



Catholic Schools Child Safe Schools

REPORTABLE CONDUCT SCHEME

Scenarios for Discussion (suggested responses page 5-7)

A *reportable allegation* is defined as any information that leads a person to form a reasonable belief that an employee has committed –

- (a) reportable conduct or
- (b) 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.

Reportable conduct is defined as:

- (a) a sexual offence committed against, with or in the presence of a child
- (b) sexual misconduct committed against, with or in the presence of a child
- (c) physical violence committed against, with or in the presence of a child
- (d) any behaviour that causes significant emotional or psychological harm to a child
- (e) significant neglect of a child.

Scenario 1

Katherine is a music teacher at your school and is highly experienced. While conducting bus duty you notice Amanda, a year 3 student (who is difficult to manage), behaving out of character and looking anxious. You ask Amanda if she is okay. Amanda responds that she does not like school on Wednesday as it is a music day and Katherine calls her ‘a silly little girl’ and today pulled her pony tail to make her sit down in her chair.

Are these allegations reportable?

Scenario 2

Jemma, a teacher at your school, overhears a group of year 8 boys huddled during homeroom talking about camp. During the conversation Jemma overhears Jonathon say that he can't wait until they go on camp as his older brother in year 10 told him Mr Matthews allowed a group of his friends to stay up late and drink alcohol.

Is this allegation reportable?

Scenario 3

Your school runs a school sports program for students and as part of the program parents volunteer to coach or manage the various teams. After a state gala competition, Lauren, a year 9 student, tells you that she wants to drop out of the netball team. When you ask why, Lauren explains that a parent volunteer Julie is making her feel uncomfortable as she is always finding an excuse to come into the girls' change rooms while students are changing. Lauren claims that while staying overnight at a state gala competition, another girl claims she saw Julie looking through a hotel window while the girls were changing.

Are these allegations reportable?

Scenario 4

A school parent, Rita, comes into your office to complain that she attended church on Sunday and Rachel, the parish’s receptionist, used the parish newsletter to tap her son on the shoulder to pay attention during church. Rita says her son was embarrassed and upset.

Is this allegation reportable?

Scenario 5

A school parent, Nancy, comes to you before school and tells you that she is part of the local football club with Michael, a teacher at your school. Nancy tells you that Michael coaches the under 14s and she has a concern with the types of conversations she has overheard Michael have with the boys about the girl he is seeing and how he is taking her to ‘Sexyland’. On one occasion she said that Michael was showing the boys a YouTube video involving a naked teenager and making a comment, ‘See boys, she is sexy and would be your age’.

Are these allegations reportable?

Scenario 6

Sean is a Grade 6 student who often demonstrates challenging behaviour and non-compliance with instructions. This sometimes involves being extremely loud, pushing objects off tables and using inappropriate language. When this happens, the school had a process in place to alert the Deputy Principal who would attend the classroom and seek to remove Sean to his office. The Deputy Principal did this by grabbing the student's arm and forcefully pulling him to his office. When in the office, if Sean did not settle down, the Deputy Principal would hold him in a 'bear hug' type embrace, with the intention of supporting the student to 'calm down'. On occasion, this would take up to 30 minutes. A concern is raised about this protocol by an emergency teacher.

Are these allegations reportable?

Scenario 7

A Grade 4 class is going on an excursion to the zoo. Ben is at times a challenging student, who can be easily distracted. The class has travelled to the zoo by train, with appropriate numbers of teachers and additional parent volunteers to accompany the students for the day. At the train station platform, Ben is quite excited and when playing with his friends, makes a sudden movement towards the edge of the platform. A parent volunteer standing nearby, sees Ben about to fall off the platform and grabs him firmly by the arm and pulls him back to safety, and releases his arm. Ben got quite a shock and was a bit upset by the incident. That night, Ben's mum calls the Principal and raises a concern about Ben being grabbed by another parent on the excursion and mentions a bruise on his arm from the contact.

Is this allegation reportable?

Responses

Scenario 1

Katherine is a music teacher at your school and is highly experienced. While conducting bus duty you notice Amanda, a year 3 student (who is difficult to manage), behaving out of character and looking anxious. You ask Amanda if she is okay. Amanda responds that she does not like school on Wednesday as it is a music day and Katherine calls her 'a silly little girl' and today pulled her pony tail to make her sit down in her chair.

Are these allegations reportable?

Yes. The alleged conduct potentially involves:

- physical violence against a child (pulling hair) and
- behaviour that causes significant emotional or psychological harm to a child (note: must be a link between alleged behaviour and harm to the child; harm must be significant).

Scenario 2

Jemma, a teacher at your school, overhears a group of year 8 boys huddled during homeroom talking about camp. During the conversation Jemma overhears Jonathon say that he can't wait until they go on camp as his older brother in year 10 told him Mr Matthews allowed a group of his friends to stay up late and drink alcohol.

Is this allegation reportable?

Yes. The alleged conduct potentially involves:

- significant neglect in supervision and provision of alcohol to students (and may be a criminal offence) and
- misconduct which may involve reportable conduct.

Scenario 3

Your school runs a school sports program for students and as part of the program parents volunteer to coach or manage the various teams. After a state gala competition, Lauren, a year 9 student, tells you that she wants to drop out of the netball team. When you ask why, Lauren explains that a parent volunteer Julie is making her feel uncomfortable as she is always finding an excuse to come into the girls' change rooms while students are changing. Lauren claims that while staying overnight at a state gala competition, another girl claims she saw Julie looking through a hotel window while the girls were changing.

Are these allegations reportable?

Yes. The alleged conduct appears to involve voyeurism and is potentially sexual misconduct.

Volunteers are school 'employees' for the purposes of the Reportable Conduct Scheme and therefore these are reportable allegations.

Scenario 4

A school parent, Rita, comes into your office to complain that she attended church on Sunday and Rachel, the parish's receptionist, used the parish newsletter to tap her son on the shoulder to pay attention during church. Rita says her son was embarrassed and upset.

Is this allegation reportable?

No. The alleged conduct is not reportable because the allegation does not meet the definition of reportable conduct. This conduct does not meet the threshold for behaviour that may cause significant emotional or psychological harm or physical violence to a child under the Reportable Conduct Scheme.

Note that even if the allegation did meet the threshold for reportable conduct, Rachel is employed by the parish, not the school. This means that the matter would be referred to the Parish Priest.

Scenario 5

A school parent, Nancy, comes to you before school and tells you that she is part of the local football club with Michael, a teacher at your school. Nancy tells you that Michael coaches the under 14s and she has a concern with the types of conversations she has overheard Michael have with the boys about the girl he is seeing and how he is taking her to 'Sexyland'. On one occasion she said that Michael was showing the boys a YouTube video involving a naked teenager and making a comment, 'See boys, she is sexy and would be your age'.

Are these allegations reportable?

Yes. The alleged conduct may amount to:

- a sexual offence (including possession of child pornography) and
- sexual misconduct, as the communications with children are of a sexual nature.

Even though the alleged conduct occurred outside of school and was not necessarily with students of the school, the matter is still reportable under the Reportable Conduct Scheme as Michael is an employee of the school.

Scenario 6

Sean is a Grade 6 student who often demonstrates challenging behaviour and non-compliance with instructions. This sometimes involves being extremely loud, pushing objects off tables and using inappropriate language. When this happens, the school had a process in place to alert the Deputy Principal who would attend the classroom and seek to remove Sean to his office. The Deputy Principal did this by grabbing the student's arm and forcefully pulling him to his office. When in the office, if Sean did not settle down, the Deputy Principal would hold him in a 'bear hug' type embrace, with the intention of supporting the student to 'calm down'. On occasion, this would take up to 30 minutes. A concern is raised about this protocol by an emergency teacher.

Are these allegations reportable?

Yes. The alleged conduct is potentially:

- physical violence (excessive use of physical restraint – see below) and
- behaviour that could cause significant emotional or psychological harm to the child.

In this situation, it is likely that the use of physical restraint (grabbing arm, pulling, 'bear hug' hold) was excessive: the physical restraint was not being used in circumstances where the student's behaviour posed an imminent threat of harm or danger; the action would not be considered reasonable in all the circumstances and it is likely that there were less restrictive means of responding in the circumstances.

Scenario 7

A Grade 4 class is going on an excursion to the zoo. Ben is at times a challenging student, who can be easily distracted. The class has travelled to the zoo by train, with appropriate numbers of teachers and additional parent volunteers to accompany the students for the day. At the train station platform, Ben is quite excited and when playing with his friends, makes a sudden movement towards the edge of the platform. A parent volunteer standing nearby, sees Ben about to fall off the platform and grabs him firmly by the arm and pulls him back to safety, and releases his arm. Ben got quite a shock and was a bit upset by the incident. That night, Ben's mum calls the Principal and raises a concern about Ben being grabbed by another parent on the excursion and mentions a bruise on his arm from the contact.

Is this allegation reportable?

No. The alleged conduct:

- is not physical violence (appropriate use of restraint – see below) and
- is not behaviour that would cause significant emotional or psychological harm to the child.

Physical violence does not include lawful behaviour such as reasonable steps to protect a child from immediate harm. In this situation, physical restraint was appropriate as it was used to protect the student from imminent harm, would be considered reasonable in all the circumstances and was the least restrictive form of intervention to use (i.e. the student was released immediately).