

DSM Policy

Reportable Conduct



Deutsche Schule Melbourne Inc, ABN 52 936 931 854

Statement

This policy is to be read in conjunction with the Duty of Care¹ provisions, Reporting of Reportable Conduct Procedure (Appendix 3), Child Safety and Wellbeing Policy² and Serious Incident and Mandatory Reporting Policy³ as well as the Staff Code of Conduct⁴ and Child Safe Code of Conduct⁵.

Application of Policy

This policy applies when an allegation of child abuse is raised against any employees, volunteers, contractors, office holders, officers or others directly engaged by the school.

What is the Reportable Conduct Scheme?

The Reportable Conduct Scheme sets out how organisations must ‘investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children.’⁶

The scheme sets out the principles and framework governing DSM’s response to allegations of child abuse raised against its employees, volunteers, contractors, office holders and others directly engaged by the school, as well as the identification of individuals that pose a risk of harm to children.

The Victorian Child Safe Standards⁷ aim to prevent child abuse and improve organisational responses to allegations of child abuse by embedding the protection of children in daily school management.

Together the Child Safe Standards and Reportable Conduct Scheme create distinct sets of responsibilities and strengthen the capacity of organisations to prevent, and respond to allegations of, child abuse.

CCYP sets out the differences between the Child Safe Standards and the Reportable Conduct Scheme⁸:

Child Safe Standards

1. A system to promote child safety, prevent child abuse and respond properly to suspected child abuse
2. Focuses on organisations and preventative systems
3. Flexible in their application
4. Enables reportable conduct to be identified and reported

1

<https://www.education.vic.gov.au/about/programs/bullystoppers/Pages/prinduty.aspx#:~:text=Whenever%20a%20teacher%2Dstudent%20relationship,a%20special%20duty%20of%20care.&text=%E2%80%9Ca%20teacher%20is%20to%20take,Richards%20v%20State%20of%20Victoria>.

2 <https://media.digistormhosting.com.au/dsm-au-vic-330-website/documents/DSM-Child-Safe-Policy.pdf?mtime=20191028130608>

3 <https://media.digistormhosting.com.au/dsm-au-vic-330-website/content/DSM-2020-Serious-Incidents-and-Mandatory-Reporting-web.pdf?mtime=20200612110617>

4 Intranet: [DSM 2019 - Staff Code of Conduct.pdf](#)

5 <https://media.digistormhosting.com.au/dsm-au-vic-330-website/content/DSM-2020-Child-Safe-Code-of-Conduct-with-signature-web.pdf?mtime=20200617105300>

6 CCYP Fact Sheet 6 <https://ccyp.vic.gov.au/assets/resources/Child-Safe-Standards-and-Reportable-Conduct-Scheme.pdf>

7 <https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/the-child-safe-standards/>

8 <https://ccyp.vic.gov.au/assets/resources/Regulatory-Approach/CCYP-Regulatory-approach-Final.pdf>

DSM Policy

Reportable Conduct

Deutsche Schule Melbourne Inc, ABN 52 936 931 854



What are the 11 Child Safe Standards under Ministerial Order 1359?

Standard 1

Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.

Standard 2

Child safety and wellbeing is embedded in organisational leadership, governance and culture.

Standard 3

Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.

Standard 4

Families and communities are informed and involved in promoting child safety and wellbeing.

Standard 5

Equity is upheld and diverse needs respected in policy and practice.

Standard 6

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

Standard 7

Processes for complaints and concerns are child-focused.

Standard 8

Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

Standard 9

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

Standard 10

Implementation of the Child Safe Standards is regularly reviewed and improved.

Standard 11

DSM Policy

Reportable Conduct



Deutsche Schule Melbourne Inc, ABN 52 936 931 854

Policies and procedures document how the organisation is safe for children and young people.

Reportable Conduct Scheme

1. A system to independently oversee responses to allegations of child abuse raised against those that work in the organisation
2. Focuses on employee conduct
3. Prescribes actions that must be taken by the head of the organisation
4. Ensures reportable conduct is properly investigated and responded to

What is Reportable Conduct?

Reportable Conduct under the Child Wellbeing and Safety Act 2005 includes:⁹

1. Sexual offences including grooming (against, with or in the presence of, a child).
2. Sexual misconduct (against, with or in the presence of, a child).
3. Physical violence (against, with or in the presence of, a child).
4. Behaviour that causes significant emotional or psychological harm.
5. Significant neglect of a child.

CCYP provides further guidance on each of the above types of reportable conduct¹⁰ and on historical allegations.¹¹

What is a Reportable Allegation?

Any information that leads a person to form a reasonable belief that a person listed under the heading “Who can an allegation be made about under the Reportable Conduct Scheme?” below has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person’s employment/role. This includes where a reportable allegation is made against the head of the organisation.

Who can an allegation be made about under the Reportable Conduct Scheme?

The principal can report allegations about the behaviour and conduct of the following groups:¹²

1. An employee.
2. A minister of religion, religious leader or officer of a religious body.
3. A foster or kinship carer.
4. A volunteer, contractor, office holder, officer or other position directly engaged by the school to provide services.

⁹ CCYP Fact Sheet 2 <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/FINALPDF-Information-Sheet-2-What-is-reportable-conduct-2.pdf>

¹⁰ ibid

¹¹ CCYP Fact Sheet 12 <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/Historical-Allegations-110718.pdf>

¹² CCYP Fact Sheet 1 <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/AboutRCS120718.pdf>

DSM Policy

Reportable Conduct



Deutsche Schule Melbourne Inc, ABN 52 936 931 854

The CCYP has provided clarifying advice particularly with respect to volunteers and others who provide services for the school.¹³

Scope

This policy is directly relevant to the Principal in term of his/her statutory responsibilities. Others connected to DSM (board members, employees, volunteers and contractors) should be aware of the policy.

Definitions

CCYP

The Commission for Children and Young People, an independent Victorian statutory body with oversight and regulatory responsibility for Child Safe Standards and the Reportable Conduct Scheme.¹⁴

Child

Under Victorian Law a child is generally regarded as being under 17 years of age.

Child Abuse

Child abuse includes any instance of physical or sexual harm (including grooming), emotional or psychological harm, serious or significant neglect and family violence involving a child.

Child and Family Information, Referral and Support Teams (Child FIRST)

Child FIRST is a Victorian Government initiative to provide support and help for vulnerable families, children and babies. Anyone may make a referral to Child First if they have a significant concern for a child's wellbeing.

Child Safe Standards

Victorian schools are mandated under Ministerial Order 1359 to ensure child safe standards are in place to protect children from abuse and neglect. This contains the creation of an inclusive culture, as well as screening, supervision and training of personnel to identify and respond to indicators of harm.

Child Protection Service

The role of the Department of Families, Fairness and Housing's (DFFH) Child Protection Service is to ensure that children are protected from significant harm when their parent or caregiver is unable or unwilling to provide that protection. They are able to intervene to protect children and young people at risk of significant harm.

Child in need of protection

The definition of a 'child in need of protection' is met under section s163 of the Children, Youth and Families Act 2005 (Vic.)¹⁵ if any of the following grounds exist:

- A child has been abandoned
- A child's parents are dead or incapacitated and there is no other suitable person willing or able to provide care for the child.
- A child that has suffered or is likely to suffer significant harm as a result of:
 - Physical abuse
 - Sexual abuse
 - Family violence

¹³ ibid

¹⁴ <https://ccyp.vic.gov.au/assets/resources/Child-Safe-Standards-and-Reportable-Conduct-Scheme.pdf>

¹⁵ <https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/121>

DSM Policy

Reportable Conduct



Deutsche Schule Melbourne Inc, ABN 52 936 931 854

- Emotional abuse or psychological harm of such kind that the child is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.
- The child's physical development or health has been, or is likely to be, significantly harmed and the parents are not providing basic medical, surgical or remedial care.

Reasonable Belief

A reasonable belief is a belief based on facts that would lead a reasonable person to think that reportable conduct may have occurred.¹⁶ A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it does not require certainty. For example, a person is likely to have a reasonable belief if they:

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

The head of the organisation does not need to share the person's reasonable belief regarding the allegation. However, they do not need to notify the CCYP about the allegation if it is plainly wrong or had no basis at all in reality. If organisations are not sure about whether a particular allegation should be reported, the CCYP encourages organisations to contact the CCYP for advice.

Principles

DSM is committed to protect its students from all forms of child abuse and to implement clear procedures for reporting and recording allegations of suspected child abuse and grooming.

DSM together with those that work in it and its wider community have a duty of care to protect children from harm through abuse or neglect.

DSM is committed to implementing clear procedures for reporting and recording reports of suspected child abuse and grooming.

The school will create a supportive culture in which children, staff, volunteers, families and others connected to the school feel confident and comfortable in raising and responding to allegations of abuse, grooming or child safety concerns.

Goals

The policy aims to:

- Comply with the school's reporting obligations under child protection law and criminal law and to fulfil its duty of care.
- Ensure systems are in place that:
 1. Prevent reportable conduct from being committed
 2. Enable reportable allegations to be made to the Principal and for these to be reported to CCYP.
 3. Enable reportable allegations that involve the Principal to be reported to CCYP.
 4. Ensure all reportable allegations that may involve criminal conduct are also reported to Victoria Police.

¹⁶ This is from the case *George v Rockett* (1990) 170 CLR 104, which determined that 'a reasonable belief requires the existence of facts that are sufficient to induce the belief in a reasonable person. Belief requires something more than suspicion'.

DSM Policy

Reportable Conduct



Deutsche Schule Melbourne Inc, ABN 52 936 931 854

5. Ensure procedural fairness

The procedure 'Reporting Reportable Conduct' (Appendix 3) sets out how those connected with the school can raise an allegation of reportable conduct and provides a template for an investigation plan.

Legal and Regulatory Framework

This policy is based on the compliance requirements under the following acts and regulations:

- Duty of Care
- Child Wellbeing and Safety Act 2005¹⁷
- Child Wellbeing and Safety Regulations 2017¹⁸
- Children Legislation Amendment (Reportable Conduct) Act 2017¹⁹
- Children, Youth and Families Act 2005 (Vic)²⁰
- Crimes Act 1958 (Vic)²¹
- CCYP
- Ministerial Order 1359- the 11 Child Safe Standards

These compliance requirements are summarised below:

Duty of Care

Schools have a duty of care to ensure the safety and wellbeing of students. In discharging this duty, the Principal, teachers and other staff are held to a high standard of care in relation to students. The duty requires principals and teachers to take all reasonable steps to reduce the risk of harm to students, including the implementation of strategies to prevent bullying. The duty is non-delegable, meaning that it cannot be assigned to another party.²²

Failure to Disclose (Obligation to Disclose Sexual Offences)

Section 327 of the Crimes Act 1958 (Vic)²³ imposes a legal obligation upon all adults to report to Victoria Police, as soon as is practicable, where they form a Reasonable Belief²⁴ that a sexual offence has been committed by an adult against a child. Failure to disclose information to police is a criminal offence, except in limited circumstances where the information has already been reported to the Child Protection Service.

Failure to Protect (Obligation to Protect against Sexual Offences)

Section 490 of the Crimes Act 1958 (Vic.)²⁵ provides that people in positions of authority, such as principals, must take action to protect children where they know that a person associated with their organisation poses a substantial risk of sexually abusing children under their care, authority or supervision and must take all reasonable steps to remove or reduce the risk. A failure to take all reasonable steps in these circumstances may amount to a criminal offence.

¹⁷ <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/030>

¹⁸ <https://www.legislation.vic.gov.au/in-force/statutory-rules/child-wellbeing-and-safety-regulations-2017/003>

¹⁹ <https://www.legislation.vic.gov.au/as-made/acts/children-legislation-amendment-reportable-conduct-act-2017>

²⁰ <https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/121>

²¹ <https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/292>

²² Victorian Department of Education and Training. Duty of Care (31. January 2019) Victorian Department of Education and Training <https://www.education.vic.gov.au/school/principals/spag/safety/Pages/dutyofcare.aspx> (Accessed 30 August 2019)

²³ http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/ca195882/s327.html

²⁴ <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/RCS-FAQs-110718.pdf>

²⁵ http://classic.austlii.edu.au/au/legis/vic/consol_act/ca195882/s490.html

DSM Policy

Reportable Conduct



Deutsche Schule Melbourne Inc, ABN 52 936 931 854

Forming a belief on reasonable grounds

Section 183 of the Child, Youth and Families Act 2005 (Vic) states that **any** person who believes on reasonable grounds that a child is in need of protection after becoming aware that a child's health, wellbeing or safety is at risk and the child's parents are unwilling or unable to protect the child, **must** report that belief to a 'protective intervener'²⁶ and the reasonable grounds for it. You may have suspicion on reasonable grounds if:

- Your observations of behaviour of the particular child or your knowledge of the child generally leads you to suspect that abuse is occurring.
- A child tells you that he/she knows someone who has been abused.
- Someone reliable such as relative, friend, neighbour or sibling tells you of the abuse to a child.

If you receive a disclosure from a current student or former student of school age, you must take the disclosure seriously and take immediate action (refer to Action 2 in Appendix 2 – Four Critical Actions for Schools). If you receive disclosure by a former student that is no longer of school age you must still act.

Grooming

Grooming of a child is a crime under s49M of the Crimes Act 1958 (Vic)²⁷. Under the 'Failure to Disclose' offence and the Duty of Care, any person who suspects a child is being groomed by an adult must report their concerns to Victoria Police.

Mandatory Reporting

Section 184(1) of the Children, Youth and Families Act 2005 (Vic), requires **mandated reporters** to report their belief that a child is in need of protection in relation to physical injury or sexual abuse that the child has suffered or is likely to suffer, and the parents have not protected or are unlikely to protect them from that type of harm, to a 'protective intervener', when the belief is formed in the course of practicing their profession. A report must be made *as soon as practicable* after forming the belief, and *on each occasion* on which they become aware of any further reasonable grounds for the belief.

Reportable Conduct

See the headings "What is Reportable Conduct?" and "What is a Reportable Allegation?" above.

Roles and Responsibilities

Governing Body

The governing body (the School Board) must oversee that steps that have been taken to ensure the Principal is aware of their statutory responsibilities. The Chair must take on the principal's responsibilities under the Reportable Conduct Scheme if an allegation of child abuse is raised against the Principal.

Principal

DSM is a non-government school. This means the Principal is the head of the organisation and is, therefore, responsible for ensuring the school's compliance with the Reportable Conduct Scheme. The Principal may delegate actions to others within the school but the responsibility for discharging this legal duty is non-delegable.

²⁶ Victoria Police & CCYP (incidents within the school), CCYP (allegations within the school), Child Protection Service and Victoria Police (sexual abuse/grooming suspicions within family or community) and in all cases the Principal and/or Chair.

²⁷ <https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/292>

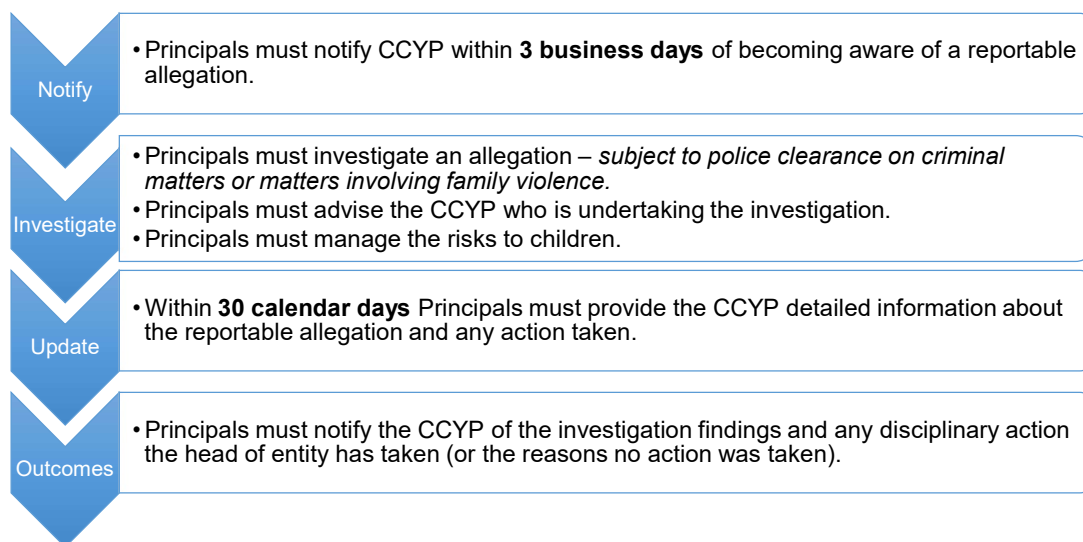
DSM Policy

Reportable Conduct



Deutsche Schule Melbourne Inc, ABN 52 936 931 854

As the designated head of the organisation, the Principal is responsible for protecting children and for developing and implementing systems and processes for reporting and investigating suspected and alleged abuse. The Principal must report a reportable allegation to CCYP. Allegations that may involve criminal conduct must also be reported to Victoria Police.



The detailed actions to be taken by the Principal are set out clearly by CCYP in the fact sheet “Responsibilities of the head of an organisation”.²⁸

A key responsibility of the Principal is the management of an investigation following a reportable allegation. An investigation should follow the procedure set out in Appendix 3, including regarding procedural fairness. As a workplace investigation it should follow the school’s policies and procedures covered by the Serious Incidences and Mandatory Reporting and the Complaints and Grievances Policy (including the Complaints Resolution Procedure).

Given the sensitive nature of such an investigation, the school should consider appointing an independent investigator, seeking independent legal advice or obtaining assistance from an HR specialist.

If the investigation is of criminal nature, the school must get clearance from Victoria Police before beginning an investigation.²⁹

The CCYP provides further advice with regard to Conducting an Investigation (Fact Sheets 4-8)³⁰ and ‘Guidance for Organisations: Investigating a Reportable Conduct Allegation’.³¹

Other Persons

Any person may report a reportable allegation to CCYP under the Reportable Conduct Scheme.

Other persons connected to the school (e.g. teachers, parents, volunteers) have a legal obligation to protect children from abuse under the legal and regulatory framework and reporting obligations summarised in Appendix 1.

²⁸ CCYP Fact Sheet 3 <https://ccyp.vic.gov.au/assets/resources/Responsibilities-of-the-head-of-an-organisation.pdf>

²⁹ CCYP Fact Sheet 4 <https://ccyp.vic.gov.au/assets/resources/Investigation-overview.pdf>

³⁰ <https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets/>

³¹ <https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>

DSM Policy

Reportable Conduct

Deutsche Schule Melbourne Inc, ABN 52 936 931 854



CCYP

CCYP has various functions under the Child Wellbeing and Safety Act 2005. These functions include:

- educating, providing assistance and promoting compliance by organisations that are covered by the scheme to identify reportable conduct
- supporting and guiding organisations that receive reportable allegations in order to promote fair, effective, timely and appropriate responses to reportable allegations
- independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations
- educating and providing advice to regulators that fall under the scheme

Reporting Obligations

Under the legal and regulatory framework, there are a range of reporting obligations in addition to those under the Reportable Conduct Scheme (as set out in Fact Sheet 5)³².

A detailed summary of the obligations can be found in Appendix 1.

Training

The school will provide training of this policy in conjunction with the Child Safe and the Serious Incidents and Mandatory Reporting Policies and the Child Safe Code of Conduct including:

- when inducting new staff
- when on-boarding new board members
- in the annual professional development program for all school staff

Communication

The school will frequently and regularly communicate the school's commitment to child safety and raise awareness of the school community's collective responsibility in reporting allegations of child abuse via public statements.

This policy will be made publicly available on the school's website www.dsm.org.au.

The school will ensure that the school community (including job applicants) are informed about this policy, the allocated roles and responsibilities, and the other policies referred to under the heading "Statement" above.

Policy Review

This policy shall be reviewed annually and after any incident.

Reviewed October 2023

³² CCYP Fact Sheet 5 <https://ccyp.vic.gov.au/assets/resources/Other-reporting-obligations.pdf>

DSM Policy

Reportable Conduct

Deutsche Schule Melbourne Inc, ABN 52 936 931 854



Appendices

Appendix 1 - Reporting Obligations Summary

Appendix 2 - Four Critical Actions for Schools

Appendix 3 - Procedure: Reporting Reportable Conduct

DSM Policy

Reportable Conduct: Appendix 1

Deutsche Schule Melbourne Inc, ABN 52 936 931 854



Appendix 1 – Reporting Obligations Summary

You must report all incidents, suspicions and disclosures of child abuse as soon as possible to the authorities and/or refer to services. Multiple obligations may apply.

Obligation:	Applies to:	Action:	Report to:	Failure:	Related Policies:
Report incidents of suspected sexual offence against a child	Any adult	Report	Victoria Police	Criminal offence (Failure to Disclose)	Reportable Conduct Serious Incidents & Mandatory Reporting
Protection against sexual offence	Staff member with authority (Principal/Chair)	Remove or reduce risk		Criminal offence (Failure to Protect)	Reportable Conduct Serious Incidents & Mandatory Reporting
Mandatory Reporting	Mandated: Principal, teachers, educators and School Counsellor	Report	Child Protection Service Principal	Criminal offence (Failure to Disclose) if sexual offence	Serious Incidents & Mandatory Reporting
Reportable Allegations of Reportable Conduct	Principal (must) Anyone (can) (Chair if allegation involves Principal)	Report	CCYP online notification		Reportable Conduct
Suspected criminal behaviour	Principal (Chair if behaviour Involves Principal)	Report	Victoria Police		
Registered teacher charged with, convicted or found guilty of sexual offence	Principal	Notify	Victorian Institute of Teaching		Reportable Conduct Staff Code of Conduct
Child wellbeing concerns (e.g. Family Violence) (forming a belief on reasonable grounds)	Anyone	Report (if required) or referral	Internal report to Principal or Chair, Child Protection Service, Victoria Police Child FIRST, THE LOOKOUT & 1800 Respect		Student Wellbeing
Incidents of bullying, harassment, physical, sexual or other abuse	Business Manager	Notify	Insurance broker		

Contact numbers of authorities are listed in Appendix 2 – Four Critical Actions for Schools

DSM Policy

Reportable Conduct: Appendix 2

Deutsche Schule Melbourne Inc, ABN 52 936 931 854



FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

YOU MUST TAKE ACTION

As a school staff member, you play a **critical role** in protecting children in your care.

- You **must** act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief* that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

* A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/ or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE

You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also** report internally to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team
- Employee Conduct Branch
- DET Incident Support and Operations Centre.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

GOVERNMENT SCHOOLS

- Employee Conduct Branch

CATHOLIC SCHOOLS

- Diocesan education office

INDEPENDENT SCHOOLS

- Commission for Children and Young People on **1300 782 978**.

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report internally to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team
- DET Incident Support and Operations Centre.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or chairperson.

3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact** the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate** with all relevant parties with consideration for their safety.

4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

DHHS CHILD PROTECTION

AREA
North Division **1300 664 977**
South Division **1300 655 795**
East Division **1300 360 391**
West Division (Rural) **1800 075 599**
West Division (Metro) **1300 664 977**

AFTER HOURS

After hours, weekends, public holidays **13 12 78**.

CHILD FIRST

<https://services.dhhs.vic.gov.au/referral-and-support-teams>

ORANGE DOOR

<https://www.vic.gov.au/familyviolence/the-orange-door.html>

VICTORIA POLICE

000 or your local police station

DET INCIDENT SUPPORT AND OPERATIONS CENTRE
1800 126 126

INCIDENT MANAGEMENT AND SUPPORT UNIT
1800 126 126

EMPLOYEE CONDUCT BRANCH
(03) 9637 2595

DIOCESAN OFFICE
Melbourne **(03) 9267 0228**
Ballarat **(03) 5337 7135**
Sale **(03) 5622 6600**
Sandhurst **(03) 5443 2377**

INDEPENDENT SCHOOLS VICTORIA

(03) 9825 7200

THE LOOKOUT

The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>

Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732**.



DSM Policy

Reportable Conduct: Appendix 3

Deutsche Schule Melbourne Inc, ABN 52 936 931 854

Reporting of Reportable Conduct

Statement

This Procedure is to be read in conjunction with the Reportable Conduct Policy, Child Safe Policy and Serious Incident and Mandatory Reporting Policy as well as the Staff Code of Conduct and Child Safe Code of Conduct.

Rationale

The Reportable Conduct Scheme sets out how organisations must investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children.³³

This procedure is aimed to:

- Enable reportable allegations to be made to the Principal.
- Enable reportable allegations that involve the Principal to be reported to CCYP.
- Outline the investigation process

Definitions

Terms used in this procedure have the same meaning as in the Reportable Conduct Policy.

Raising an allegation

School staff should document a disclosure in line with DSM's Procedure – Recording your Actions (embedded in the Serious Incident and Mandatory Reporting Policy).³⁴ An allegation must be reported to the Principal as soon as the immediate health and safety of a child are addressed.

Anyone connected with the school can raise an allegation of reportable conduct against a person associated with the school (employee, volunteer, contractor or officeholder), with the Principal or, in the Principal's absence, with the Deputy Principal.

Where an allegation of reportable conduct is raised against the Principal, the allegations must be reported to the Chair (email: chair@dsm.org.au).

³³ CCYP Fact Sheet 6 <https://ccyp.vic.gov.au/assets/resources/Child-Safe-Standards-and-Reportable-Conduct-Scheme.pdf>

³⁴ <https://media.digistormhosting.com.au/dsm-au-vic-330-website/content/DSM-2020-Serious-Incidents-and-Mandatory-Reporting-web.pdf?mtime=20200612110617>

DSM Policy

Reportable Conduct: Appendix 3

Deutsche Schule Melbourne Inc, ABN 52 936 931 854

Investigation

In relation to reportable allegations under the Act, the Principal must investigate a reportable allegation. In the context of investigations into reportable allegations the Principal must:

1. ensure that the organisation has systems in place in relation to the scheme, including systems for the prevention of reportable conduct
2. notify CCYP when a reportable allegation has been made
3. investigate the reportable allegation (this could include permitting a regulator or independent external investigator to investigate a reportable allegation)
4. provide information or documents relating to a reportable allegation to CCYP
5. ensure that CCYP (or independent investigator engaged by CCYP) is given 'any assistance' in connection with the reasonable performance of their functions
6. provide detailed information about a reportable allegation to CCYP
7. provide details of the outcome of an investigation into a reportable allegation and any proposed disciplinary actions.

The role of the Principal (or investigator) is to collect and document evidence, establish the facts on the evidence and to prepare an investigation report that details the outcomes of the investigation and makes a finding (whether the allegation has happened) or recommendations when asked to do so. A finding requires the allegation to be substantiated on the 'balance of probabilities' (being *more likely than not*).³⁵

The process of investigation involves the following (refer to Guidance-for-Organisations-Investigating-a-Reportable-Conduct-Allegation for details of each step of the process):³⁶



Procedural Fairness

Determinations made with respect to a reportable allegation are required to be made on the balance of probabilities, following principles of procedural fairness.

In response to a reportable allegation, the school undertakes to:

³⁵ CCYP Fact Sheet 8 <https://ccyp.vic.gov.au/assets/resources/Investigation-findings.pdf>

³⁶ <https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>

DSM Policy

Reportable Conduct: Appendix 3

Deutsche Schule Melbourne Inc, ABN 52 936 931 854

1. Obtain clearance from Victoria Police, if the allegation is criminal in nature, before initiating a workplace investigation; and
2. Before any findings are made or disciplinary action is taken:
 - i) Notify the subject of the allegation or details on any adverse information that is credible, relevant and significant. This need not be at the time CCYP is notified so as to ensure an investigation is not compromised; or at all, in circumstances the allegations are fictitious.
 - ii) Provide the subject of the allegation a reasonable opportunity to respond to that information.

Any person that is the subject of an 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 allegation.

Interviews with witnesses, organisational management, other staff, the subject and/or victim of the allegation may be undertaken by: the Victoria Police, the school, an independent investigator engaged by the school; CCYP 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.

Including Children and Young People in Investigations

Children and young people will usually be the alleged victims in reportable conduct allegations, but they could also be witnesses in an investigation providing valuable information. As part of the Child Safe Standards DSM has strategies in place to promote participation and empower children and young people. A child or young person should be interviewed in an allegation, unless there is good reason why this should not occur. It is important to give children and young people a voice and not interviewing them could lead to them to feel powerless and excluded. Children and young people should always be supported when allegations are raised, during the interview process and after the investigation. Support can include counselling, explaining processes to them and keeping them informed. Schools should be flexible in their support to meet the needs of each individual child or young person, and if appropriate, consult with their parent or carer to assist in this process.

A standard child interview model as well as guidance for taking a trauma-informed approach to investigations can be found in '*Guide for including children and young people in reportable conduct investigations*'.³⁷

Recording and retention of documents

As soon as possible after the incident or disclosure, record the information. The below Investigation Plan (template) will assist you in making a report and gathering relevant information to report to the Principal, as well as to any authorities. Likewise, ensure that any incident report, if required, is submitted within the appropriate timeframes. Documents are stored on the school server in a secured place accessible to the Principal and Business Manager and backed up daily.

³⁷ <https://ccyp.vic.gov.au/assets/Uploads/Guide-Including-Children-and-Young-People-in-Reportable-Conduct-Investigations.pdf>

DSM Policy

Reportable Conduct: Appendix 3

Deutsche Schule Melbourne Inc, ABN 52 936 931 854

Investigation Plan (template)³⁸

Matter details

Subject of allegation details:

RCS reference number:

Organisation contact:

Contact title/position:

Organisation address:

Organisation phone number(s):

Secure email:

Investigator:

Investigation overview

- How did the information come to the attention of the organisation?
- Who are the people involved? Who is the alleged victim? Who is the subject of an allegation? Who are each of the relevant witnesses that are known at this time?
- Have any initial inquiries been carried out by the organisation – what was learned?
- Why is the investigation being conducted?
- What details are known at this time?

Allegations

Allegation 1

Each allegation should be separate (dates/victim/location, etc.). For example:

On [date] or between [date] and [date] it has been alleged by [name of discloser] that [name of the subject of the allegation] may have engaged in the following conduct:

[name of the subject of the allegation] approached [name of alleged victim] and said words to the effect of [insert words alleged to have been used] about [insert name of alleged victim] in the presence of [insert names of children who may have witnessed the allegation].

It is alleged that the above factual allegations may constitute reportable conduct because the behaviour could cause significant emotional or psychological harm to a child.

Allegation 2

Complete if another allegation was made.

³⁸ *ibid*

DSM Policy

Reportable Conduct: Appendix 3

Deutsche Schule Melbourne Inc, ABN 52 936 931 854

Subject of the allegation

Name:

Address:

Phone number:

Position held:

Email address:

Time in position:

Risks

Identify and evaluate

- Identify the context of the investigation and identify any risks; that is, what are the risks and why are they risks?
- Evaluate each risk systematically and at regular intervals if required. Is there anything that can be done to remove or lessen the risks?

Issues/notes

- Consider whether the investigation should be undertaken by internal or external investigators.
- Make a list of possible people affected by the investigation and possible outcome

Conflicts of interest

- Consideration should be given to any actual, potential or perceived conflicts of interest of the investigator.

Scope of investigation

- What is the investigator being asked to do? This means that the allegations need to be clearly defined and set out and the investigator should be asked to make findings in relation to each of the allegations.
- Define the limit of the investigation. What questions need to be answered so that a decision can be made about whether or not the reportable conduct happened and happened in the way that is alleged? This will form the Terms of Reference of the investigation
- The Terms of Reference are agreed to prior to the investigation starting and are recorded
- It is essential that the scope be limited to the allegations specified and in the context of the specific legislation or policy. If any additional allegations arise during the investigation, the Investigation Plan should be updated to deal with those new matters.
- The scope of the investigation will be included in the Terms of Reference.

DSM Policy

Reportable Conduct: Appendix 3

Deutsche Schule Melbourne Inc, ABN 52 936 931 854

Decision-maker

Who is the decision-maker? This will usually be the head of the organisation.

Current information

Source

Name: John Smith.

Information: statement made providing evidence of [example].

Relevance (to the allegation): allegation 1, element 4.

Source

Name: ASIC.

Information: historical extract of [Example Pty Ltd].

Relevance (to the allegation): allegation 1, element 2.

Possible witnesses

Name

Example: Ian Franklyn.

Information: possible witness to alleged incident at ABC School.

Relevance (to the allegation): was present when the incident is alleged to have occurred. May be able to provide insight into whether or not the alleged incident occurred at ABC School.

Name

Example: Alex Tsiolkas.

Information: may have medical evidence of injury.

Relevance (to the allegation): may be able to assist in establishing whether the behaviour could constitute significant emotional or psychological harm to a child.

Possible evidence

Item/document

Example: statement from Ian Franklyn .

Source: Contact, ABC School.

Relevance (to the allegation): received the complaint of reportable conduct from the child and has information that has been obtained directly from the child when the complaint was received.

Item/document

Example: medical evidence of injury.

DSM Policy

Reportable Conduct: Appendix 3

Deutsche Schule Melbourne Inc, ABN 52 936 931 854

Source: Contact, Ourtown Medical Centre.

Relevance (to the allegation): may be able to provide medical evidence of injury. In order to obtain this information

I will need to speak with the child's parent or guardian and ask whether they would provide their consent to obtain this information.

Investigation action plan

Action:

Date/time action taken or required to be taken by:

Person to action:

Notes: is an expert opinion required? Any other notes.

DSM Policy

Reportable Conduct

Deutsche Schule Melbourne Inc, ABN 52 936 931 854
