

Procedure	Reportable Conduct Reporting Procedure
Person Responsible	Principal
Staff Involved	Teachers, Administration Officer, Youth Worker
Frequency of Performance	As required
Related Documents	Reportable Conduct Scheme Policy Mandatory Reporting Policy Child Safe Report Template Child Safety and Wellbeing Policy Duty of Care Policy PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

1. Definitions

Child	Means a child enrolled as a student at the school
Child abuse	Includes: <ul style="list-style-type: none"> any act committed against a child involving a sexual offence or an offence under section 498(2) of the Crimes Act 1958 (grooming); the infliction, on a child, of physical violence or serious emotional or psychological harm; serious neglect of a child.
Child safety	Encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.
College	Djerriwarrh Community College, 235 Station Road, Melton, 3337
Contractors	Include, but not limited, to: maintenance and building personnel, consultants, casual teachers, tutors, sports coaches and cleaners.
Employees and volunteers	Includes staff, consultants, contractors, volunteers and workers or volunteers provided by labour hire agencies, companies or other providers and secondees
Parent/guardian	Includes parents, guardians, step-parents and/or carers as listed in the Enrolment Application Form.

2. Introduction

Under the Reportable Conduct Scheme, the Principal must notify the Commission for Children and Young People (Commission) of all allegations of reportable conduct by employees, volunteers and contractors.

This procedure describes the process for reporting and investigating reportable allegations.

This procedure should be read in conjunction with the following documents:

- The Reportable Conduct Scheme Policy; and
- Child Safe Report Template.

3. Notifying the Commission

The Commission for Children and Young People (the Commission) must be notified when the Principal has any information that leads a person to form a reasonable belief that:

- An employee has committed reportable conduct

Or

- An employee has committed misconduct which may include reportable conduct

If the Principal becomes aware that an adult associated with their organisation (employee, contractor, visitor) poses a risk of child abuse to any child under their care, the Principal will take all reasonable steps to remove or reduce that risk.

If the allegation relates to the Principal, they should notify the School Council Chair.

4. Recording disclosures or allegations

Whenever any disclosure or allegation of suspected child abuse has been made, the details will need to be appropriately recorded. In the first instance, these could take the form of notes on any form of paper available at the time to the respondent.

As soon as practicable, these should be transferred to the Child Safe Report Template, including in addition to the details of the disclosure or allegation, the school response and action.

All records relating to a disclosure or allegation must be retained by the College in compliance with its records management procedures.

5. Reporting Allegations

5.1 Three business day notification

When the Principal becomes aware of a reportable allegation against an employee or volunteer, they must notify the Commission for Children and Young People (Commission) within three business days.

The Principal will use the Commission's online form: [Reportable Conduct Notify and Update Form](#) and provide the following information:

- Name of the employee, volunteer or contractor;
- Date of birth;
- Police report;
- Organisation contact details;
- Principal's name; and
- Initial advice on the nature of the allegation.

When the Commission receives the report, it will acknowledge that it has received it, allocate a reference number and a contact person. The Commission may:

- contact the Principal for more information to help us assess the allegations and inform our decision making;
- initiate its own investigation;
- notify the Victorian Institute of Teaching if the allegation involves a registered teacher.

5.2 30 calendar day update

Within 30 calendar days after becoming aware of a reportable allegation, a head of an organisation must provide the Commission with detailed information about the allegation, disciplinary or other actions undertaken, and the response of the worker or volunteer to the allegation

- Details of the allegation.
- Details of your response to the allegation.
- Details about any disciplinary or other action proposed.
- Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other.

5.3 Advice on investigation

The allegation must be investigated as soon as practicable after the Principal becomes aware of it. The investigation may be conducted by the College, or an independent investigator. The Principal must inform the Commission of who will conduct the investigation. The Principal will provide the following information:

- Name of investigator.
- Contact details.
- As soon as practicable.

5.4 Outcomes of investigation

At the conclusion of an investigation into a reportable allegation, a final investigation report must be prepared. The final investigation report should set out:

- the findings and reasons for the findings;
- details about any disciplinary or other action proposed;
- reasons for taking or not taking action;
- recommendations made at the conclusion of the investigation.

A copy of the final investigation report should be provided to the Commission as soon as practicable. The report must

5.5 Advice and support

It is a criminal offence for the Principal to fail to comply with the three-day and 30-day notification obligations without a reasonable excuse.

The Principal may seek advice and support by:

- accessing resources provided by the Commission at: [Reportable Conduct Information Sheets](#)
- contacting the Commission for clarification and guidance, and to talk through any issues of concern on:
 - Telephone: 1300 782 978
 - Email: contact@ccyp.vic.gov.au

6. Investigating an allegation

The Principal will liaise with police to determine whether an investigation will be conducted. An investigation by Victoria Police into criminal or potentially criminal conduct takes priority. If Victoria Police are investigating the allegation, the College must not commence an investigation until they have received permission from Victoria Police.

Further information on Victoria Police investigations can be found in [Victoria Police Guidelines – Criminal Abuse of Children and Vulnerable People in Organisations: Reporting to Victoria Police](#)

When an investigation into the reportable allegation is conducted. The process will commence as soon as practicable after the Principal becomes aware of it.

The investigation may be conducted by the College, or an external independent investigator.

6.1 External investigator

For any external independent investigator, the College will assess a potential investigator's skills and capabilities including whether they have experience in:

- investigating allegations concerning the abuse of children;
- interviewing students, in particular students who may have been traumatised and who may have pre-existing mental health issues;
- engaging with students with a disability;
- engaging in a culturally sensitive manner.

The Principal must:

- Confirm the investigator holds relevant licences to conduct investigations, such as those required under the Private Security Act 2004 (Vic).
- Check the potential investigator's referees to confirm that the investigator is an individual with a good knowledge of conducting interviews with children and in a position to answer questions about the outcomes of previous investigations that the investigator has conducted.

The Principal will inform the Commission of who will conduct the investigation as soon as practicable.

6.2 Conducting the investigation

An investigation into a reportable allegation is a workplace investigation aimed at gathering and examining information to establish facts and make findings in relation to allegations of child abuse against an employee, volunteer or contactor. The investigation may also make recommendations about what disciplinary or other action should be taken (if any).

The investigation should be conducted in compliance with the following College Policies:

- Disciplinary Action Policy.
- Performance Management Policy.

The investigation will have a systematic approach to assessing and managing an allegation, followed by a sound decision-making framework that enables procedural fairness for all parties in the investigation process.

Proof

A reportable conduct investigation should apply the 'balance of probabilities' as the standard of proof. This means that an investigation should consider whether it is more likely than not that reportable conduct has occurred. This may involve comparing conflicting versions of events given by different witnesses in order to decide which version is the more probable. However, investigations do not need to undertake a mathematical or mechanical assessment of probabilities. Rather, a person conducting an investigation and making findings should actually be persuaded, based on the available information, that reportable conduct has occurred before making such a finding.

During a reportable conduct investigation, the subject of an allegation may choose, but is not required, to give information or documents that support their version of events. However, the subject of an investigation is not obliged to prove or disprove any fact or issue that is being investigated.

Procedural fairness

It is important that the procedures that you use when conducting an investigation are fair and reasonable. This will usually include ensuring that, before any findings are made or disciplinary action is taken, the subject of an allegation:

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

Procedural fairness does not require that employees or others must be notified of allegations when the Commission is first notified or that are plainly false. Consideration should also be given to when the subject of the allegation should be first told about an allegation, in order to ensure the investigation is not compromised but remains procedurally fair.

Key steps in an investigation

The key steps in the investigation will include:

- Understanding the issues.
- Planning the investigation.
- Coordinating the investigation.

Throughout the investigation, other allegations or concerns may be identified. If this occurs, this additional information will be considered in the context of the investigation and may add or change the allegations put to the employee.

Information relevant to the investigation can be gained from a number of key sources:

- Physical evidence – documents (i.e. incident reports, records of employment, emails) and objects (i.e. mobile phones, computers, photos).
- Direct evidence – speaking with witnesses, other staff members and the person the allegation has been made against.
- Specialist knowledge - information from people with specialist knowledge, such as a medical practitioner may be relevant to an investigation.

7. Reporting on the investigation

The investigation report will document the terms of reference of the investigation, together with how the investigation was undertaken, what evidence and information was obtained, what conclusions were made and, if applicable, any recommendations for consideration.

A copy of the final investigation report will be provided to the Commission as soon as practicable.

Following the completion of an investigation, the Commission may report substantiated allegations to the Working with Children Check Unit as part of ensuring individuals who pose a risk to children are not permitted to work with children, even if they do not have a criminal record

8. Issuance and approval

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