behaviours that are acceptable and those that are unacceptable. It provides a high-level statement of professional boundaries, ethical behaviour and acceptable and unacceptable relationships. For more detailed guidance refer to the School's Staff and Student Professional Boundaries policy.

When individuals are clear about behavioural expectations, they are much more likely to act appropriately with each other and with children. When everyone is educated about the Code of Conduct and the reasons it is so important to uphold, the School environment becomes much more transparent and people are accountable for their behaviour. Above all, a Child Safety Code of Conduct helps to protect children from harm.

The Child Protection Code of Conduct applies to:

- all staff members, including non-teaching staff and temporary or casual staff;
- Volunteers;
- students;
- parents and carers;
- Third Party Contractors and service providers (including External Education Providers);
- directors of the Board of Directors;
- teaching students on placement at the School; and
- visitors.

The Child Safety Code of Conduct set out below is designed to stand alone. It can also be incorporated in whole or part into broader Codes of Conduct that are developed within the School, including other professional or occupational codes of conduct that regulate particular staff at the School.

The Code is made available to all staff, Volunteers, families and students via our public website and staff intranet.

2 Our Child Safety Code of Conduct

This Child Safety Code of Conduct outlines appropriate standards of behaviour for all adults towards students. The Code serves to protect students, reduce any opportunities for abuse or harm to occur,

and promote child safety in the School environment. It provides guidance on how to best support students and how to avoid or better manage difficult situations. Where a staff member breaches the Code, Melbourne Indigenous Transition School may take disciplinary action, including in the case of serious breaches, summary dismissal. The School revises the Code annually.

Melbourne Indigenous Transition School has the following expectations of behaviours and boundaries for all adults interacting with students within our School community. This includes all teaching staff, non-teaching staff, Board directors, volunteers (direct and indirect), third party contractors, external education providers and parents/carers. The School's Board of Directors has endorsed this Child Safety Code of Conduct.

The School's Board of Directors has endorsed this Child Safety Code of Conduct.

2.1 DO

- Behave as a positive role model to students.
- Promote the safety, welfare and wellbeing of students.
- Be vigilant and proactive with regard to student safety and child protection issues.
- Provide age appropriate supervision for students.
- Comply with guidelines published by the School with respect to child protection.
- Treat all students with respect.
- Promote the safety, participation and empowerment of students with a disability.
- Promote the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification).
- Promote the cultural safety, participation and empowerment of linguistically and culturally diverse students.
- Use positive and affirming language towards students.
- Encourage students to 'have a say' and then listen to them with respect.
- Respect cultural, religious and political differences.
- Help provide an open, safe and supportive environment for all students to interact, and socialise.
- Intervene when students are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way.
- Report any breaches of this Child Safety Code of Conduct.
- Report concerns about child safety to one of the School's Child Safety Officers or a member of the Leadership team and ensure that your legal obligations to report allegations externally are met.
- Where an allegation of child abuse is made, ensure as quickly as possible that the student involved is safe.
- Call the Police on 000 if you have immediate concerns for a student's safety.
- Respect the privacy of students and their families and only disclose information to people who have a need to know.

2.2 DO NOT

- Engage in any form of inappropriate behaviour towards students or expose students to such behaviour.
- Use prejudice, oppressive behaviour or inappropriate language with students.
- Express personal views on cultures, race or sexuality in the presence of students or discriminate against any student based on culture, race, ethnicity or disability.
- Engage in open discussions of an adult nature in the presence of students.
- Engage in any form of sexual conduct with a student including making sexually suggestive comments and sharing sexually suggestive material.
- Engage in inappropriate or unnecessary physical conduct or behaviours including doing things of a personal nature that a student can do for themselves, such as toileting or changing clothes.
- Engage in any form of physical violence towards a student including inappropriately rough physical play.
- Use physical means or corporal punishment to discipline or control a student.
- Engage in any form of behaviour that has the potential to cause a student serious emotional or psychological harm.

- Develop 'special' relationships with students that could be seen as favouritism (for example, the offering of gifts or special treatment for specific students).
- Engage in undisclosed private meetings with a student that is not your own child.
- Engage in meetings with a child that is not your own, outside of school hours and without permission from the School and the child's parent.
- Engage in inappropriate personal communications with a student through any medium, including any online contact or interactions with a student.
- Take or publish (including online) photos, movies or recordings of a student without parental/carer consent.
- Post online any information about a student that may identify them such as their: full name; age; e-mail address; telephone number; residence; school; or details of a club or group they may attend.
- Ignore or disregard any suspected or disclosed child abuse.

Our Child Protection Program includes a Staff and Student Professional Boundaries Policy that provides detailed guidance for all staff and Volunteers on how to maintain professional boundaries between students and adults at Melbourne Indigenous Transition School.

3 Report Any Concerns

The Program also includes information for directors of the Board of Directors, staff and Direct Contact Volunteers as to how to identify key risk indicators of child abuse and how to report child abuse concerns to one of our School's nominated Child Safety Officers.

It also contains detailed procedures with respect to the reporting of child abuse incidents to relevant authorities.

Third Party Contractors, External Education Providers, Indirect Contact Volunteers, students, parents or other community members who have concerns that a child may be subject to abuse are asked to contact one of the School's Child Safety Officers.

Communications will be treated confidentially on a 'need to know basis'. Whenever there are concerns that a child is in immediate danger, the Police should be contacted on 000.

Reportable Conduct of Staff, Volunteers and Others

Author	Date	ED Approval	Board Adoption	Revisions
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1 Source of Obligation

The Child Wellbeing and Safety Act 2005 (Vic) (the Act) requires School 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.

The School has developed the following Reportable Conduct of Staff, Volunteers and Others 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, families and students via our public website and staff intranet. A PDF of our Reportable Conduct of Staff, Volunteers and Others Policy is available [here](#).

The Commission's website provides additional guidance and materials which assist the School to understand and meet their obligations under the Act.

2 Who is an Employee?

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

- 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; or
- 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.

A minister or religion or a religious leader is also an employee.

Of relevance to the School, the following people are considered to be employees:

- Board of Directors;
- The Executive Director;
- Staff members;
- Volunteers;
- Third Party Contractors; and
- External Education Providers.

For the purposes of this policy, all of the above are referred to collectively as "staff" or "staff members".

3 What is Reportable Conduct?

Reportable conduct is defined in the Act to mean:

- 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; 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" for the purposes of the Reportable Conduct Scheme 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 insignificant, but need not be as high as serious and need not have a lasting permanent effect.

The Commission has provided guidance on how to identify physical violence, behaviour that causes emotional or psychological harm to a child and neglect.

Physical violence includes an act that causes physical injury or pain. Examples of physical violence can include:

- hitting/kicking/punching;
- pushing/shoving/grabbing/throwing/shaking;
- using an object to hit or strike; and
- using inappropriate restraint/excessive force.

Physical violence does not include:

- reasonable steps taken to protect a child from immediate harm, such as taking a child's arm to stop them from going into oncoming traffic; or
- medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid.

Behaviour that causes emotional or psychological harm to a child requires a clear link between the alleged conduct and the significant harm suffered (significant is defined above).

Signs that a child may have been emotionally or psychologically harmed may include:

- patterns of out-of-character behaviour;
- regression in behaviour;
- distress and anxious behaviours; and
- other physical symptoms, such as self-harm.

The exacerbation or aggravation of an existing mental health disorder may also cause emotional or psychological harm.

Examples of emotional or psychological harm may include:

- exposure to violence or threats of violence;
- self-destructive behaviour;
- antisocial behaviour;
- persistent hostility/rejection;
- humiliation/belittling; and
- scapegoating.

It will not be reportable conduct if:

- a person takes reasonable steps to protect a child from immediate harm;
- a person with responsibility for discipline takes lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time (refer to Student Discipline Policy); or an appropriately qualified person, gives medical treatment in good faith such as a first aid officer administering first aid.

Neglect occurs when a person does not meet their obligations and responsibilities to keep a child safe and well. The neglect:

- must be more than minor and insignificant;
- does not need to have a lasting or permanent effect; and
- may be an ongoing situation or a one-off incident, as long as it is not minor in nature.

Examples of different types of neglect include:

- supervisory neglect, which is the absence or inattention of a person which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviours towards the child;
- physical neglect, which is the failure to provide basic physical necessities for a child, such as adequate food, clothing and housing; and
- medical neglect, which is the failure to provide for appropriate medical care for a child, including a failure to acknowledge the seriousness of an illness or condition, or deliberately withholding appropriate care.

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

Our Child Safety Code of Conduct outlines expected standards of behaviour of staff members at the School when interacting with children and young people. The commission of conduct which breaches the Child Safety Code of Conduct will constitute reportable conduct under this policy.

Our Staff and Students Professional Boundaries Policy explains the importance of staff members maintaining professional boundaries with students. If a professional boundary is crossed, the conduct involved will constitute reportable conduct under this policy.

4 Who Must be Notified?

Under the Act, the School 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 School.

Guidance from the Commission states that reasonable belief is more than a suspicion. There must be some objective basis for the belief. However, it is not the same as proof and does not require certainty.

5 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 by letter.

At the School, the "head" of the School must notify the Commission (section 16M). It is a criminal offence if the head fails, without reasonable excuse, to comply with this obligation. The Act does not define what would be a "reasonable excuse" however section 16M(5) provides an exemption if the head honestly and reasonably believed that another person had notified the Commission.

The "head" is defined in the Act to include the chief executive officer or principal officer of the entity.

The definition of an "entity" in the Act requires the School to consider its governance structure and operations to determine who the "head" will be.

The head of the School must make a report using an online form available from the Commission's website.

In practice, the head is the person who is primarily responsible for the School's compliance with the reportable conduct obligations under the Act. Guidance from the DHHS states that a school principal may be a head.

At Melbourne Indigenous Transition School, the head is the **Executive Director**.

6 Executive Director and Delegation

The Executive Director is responsible for ensuring the School complies with the reportable conduct obligations under the Act however the Executive Director may delegate parts of their responsibility to facilitate the implementation of this policy. Guidance from the Commission supports the introduction of systems to assist the Executive Director to fulfil their obligations under the Act.

It is important to note that while the Child Safety Officer does not have a formal role under the Act (unless they are the 'head' of the school), the Executive Director may seek their assistance in the administration of the procedures in this policy. For example, the Child Safety Officer may assist the Executive Director to compile the information required to report to the Commission.

The Executive Director must ensure that delegation procedures are in place if the Executive Director knows they will be absent or is unexpectedly absent from the School. If a person has information supporting a reportable allegation while the Executive Director is away, the School must be able to notify the Executive Director to ensure that the Executive Director is made aware of the reportable allegation so that they can respond as soon as practicable.

Despite any delegation which may occur, the Executive Director will remain responsible and accountable for their responsibilities under the Act.

7 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 the first priority. A Police investigation will take priority over any investigation conducted by the School under this policy.

8 Internal Reporting of Reportable Allegations

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

While 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.

Where the reportable allegation involves the Executive Director, the staff member must notify the Chair of the Board or the Commission using an online form available from the Commission's website, by phone or by letter.

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

Where a staff member has a reasonable belief that the Executive Director has engaged in reportable conduct, verbal and written reports should be given to the Chair of the Board of Directors or the Commission using an online form available on the Commission's website, by phone or by letter.

9 Reporting to the Commission

9.1 The Executive Director or Chair of the Board

Where the Executive Director receives a reportable allegation from any person, including a staff member, they must notify the Commission within three business days.

Where the reportable allegation involves the Executive Director, the person must notify the Chair of the Board who will become the 'head of the School' for the purposes of reporting the reportable allegation.

There are two stages of reporting.

The Commission must be notified by the Executive Director in writing of:

- the reportable allegation as soon as possible, and in any event within three business days of the Executive Director being notified of the reportable allegation (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).

9.2 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 the School; and
- the name of the Executive Director.

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 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 Victorian Institute of Teaching. 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.

9.3 Stage Two Report

The report to the Commission must state:

- detailed information about the reportable allegation;
- whether or not the School proposes to take any disciplinary 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 Executive Director 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. A Police investigation will take priority over any investigation conducted by the School under this policy.

9.4 What Happens After a Report to the Commission is Made?

After the Executive Director 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 Executive Director or the Chair of the Board (if the allegation involves the Executive Director) or the School can appoint a regulator (for example the Victorian Institute of Teaching) or an independent investigator. A regulator engaged by the School for the purposes of an investigation may also appoint an independent investigator.

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

The investigation must be conducted in accordance with the rules of procedural fairness and 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. Refer to the Commission's Information Sheet 4 Investigation overview for more information on what to consider when conducting an investigation.

A Police investigation into any matter takes priority over an investigation by the School. On becoming aware that the Police are investigating a reportable allegation:

- the Executive Director should consult with the Police before commencing an investigation to find out if the Police are, or will be, conducting an investigation; or
- the School's investigation should be put on hold until the Police investigation is complete.

The Executive Director or Chair 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 Executive Director (or Chair) proposes to take in relation to the staff member and the reasons for that action; and
- if the Executive Director (or Chair) does not propose to take any disciplinary or other action in relation to the staff member, the reasons why no action is to be taken.

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

10 Information Sharing

10.1 Children and Parents/Carers

Under the Act, the Executive Director 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 under its care.

10.2 Schools, the Commission and Others

Under the Act, the Executive Director 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;
- if necessary for the purposes of an investigation, an independent investigator;
- if necessary for the purposes of a Working with Children Check, the Secretary to the Department of Justice and Regulation; and
- a relevant Minister.

11 Publication of Information

The School 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.

12 Powers of the Commission

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

The School must assist the Commission in all reasonable aspects of its investigation.

13 Record Keeping

The School 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.