

Reportable Conduct Policy and Procedures

1. Purpose

The purpose of this policy is to set out the obligations and expectations of the Victorian Curriculum and Assessment Authority (**VCAA**) in relation to the Victorian Reportable Conduct Scheme, and to ensure compliance with those obligations by the board, management and staff of the VCAA.

The Reportable Conduct Scheme (**Scheme**) is established under the *Child Wellbeing and Safety Act 2005* (Vic) (**CWS Act**). The Scheme improves oversight of how organisations prevent and respond to allegations of child abuse. The Scheme is administered by the Commission for Children and Young People (**CCYP**), and is intended to improve oversight of how organisations prevent and respond to allegations of child abuse.

The VCAA is an entity to which the Scheme applies. The VCAA and the VCAA Chief Executive Officer (**CEO**) are accountable for compliance by the organisation and by VCAA Staff with the requirements of the Scheme.

The VCAA is committed to the protection, safety and wellbeing of children in its care, supervision or authority.

2. Application

This policy (and the Scheme) applies to all **VCAA Staff**.

“**VCAA Staff**” includes anyone aged over 18 engaged by the VCAA (whether paid or unpaid, employee, honorary or volunteer), Department of Education and Training (**DET**) staff undertaking work or activity for the VCAA, personnel employed by an agency or labour hire arrangement working at the VCAA, board members and contractors.

A reference in this policy to “**staff**” or “**staff member**” means **VCAA Staff**.

3. Reportable Conduct Scheme

3.1. What is reportable conduct?

An allegation of reportable conduct means *any information that leads a person to form a 'reasonable belief' that a staff member has committed reportable conduct or misconduct that may involve reportable conduct.*

This includes information about something that is alleged to have occurred outside the course of the person's employment or engagement with the VCAA, and whether or not the staff member has direct contact with children as part of their employment or engagement with the VCAA.

There is an allegation of 'reportable conduct' where a person has a 'reasonable belief' that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child, or
- behaviour causing significant emotional or psychological harm, or
- significant neglect of a child, or
- 'misconduct' involving any of the above.

The scope of 'reportable conduct' is wide and is not limited to criminal conduct. That means, reportable conduct includes sexual offences, grooming, 'sexting', as well as inappropriate physical contact or sexualised behaviour with a child.

3.2. Who is a child?

A child is a person under the age of 18.

3.3. What is a '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.

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 Commission about the allegation if it is plainly wrong or had no basis at all in reality.

3.4. What if I become aware of a reportable conduct allegation about a VCAA staff member?

Any person, including VCAA Staff, should notify the VCAA CEO immediately after becoming aware of reportable conduct or misconduct that may involve reportable conduct on the part of a VCAA Staff member. A report may be made whether or not the conduct or misconduct is alleged to have occurred within the course of the staff member's employment with the VCAA.

Notification to the VCAA CEO can be made in one of the following ways:

- By email with the subject line **Reportable Conduct** to vcaa.report@edumail.vic.gov.au
- In writing sent by post in an envelope marked Private and Confidential to:

The Chief Executive Officer
Victorian Curriculum and Assessment Authority
Level 7
2 Lonsdale Street
MELBOURNE VIC 3000

- By telephone advising that the person wishes to report an allegation of reportable conduct to the VCAA CEO:

Telephone: 9032 1765

If in any doubt about whether conduct is reportable for the purposes of the Scheme, the CEO can be contacted for advice.

What happens next is dependent on the type of VCAA staff member the allegation concerns.

3.4.1. Allegations about VCAA Staff who are DET employees

All ongoing and fixed-term employees working at the VCAA are employees of DET.

On receipt of reportable conduct allegations about VCAA Staff who are DET employees, the CEO will immediately report the allegation to the DET Employee Conduct Branch. The Secretary to DET is responsible for compliance with the CWS Act in respect of relation to all DET employees, including those DET employees who work at and for the VCAA.

VCAA staff do not need to make a report directly to CCYP. When notified of an allegation by the VCAA CEO, the Employee Conduct Branch will report the allegation to CCYP (if appropriate).

Information about the Scheme and its implementation at DET (corporate and schools) is available here:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/reportableconductscheme.aspx>

3.4.2. Allegations about all other VCAA Staff

On receipt of information about a reportable conduct allegation, the VCAA CEO will assess the allegations, and may seek advice from the Manager, DET Employee Conduct Branch for the purpose of deciding on any required action.

VCAA staff do not need to make a report directly to CCYP. When notified of an allegation, the VCAA CEO (or the person the CEO authorises to act on their behalf) will report the allegation to CCYP (if appropriate) within three business days of becoming aware of the obligation.

If the allegations involve criminal conduct, the VCAA CEO will report them to Victoria Police.

As soon as practicable after becoming aware of a reportable allegation against a VCAA staff member who is not a DET employee, the VCAA CEO is required to:

- investigate the reportable allegation, or permit a regulator or an independent investigator to investigate the reportable allegation;
- inform the CCYP who will be conducting the investigation;
- provide information to the CCYP on request
- provide the CCYP with information about the outcome of the investigation, including a copy of the findings of the investigation and reasons for those findings, and details of action to be taken against the employee or an explanation of why no action is to be taken.

Allegations will also be managed as appropriate, for example by taking action in relation to alleged misconduct.

3.4.3. Allegations about the VCAA CEO

The VCAA is required to enable any person, including VCAA Staff, to notify the CCYP of a reportable allegation involving the CEO of the VCAA.

Contact information for the CCYP can be found in section 4 of this policy, below.

3.5. Preventing reportable conduct

The VCAA acknowledges that children are vulnerable to abuse. The VCAA's approach to preventing reportable conduct and keeping children safe is set out in its Child Safety Policy.

3.6. Privacy and confidentiality

The VCAA respects the privacy of its staff, and will comply with the *Privacy and Data Protection Act 2014* (Vic) in relation to the use and disclosure of personal information.

In order to comply with obligations under the Scheme, the VCAA and the VCAA CEO are required to disclose information to DET, the CCYP, Victoria Police, and other regulators.

The VCAA Privacy Policy is available at:

<http://www.vcaa.vic.edu.au/Pages/aboutus/policies/index.aspx>

4. Commission for Children and Young People

More information about the Reportable Conduct Scheme, including information sheets, is available from the Commission for Children and Young People: <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

General enquiries

Telephone: 1300 78 29 78

Fax: (03) 8601 5877

Email: childdsafe@ccyp.vic.gov.au

Reportable Conduct Scheme

Telephone: (03) 8601 5281

Email: childdsafestandards@ccyp.vic.gov.au

5. Other legal requirements

5.1. Failure to disclose offence

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police without reasonable excuse is a criminal offence.

5.2. Failure to protect offence

It is a criminal offence to fail to protect a child under the age of 16 from a risk of sexual abuse.

The offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

5.3. Mandatory reporting responsibilities

The Scheme does not change mandatory reporting or other reporting responsibilities imposed by law on certain professionals and community members, such as persons registered to teach or granted permission to teach under the *Education and Training Reform Act 2006* (Vic). Further information about mandatory reporting can be found in the *Children, Youth and Families Act 2005* (Vic).

5.4. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities Act 2006 provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child (section 17(2)).

6. Contacts and further information

If you want to report a child in immediate risk or danger of sexual abuse please call triple Zero (000) Alternatively, you can contact your local police station

If you or someone you know has experienced child sexual abuse in an institutional context, you can contact Victoria Police's Sano Taskforce via email sanotaskforce@police.vic.gov.au

Your local child protection office can be contacted through the Department of Health and Human Services: www.dhhs.vic.gov.au

Child Protection Crisis Line: 131 278. This is an emergency service after-hours line. Opening hours: 5pm- 9am, Monday- Friday. During Saturday, Sunday and public holidays the line is open 24 hours.

National Child Abuse Helpline: 1800 99 10 99. This helpline operates Monday to Friday, 9am-5pm AEST.

Further information about the legal protection of children and families and additional contact details is available at

www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families

www.childwise.org.au

7. Related policies and procedures

- VCAA Child Safety Policy
- VCAA Scripts of Concern Policy (VCE, GAT, NAPLAN)
- Pre-employment Checks, including Working with Children Check
- VCAA Complaints Policy

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