

SIENA COLLEGE CAMBERWELL REPORTABLE CONDUCT POLICY



POLICY TITLE: REPORTABLE CONDUCT POLICY

DEVELOPED / REVIEWED BY

Deputy Principal Wellbeing and Strategy
Risk and Compliance Manager
Human Resources Manager
Siena College Policy Committee
MACS (Melbourne Archdiocese Catholic Schools)

REVIEW SUMMARY

Siena College is committed to providing a safe environment for all children, students, and young people, and takes active steps to protect them from neglect and abuse. Our school and governing body maintain a comprehensive suite of child protection strategies, embedded in the Child Safe Standards, and acknowledge our responsibility to report any misconduct by an employee, volunteer or contractor to the Commission for Children and Young People (CCYP).

As of 1 July 2017, the Victorian Government legislated for the introduction of a Reportable Conduct Scheme (RCS) to improve how organisations respond to allegations of child abuse and child-related misconduct by employees, volunteers, and contractors.

DOCUMENT DEVELOPMENT PROCESS

This document was first developed by Deputy Principal Wellbeing and Strategy, Antonella Rosati, and Human Resources Manager, Sarah Egan, in June 2022 based on a review of the new Child Safe Standards coming into effect from 1 July 2022.

RATIONALE

The CCYP is focused on employee, volunteer and contractor conduct and how organisations investigate and respond to suspected child abuse. The RCS aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children, but do not have a criminal record.

The RCS applies to our governing body, Siena College and other organisations which are required to meet the Child Safe Standards.

The MACS (Melbourne Archdiocese Catholic Schools) Executive Director must ensure that Siena College maintains systems that:

- prevent reportable conduct by employees of the College within the course of their employment
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PROCEDURES

The College will ensure the reporting of any reportable allegation made against an employee to the MACS Safeguarding and Standards Team.

A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that an employee, volunteer, or contractor has committed conduct that *may* involve reportable conduct. This includes where a reportable allegation is made against the school Principal.

Note: *A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty.*

For example, a person is likely to have a reasonable belief if they:

- *observed the conduct themselves*
- *heard directly from a child that the conduct occurred*
- *received information from another credible source (including another person who witnessed the reportable conduct or misconduct).*

The RCS is an allegations-based scheme. This means that the threshold for notifying the CCYP is low. Siena College's Principal, a member of the Leadership Team, the MACS Regional General Manager or the MACS Executive Director does not need to agree with or share the belief that the alleged conduct has occurred. All allegations must be referred to the MACS Safeguarding and Standards Team for advice.

The MACS Safeguarding and Standards Team (or a delegate of the MACS Executive Director) on behalf of the Executive Director in consultation with the College Principal or, where there is an allegation against a Principal, the Board Chair or a member of the Leadership team or Regional General Manager will then:

- submit a notification to the CCYP within three days of the MACS Executive Director becoming aware of the reportable allegation
- meet the milestones and reporting requirements to the CCYP under the RCS.

Reportable conduct includes:

Sexual Offence	Sexual Misconduct	Physical Violence	Behaviour that causes significant Psychological or Emotional Harm	Significant Neglect



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Executive Director) to respond appropriately. This will usually include investigating or facilitating the conduct of an investigation.

Note: *Sienna College staff members are not required to make a report directly to the CCYP; this is the responsibility of the MACS Safeguarding and Standards Team (or other person authorised by the MACS Executive Director) on behalf of the MACS Executive Director. However, any person with a concern (including a staff member who wishes to remain anonymous, students, parents and/or other members of the community) may notify the CCYP directly of a reportable allegation via a community notification on the website.*

In the event of a reportable allegation against the Principal, this must be reported to the Board Chair or another member of the Leadership team, the Regional General Manager or directly to the MACS Executive Director via the Safeguarding and Standards Team.

Principals (and other leaders as appropriate) must also facilitate any requests for information or documentation from MACS, Victoria Police or a regulator in the course of an investigation to ensure compliance with the RCS and the law.

Reporting to the CCYP

Upon becoming aware of a reportable allegation against an employee, the Principal, member of the Leadership Team or MACS Regional General Manager must contact the MACS Safeguarding and Standards Team as soon as practicable in order to ensure that the following milestones and reporting requirements to the CCYP are met:

Within three business days	Within 30 calendar days	Advice on investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none"> • College contact details • Name of the employee, volunteer or contractor • Their date of birth • Initial advice on the nature of the allegation • Any police report 				

Investigating reportable allegations

Sienna College will ensure procedural fairness throughout the entire investigation process.

Note: *It is anticipated that any investigations will be undertaken by the Principal (or another member of the Leadership team) unless it is deemed appropriate by the Principal, the Regional General Manager (in the case of an allegation against the Principal) or the MACS Executive Director for a suitably qualified, third party engaged in consultation with MACS Safeguarding and Standards Team to be appointed.*

The Principal will ensure that for current employees the process set out in clause 13 of the *Victorian Catholic Education Multi-Enterprise Agreement 2018* (VCEMEA 2018) is followed. Further, the Principal will also ensure that all other relevant MACS and College-based policies and procedures (including Codes of Conduct, processes for managing and investigating complaints, misconduct, discipline, grievances, dispute resolution, and employee welfare and support), as well as any CCYP and other regulatory guidance, are considered to guide the investigation.

For an allegation against a current employee, this means that the Principal will follow the clause 13 process set out in the VCEMEA 2018 and follow the advice and guidance of the MACS Safeguarding and Standards and Employee Relations Teams.

In all cases, before any findings are made or disciplinary action is taken, the subject of an allegation will be:

- notified of any adverse information that is credible, relevant, and significant
- given a reasonable opportunity to respond to that information

The MACS Safeguarding and Standards Team (acting on the MACS Executive Director's behalf) in consultation with the Principal or MACS Regional General Manager (for allegations against a Principal) will determine when the subject of the reportable allegation should be first told about an allegation, in order to ensure that any police investigation is not prejudiced; child safety risks are appropriately assessed and mitigated; and the investigation is not compromised, but remains procedurally fair.

Initial investigation

Note: *Upon receipt of a reportable allegation, the Principal or other member of the Leadership team (for allegations against a Principal) will be*

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NEXT REVIEW

June 2023

POLICY LOCATION

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