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## Reportable Conduct Scheme Procedure

### 1. Objective

This procedure sets out the processes to be followed when an allegation of reportable conduct arises.

### 2. Scope

This procedure applies to all Board members, staff, volunteers and visitors, whether or not they work in direct contact with children.

All references to bestchance and/or the organisation include the Cheshire School.

This procedure also applies to labour hire workers (for example: relief teachers in schools, additional support workers in kindergartens, higher education students on placement at schools or early years' services and agency nurses working in hospitals), secondees (people who are employed by a provider and are supplied to another organisation to work for a temporary secondment period), directors of companies and individual business owners who employ or engage staff.

Fulfilling the roles and responsibilities contained within this procedure does not displace or discharge any other obligations that arise if a person believes there is reportable conduct, as listed in the *Child Wellbeing and Safety Act 2005* (Vic).

### 3. Context and Guiding Principles

bestchance has zero tolerance for any form of child abuse and/or exploitation. All children have a right to be safe at all times and we have an obligation to provide safe, protective services and environments. We recognise our duty of care to take all reasonable steps to ensure that children are safe from harm and will take proactive steps to create child safe and friendly programs. All decisions regarding the welfare and protection of children are made on the basis of the best interests of the child. This refers to the child receiving maximum benefit possible from services provided and that the positive impacts from any course of action outweigh any negative impacts.

### 4. Definitions

Term	Definition
<b>Behaviour that causes significant Emotional or Psychological Harm</b>	<p>You should consider each allegation carefully, keeping in mind the context in which the behaviour occurred and the child's circumstances. To be reportable under this category:</p> <ul style="list-style-type: none"> <li>• The allegation must concern the worker's or volunteer's behaviour</li> <li>• There must be a clear link between the worker's or volunteer's alleged behaviour and the harm suffered by the child</li> <li>• The harm must be significant</li> </ul> <p>A child can be significantly emotionally or psychologically harmed by behaviour such as sexual offences, sexual misconduct, physical violence and significant neglect. However, other types of behaviour can cause significant emotional and psychological harm to a child. For example, severe or sustained instances of:</p> <ul style="list-style-type: none"> <li>• verbal abuse</li> <li>• coercive or manipulative behaviour</li> <li>• hostility towards or rejection of a child</li> <li>• humiliation, belittling or scapegoating</li> </ul>
<b>CCYP</b>	Commission for Children and Young People.
<b>Child</b>	Any person under the age of 18 years.
<b>Child Protection</b>	The term used to describe the whole of community approach to the prevention of harm to children. It includes strategic action for early intervention, for the protection of those considered most vulnerable and for responses to all forms of abuse.

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Term	Definition
<b>Child Safe Standards</b>	Promote the safety of children, prevent child abuse and ensure organisations have effective processes in place to respond to and report all allegations of child abuse.
<b>Code of Conduct</b>	Set of rules or practices that establishes a standard of behaviour to be followed by individuals and organisations. A Code of Conduct defines how individuals should behave ( <i>refer to Child Safety and Wellbeing Code of Conduct and the People Principles Code of Conduct</i> ).
<b>Disclosure</b>	In the context of this procedure, disclosure refers to a statement that a child or young person makes to another person that describes or reveals abuse.
<b>Duty of Care</b>	Duty of care is a requirement that a person or organisation act toward others with watchfulness, attention, caution and prudence that a reasonable person in the circumstances would. It is the duty of bestchance to protect children from all reasonably foreseeable risk of injury or harm.
<b>Employee</b>	Under the Scheme, employee refers to: <ul style="list-style-type: none"> <li>• Workers, volunteers and contractors directly employed or engaged by the organisation</li> <li>• Labour hire workers</li> <li>• Secondees</li> <li>• Directors of Companies</li> <li>• Individual Business Owners</li> </ul>
<b>Head of Organisation</b>	The Head of Organisation (under the Scheme) is the Chief Executive Officer (CEO) or their Nominee, the General Manager Governance and Safety. Under the Scheme, the organisation is required to have systems in place to prevent reportable conduct and to enable employees (refer definitions) to make reportable allegations.
<b>Mandatory Reporting</b>	The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm. A broad range of professional groups are identified in the <i>Children, Youth and Families Act 2005</i> as 'Mandatory Reporters' including: <ul style="list-style-type: none"> <li>• All educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service</li> <li>• All proprietors, nominees of a children's service, approved providers and nominated supervisors in an education and care service</li> <li>• Educators/teachers registered with the Victorian Institute of Teaching (VIT).</li> </ul> Mandated persons must make a report to Victorian Police and/or Child Protection as soon as it is practicable, if during the course of acting out their professional roles and responsibilities they form a belief on reasonable grounds (refer to definitions) that: <ul style="list-style-type: none"> <li>• A child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse (refer to definitions) and</li> <li>• The child's parents/guardians have not protected or are unlikely to protect the child from harm of that type.</li> </ul> Mandatory reporters must also follow processes for responding to incidents and discourse of suspicions of child abuse to fulfil their legal obligations.
<b>Physical Violence</b>	Physical violence includes an act that causes physical injury or pain such as: <ul style="list-style-type: none"> <li>• Hitting, kicking, punching</li> <li>• Pushing, shoving, grabbing, throwing, shaking</li> <li>• using an object to hit or strike</li> <li>• using inappropriate restraint/excessive force.</li> </ul>

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Term	Definition
<b>Procedural Fairness</b>	<p>It is important that all investigations are fair and reasonable. Before any findings are made or disciplinary action taken, the subject of an allegation:</p> <ul style="list-style-type: none"> <li>• Is notified of any adverse information that is credible, relevant and significant</li> <li>• Has a reasonable opportunity to respond to that information.</li> </ul> <p>Procedural fairness does not require that employees (refer definition) must be notified of allegations when the CCYP is first notified or when allegations are plainly false. Consideration should 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.</p> <p>The CCYP will seek any response or submissions made by the subject of the allegation, in response to allegations or actions, preferably in writing.</p>
<b>Proof</b>	<p>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 to decide which version is the more probable. However, investigations do not need to undertake a mathematical or mechanical assessment of probabilities. Rather, the Head of Organisation considers the investigation and findings should actually be persuaded, based on the available information that the reportable conduct has occurred, before making such a finding.</p> <p>During a reportable conduct investigation, the subject of an allegation may choose to, but is not required to, give information and 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.</p>
<b>Reportable Allegation</b>	<p>Any allegation that an employee (refer definition) has committed child abuse/misconduct. If an allegation relates to an employee (refer definition) who resigns or where the allegation occurs for conduct outside the workplace, a report and investigation is still required.</p>
<b>Reasonable Belief/ Reasonable Grounds</b>	<p>A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that may involve reportable conduct. This includes where a reportable allegation is made against the Head of Organisation. 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:</p> <ul style="list-style-type: none"> <li>• observed the conduct themselves</li> <li>• heard directly from a child that the conduct occurred</li> <li>• received information from another credible source (including another witness).</li> </ul>
<b>Reportable Conduct Scheme</b>	<p>The Scheme aims to improve oversight of how organisations respond to allegations of child abuse and child related misconduct by their workers and volunteers. There are five types of reportable conduct:</p> <ul style="list-style-type: none"> <li>• Sexual offences committed against, with or in the presence of a child</li> <li>• Sexual misconduct committed against, with or in the presence of a child</li> <li>• Physical violence 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>

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Term	Definition
<b>Sexual Offences</b>	In Victoria, it is an offence to engage in certain sexual behaviours against, with or in front of a child. Many of these behaviours are reportable under the Scheme such as: <ul style="list-style-type: none"> <li>• sexual assault</li> <li>• indecent acts</li> <li>• possession of child abuse material</li> <li>• 'grooming' a child in order to commit a sexual offence.</li> </ul>
<b>Sexual Misconduct</b>	Sexual misconduct captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal such as: <ul style="list-style-type: none"> <li>• developing an intimate relationship with a child, for example, through regular contact with the child without the knowledge or approval of the organisation's management</li> <li>• inappropriately discussing sex and/or sexuality with a child</li> <li>• other overtly sexual acts that could lead an organisation to take disciplinary or other action.</li> </ul>
<b>Significant</b>	The Scheme is concerned with significant allegations about worker or volunteer behaviours or actions. It is enough that the alleged conduct is more than trivial or insignificant.
<b>Significant Neglect</b>	Neglect occurs when a worker or volunteer does not meet their obligations and responsibilities to keep a child safe and well. Examples include: <ul style="list-style-type: none"> <li>• supervisory neglect, which is the absence or inattention of a worker or volunteer which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviour towards the child</li> <li>• physical neglect, which is the failure to provide basic physical necessities for a child such as adequate food, clothing and housing.</li> </ul>

## 5. Procedure

### 5.1. Making a notification

Any employee (refer definitions) who observes any reportable conduct by any other employee (refer definitions) is required to report the allegation via the organisation's Child Safe Incident Report, regardless of whether this conduct occurs in the workplace or outside the workplace.

A reportable allegation is an allegation based on reasonable belief (refer to definitions). A reasonable belief is more than a suspicion and there must be some objective basis for the belief. However, reasonable belief is not the same as having proof and does not require certainty. Refer to CCYP Information Sheet 2 – What is reportable conduct under the Reportable Conduct Scheme.

Each Child Safe Incident Report is received directly by the Governance and Safety team via MS forms via the [quality@bestchance.org.au](mailto:quality@bestchance.org.au) email address.

### 5.2. Receiving a notification

The General Manager Governance and Safety is responsible for the following:

1. To ascertain if the allegation meets the Scheme's threshold and definition of Reportable Conduct – CCYP Information Sheet 2 – What is reportable conduct under the Reportable Conduct Scheme.
2. If the allegation is serious and occurred in the workplace, the recommendation will be to suspend the employee (refer definitions) from their duties pending an internal investigation, to protect the child from any further harm and to protect the employee from causing potential further harm.

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In such cases, the following managers will be notified:

- CEO (Head of Organisation)
  - General Manager People and Culture
  - Relevant General Manager (if not People and Culture)
3. Arranges an urgent meeting, in person if possible or alternatively online, with the employee (refer definitions) of the allegation, the relevant Manager and the People and Culture Business Partner to advise the employee of the following:
- the allegation
  - the employee's suspension pending investigation (if required)
  - advise Victoria Police if the allegation is of criminal nature
  - report to Department of Education (if required)
  - that an internal investigation will be conducted
  - People and Culture team provides written advice to the employee of the allegation including details of the:
    - Employee Assistance Program
    - CCYP Information Sheet 13 – Workers and Volunteers

### 5.3. Reporting an allegation

The General Manager Governance and Safety reports as follows:

- To Victoria Police (immediately) if the allegation is of a criminal nature and seeks consent to conduct an internal investigation.
- To the CCYP (within three (3) days of receipt of the allegation)
- To the Department of Education (within 24 hours) if the allegation relates to an employee (refer definitions) in an Early Years program via the NQAITS system

The Program Manager reports the allegation to the child's parents if the allegation relates to a child attending a bestchance service.

### 5.4. Conducting an internal investigation

The General Manager Governance and Safety ensures an internal investigation is conducted, as per the process outlined in the Quality and Risk Framework and in accordance with the Guidance for Organisations – Investigating a Reportable Conduct Allegation.

Steps in the investigation include:

- Conducting interviews with all witnesses
- Conducting an interview with the child of the allegation (age appropriate and with consent)
- Conducting an interview with the person of the allegation (with a support person and People and Culture Business Partner)
- Establishing the findings

Refer also to Section 5.5 CCYP Key steps in an investigation.

#### Preparing the Reportable Conduct Report including all attachments

- Advises the CEO, General Manager People and Culture, relevant General Manager and direct Manager of the findings and recommendations
- Attends an in person meeting, or via teams, with the person of the allegation, relevant line Manager and People and Culture Business Partner to advise of the outcome
- Provides a 30 day update report to CCYP
- Provides a copy of the investigation report to Department of Education (as required) via NQAITS
- Provides an update to CEO and Board via the monthly Child Safe Report

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### Reportable Allegation Process from CCYP

Notifications are made by the General Manager Governance and Safety as the CEO's Nominee, including on behalf of the Cheshire Head of School, by contacting the CCYP within three business days and updating the CCYP of progress within 30 calendar days. The General Manager Governance and Safety or their Nominee must investigate the reportable allegation and provide the findings of the investigation to the CCYP. The CCYP will seek the following information at various milestones:

Three business day notification	30 calendar day update	Advice of investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none"> <li>Name of the person the allegation is against</li> <li>Date of birth</li> <li>Police report</li> <li>Organisation contact details</li> <li>Head of Organisation's name</li> <li>Initial advice on the nature of the allegation</li> </ul>	<ul style="list-style-type: none"> <li>Details of the allegation</li> <li>Details of your response to the allegation</li> <li>Details about any disciplinary or other action proposed</li> <li>Any written response from the person the allegation is against about the allegation and the proposed disciplinary or other action</li> </ul>	<ul style="list-style-type: none"> <li>Name of investigator</li> <li>Contact details</li> <li>As soon as practical</li> </ul>	<ul style="list-style-type: none"> <li>Copies of findings and reasons for the findings</li> <li>Details about any disciplinary or other action proposed</li> <li>Reason for taking or not taking action</li> <li>As soon as practicable</li> </ul>	<ul style="list-style-type: none"> <li>The CCYP may request further documents from the Head of Organisation</li> </ul>

NOTE: It is an offence to fail to notify and update the CCYP about reportable allegations. If an allegation is criminal in nature, clearance MUST be obtained from Victoria Police before commencing investigations.

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## 5.5. CCYP Key steps in an investigation

Step	Details
<b>Understanding the issues</b>	<p>Think about:</p> <ul style="list-style-type: none"> <li>• The type of conduct alleged</li> <li>• The seriousness of the alleged conduct</li> <li>• The context in which the alleged conduct occurred</li> <li>• A history of previous reportable allegations against the employee (refer definitions)</li> <li>• The potential for continuing risk to children</li> <li>• Is the allegation possibly criminal in nature and required to be reported to Victoria Police.</li> </ul>
<b>Planning an investigation</b>	<p>To determine the most appropriate investigative approach and the circumstances of the allegation, the General Manager Governance and Safety must consider:</p> <ul style="list-style-type: none"> <li>• The resources and skills required to investigate the allegation</li> <li>• Any conflicts of interest</li> <li>• Record keeping.</li> </ul>
<b>Coordinating an investigation</b>	<ul style="list-style-type: none"> <li>• Develop an investigation plan setting out the tasks to be undertaken including the order in which they will be undertaken</li> <li>• Be clear about the powers that will be exercised and the reasons for exercising them</li> <li>• Identify areas requiring legal advice or expert advice (such as a medical practitioner)</li> <li>• Use a recording mechanism such as an investigation log or running sheet in which activities undertaken are entered and dated.</li> </ul>
<b>Information gathering</b>	<p>Throughout the investigation other allegations or concerns may be identified. If this occurs, the additional information should be considered in the context of the investigation and may add to or change the original allegations</p>
<b>Physical evidence</b>	<p>Documents such as policies, procedures, incident reports, records of employment, rosters and emails can provide vital evidence. Objects such as mobile phones and computers, inspection of premises or photographic records can also provide physical evidence.</p>
<b>Direct evidence</b>	<p>Documents such as policies, procedures, incident reports, records of employment, rosters and emails can provide vital evidence. Objects such as mobile phones and computers, inspection of premises or photographic records can also provide physical evidence.</p>
<b>Specialist knowledge</b>	<p>Information from people with specialist knowledge such as a medical practitioner may be relevant to the investigation.</p>
<b>Reporting</b>	<p>The investigation report should document the terms of reference of the investigation together with how the investigation was undertaken, what evidence and information were obtained, what conclusions were made and, if applicable, any recommendation for consideration. The report should inform a decision as to the appropriate disciplinary or other action to be taken.</p> <p><i>NOTE: The CCYP must be advised of the findings and the outcomes of the investigation.</i></p>
<b>Welfare and support</b>	<p>A reportable conduct investigation can be stressful and demanding on all people involved. Vital to the intent of keeping children safe is the need to ensure appropriate support to an alleged victim. Steps must be taken to mitigate the risk of the alleged victim being re-traumatised by the investigation process.</p>



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### 5.6. Assistance and further information

Any questions regarding the Reportable Conduct Scheme can be obtained from the CCYP for Children and Young People:

Telephone: 1300 78 29 72

Email: [contact@ccyp.vic.gov.au](mailto:contact@ccyp.vic.gov.au)

Website: [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)

All records are to be handled confidentially and filed with the General Manager Governance and Safety (as the Nominee for the Head of Organisation).

### 5.7. Accountabilities

As the designated Head of Organisation for the Reportable Conduct Scheme, the General Manager Governance and Safety is responsible the organisation's compliance with the Scheme and for notifying the CCYP of all allegations of reportable conduct. The Governance and Safety Team will:

- Conduct internal investigations
- Report to Victoria Police any incidents of Reportable Conduct (awaiting approval to conduct internal investigation)
- Report all Serious Incidents to the Department of Education via NQAITS within the specified timelines, where required.

## 6. Related Documents

Reportable Conduct Scheme Policy

Child Safe Incident Form

Child Safety and Wellbeing Code of Conduct

Child Safety and Wellbeing – Commitment Statement

Child Safe Guide

Child Safety Training Action Plan

Building Culturally Safe Environments Action Plan

Child Safe Standards

National Principles for Child Safe Organisations

Commission for Children and Young People – Reportable Conduct Scheme Information Sheets

## 7. Relevant Legislation

*Child Wellbeing and Safety Act 2005 (Vic)*

*Privacy and Data Protection Act 2014 (Vic)*

*Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)*

*Family Violence Protection Act 2008 (Vic)*

*Family Violence Protection (Information Sharing and Risk Management) Regulations 2018 (Vic)*

*Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)*

8. Document Control

Document ID	TBA	
Procedure Type	Organisation Wide	
Procedure Owner	General Manager Governance and Safety	
Approval Authority	Board	
Next Review	July 2026	
Document History	Version	Approved
	Summary of Changes	
	1.0	23/11/2022
	Inaugural version Policy and Procedure combined	
	1.1	27/02/2023
	Cosmetic updates	
	2.0	02/10/2024
	Separate Policy and Procedure created with updated definition of employee	