



### POLICY TITLE: REPORTABLE CONDUCT POLICY

### DEVELOPED/REVIEWED BY

Vice Principal Wellbeing  
Human Resources Manager  
Senior Leadership Team

### REVIEW SUMMARY

The King David School 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 Vice Principal Wellbeing, David Opat, and Human Resources Manager, Sarah Egan, in May 2024 for the purpose of making clear the responsibilities of all School staff members to report any misconduct by an employee, volunteer or contractor to the Principal of The King David School for further reporting to the Commission for Children and Young People (CCYP).

### 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 The King David School and other organisations which are required to meet the Child Safe Standards.

The Principal must ensure that The King David School maintains systems that:

- prevent reportable conduct by employees of the School within the course of their employment
- ensure reportable allegations are made to the Principal or the Chief Operating if the reportable allegation concerns the Principal
- ensure reportable allegations that involve employees are notified to the CCYP and responded to in accordance with the requirements of the RCS.

### DEFINITIONS

<b>child</b>	A child who is under the age of 14 years.
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<b>young person</b>	A person from 14 – 17 years of age.
<b>young adult</b>	A person from 18 – 22 years of age.
<b>employee</b>	For the purposes of the <i>Child Wellbeing and Safety Act 2005</i> (Vic.), employee is defined as a person aged 18 years or over who is either: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>
<b>mandatory reporting</b>	Is the term used to describe the legislative requirement imposed on selected classes of people to report suspected cases of child abuse and neglect to government authorities. Where a mandated reporter forms a belief on reasonable grounds that a student or young person is in need of protection from physical injury or sexual abuse, they are to report their concerns to the Department of Families, Fairness and Housing (DFFH) Child Protection.
<b>reportable allegation</b>	Any information that leads a person to form a reasonable belief that an employee has committed either: <ul style="list-style-type: none"> <li>reportable conduct, or</li> <li>misconduct that may involve reportable conduct,</li> </ul> whether or not the conduct or misconduct is alleged to have occurred within the course of the person’s employment.
<b>reportable conduct</b>	Means: <ul style="list-style-type: none"> <li>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</li> <li>sexual misconduct committed against, with or in the presence of a child</li> <li>physical violence committed against, with or in the presence of a child</li> <li>any behaviour that causes significant emotional or psychological harm to a child</li> <li>significant neglect of a child</li> </ul>

## PRINCIPLES/GUIDING PRINCIPLES

This Policy applies to all employees of The King David School and requires them to report allegations of reportable conduct to the Principal who must then notify the Commission of Children and Young People (CCYP). Allegations that concern the Principal can be referred to the School Council President.

## PROCEDURES

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. The King David School Principal or a member of the Leadership Team, does not need to agree with or share the belief that the alleged conduct has occurred.

The School Principal or, where there is an allegation against a Principal, the Chief Operating Officer in conjunction with the School Council President will then:

- submit a notification to the CCYP within three days of 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
<ul style="list-style-type: none"> <li>• Rape or sexual assault</li> <li>• Sexual activity with or in the presence of a child</li> <li>• Grooming or encouraging a child to engage in sexual activity</li> <li>• Offences relating to child abuse material</li> </ul>	<ul style="list-style-type: none"> <li>• Behaviour, physical contact, speech or other communication of a sexual nature</li> <li>• Physical contact without valid reason</li> <li>• Crossing professional boundaries</li> <li>• Voyeurism</li> </ul>	<ul style="list-style-type: none"> <li>• Hitting, kicking, punching</li> <li>• Pushing, shoving, grabbing, throwing, shaking</li> <li>• Use of an object</li> <li>• Inappropriate restraint, excessive force</li> <li>• Causing a child to believe that force is about to be used (apprehended)</li> </ul>	<ul style="list-style-type: none"> <li>• Exposure to violence or threats of violence</li> <li>• Anti-social behavior</li> <li>• Self-destructive behavior</li> <li>• Persistent hostility or rejection</li> <li>• Humiliation or belittling</li> <li>• Scapegoating</li> </ul>	<p>Deprived from the following:</p> <ul style="list-style-type: none"> <li>• clothing or food</li> <li>• medical attention or care</li> <li>• shelter</li> <li>• supervision access to drugs or alcohol</li> </ul>

The above examples are not exhaustive, and consideration should be given to other conduct which may need to be reported. Any reportable allegation listed above, or not listed above but which may constitute reportable conduct, will need to be immediately reported by the School Principal. An allegation against the School Principal should be referred to the Chief Operating Officer or the School Council President.

It is important to note that existing mandatory reporting obligations have not changed. The School will report any allegation of abuse to the DFFH Child Protection.

If the alleged conduct is potentially criminal in nature, Victoria Police must also be notified as a first priority and any investigation by Victoria Police will take precedence.

Where the allegation falls under the mandatory reporting domain, the reporting to CCYP is in addition to reporting to Victoria Police and the DFFH.

**Reportable conduct, mandatory reporting, and reporting to the VIT**

Reportable conduct allegations as listed above are referred to the CCYP.

Any alleged conduct that is regarded to be of a criminal nature is to be dealt with as mandatory reporting and referred to Victoria Police and the DFFH as per the College Reportable Conduct Policy and Mandatory Reporting Policy.

If an employee against whom an allegation of reportable conduct is made 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 VIT.

### Responsibilities of the Principal

**Note:** Principals must comply with the PROTECT reporting obligations, which are in addition to the reporting requirements to the CCYP under the RCS.

The Principal is ultimately responsible for notification of any reportable allegation to the CCYP and for ensuring that a reportable allegation is investigated.

However, it is the responsibility of the Principal (or for allegations against a Principal, the Chief Operating Officer or School Council President) to ensure that all reportable allegations are taken seriously and referred to the CCYP as soon as they become aware of them, and to respond appropriately. This will usually include investigating or facilitating the conduct of an investigation.

**Note:** King David School staff members are not required to make a report directly to the CCYP; this is the responsibility of the School Principal. 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 School Council President.

Principals (and other leaders as appropriate) must also facilitate any requests for information or documentation from 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, must 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"> <li>• School contact details</li> <li>• Name of the employee, volunteer or contractor</li> <li>• Their date of birth</li> <li>• Initial advice on the nature of the allegation</li> <li>• Any police report</li> </ul>	<ul style="list-style-type: none"> <li>• Details of the investigation</li> <li>• Details of the School response</li> <li>• Details regarding disciplinary or other action proposed</li> <li>• Any written response from the employee, volunteer or contractor regarding the allegation, proposed disciplinary</li> </ul>	<p>As soon as is practicable:</p> <ul style="list-style-type: none"> <li>• name of the investigator</li> <li>• their contact details</li> </ul>	<ul style="list-style-type: none"> <li>• Copies of the investigation findings</li> <li>• Details regarding disciplinary or other action proposed</li> <li>• Reasons for taking or not taking action</li> </ul>	<ul style="list-style-type: none"> <li>• Promptly providing any further information to the CCYP as requested</li> </ul>

or other  
action

### **Investigating reportable allegations**

The King David School will ensure procedural fairness throughout the entire investigation process.

**Note:** *It is anticipated that any investigations will be undertaken by the Principal or the Chief Operating Officer, (in the case of an allegation against the Principal).*

The Principal will ensure that all other School-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.

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 Principal or Chief Operating Officer (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.

At the conclusion of the investigation, the Principal will make a decision on the reportable conduct findings recommended in the Investigation Report.

If the alleged conduct is potentially criminal in nature, Victoria Police must also be notified as a first priority and any investigation by Victoria Police will take precedence.

### **Recordkeeping and the Privacy Act**

The School maintains records of reportable allegations, written reports, and reportable conduct investigation findings indefinitely.

The School must not publish information that would enable the identification of:

- a person who notified the CCYP
- a child in relation to whom a reportable allegation was made or a finding of reportable conduct was made

The *Privacy Act 1988* (Cth) provides more information on the meaning of publish, which includes making the information publicly available in writing or email.

The School maintains all records in accordance with the [Public Record Office Victoria Recordkeeping Standards](#).

## **RESPONSIBILITY**

- Principal
- All mandated reporters
- All King David School Staff

## **RELATED LEGISLATION**

- Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic.)
- Child Wellbeing and Safety Act 2005 (Vic.)
- Children, Youth and Families Act 2005 (Vic.)
- Public Records Act 1973 (Vic.)
- Privacy Act 1998 (Cth.)

## RELATED POLICIES

- Child Safety and Wellbeing Policy May 2024
- Mandatory Reporting Policy May 2024
- Positive Behaviours Policy June 2023
- School Complaints Handling Policy May 2024

## RELATED DOCUMENTS

- Safeguarding Children and Young People Code of Conduct
- Staff and Student Professional Boundaries
- Protect: Identifying and Responding to Abuse Reporting Obligations
- Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

## NEXT REVIEW

May 2026