

CATHOLIC EDUCATION MELBOURNE

Guide to the Reportable Conduct Scheme



CATHOLIC
EDUCATION
MELBOURNE



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Foreword

The care, safety and wellbeing of children and young people constitute a central and fundamental responsibility of Catholic education.

Catholic Education Melbourne is committed to strengthening practices for the protection of children in line with the Victorian Government child safety reforms. One such reform is the Reportable Conduct Scheme (RCS).

The 'Catholic Education Melbourne Guide to the Reportable Conduct Scheme' (the Guide) has been developed to assist employers, principals and school leaders in understanding and complying with their obligations under the RCS.

Catholic school communities place the highest priority on the care, wellbeing and protection of children and young people. We encourage our schools to make use of available resources to assist them in this area.

We trust that you will find the Guide a helpful resource.



Jim Miles
Acting Executive Director

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1. Scope

1.1 Who is the Guide for?

The 'Guide to the Reportable Conduct Scheme' (the Guide) has been developed for:

- employers
- school principals
- other school leaders with specific responsibilities for employees, employment of staff and managing staffing matters, for example: deputy principals, business managers and human resources managers.

1.2 What is the purpose of the Guide?

The Guide has been prepared to assist schools to understand their obligations under the Reportable Conduct Scheme (RCS) and aims to:

- give an overview of the scope of the RCS (section 2)
- explain what matters need to be reported under the RCS (section 3)
- give practical guidance about what to do when faced with a reportable allegation (section 4)
- explain what happens after a matter is reported under the RCS (sections 5, 6, 7)
- answer common questions regarding the RCS (section 8)
- give illustrative examples of matters that may need to be reported under the RCS and explain what schools should do (section 9)
- provide a list of resources and contacts (section 10, [Appendix 3](#))
- provide access to a template for recording reported issues ([Appendix 1](#))
- provide access to a risk assessment tool to assist schools ([Appendix 2](#)).

1.3 What is the scope of the Guide?

While much of the information in the Guide is relevant to all Catholic schools in Victoria, it deals specifically with the reporting processes for those schools in the Archdiocese of Melbourne.

This Guide does not outline the processes for parishes in relation to employees, volunteers or contractors of the parish. If there is a concern in relation to a parish employee, the parish priest should be contacted.

2. The Reportable Conduct Scheme

2.1 Why do we have the RCS?

Introducing minimum Child Safe Standards and an RCS formed a key part of the Victorian Government's response to the report following the Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations (the Betrayal of Trust report).

The Inquiry found that while the majority of children are safe in organisations, there are inadequate and inconsistent approaches to child safety in child-related organisations across Victoria.

The [Betrayal of Trust](#) report contained 15 recommendations, which were all accepted by the Victorian Government. The recommendations were centred on three main themes:

- criminal law reform (three new criminal laws were introduced in 2014 and 2015)
- prevention and response (the Child Safe Standards and RCS relate to this theme)
- civil law reform (focused on redress schemes).

The reforms that followed the Betrayal of Trust report, including the RCS, are strongly supported by Catholic Education Melbourne as positive initiatives to assist in ensuring the safety of students in our schools.

The RCS is established by the *Child Wellbeing and Safety Act 2005 (Vic.)* (the Act). It aims to implement a system of independent oversight into the responses of organisations to allegations of child abuse and neglect. The RCS covers organisations that exercise care, supervision and authority over children, including schools, hospitals, kindergartens and child care centres.

2.2 What is the Commission for Children and Young People?

The Commission for Children and Young People (CCYP) is responsible for administering the RCS. The role of the CCYP is to:

- support and guide organisations that receive allegations in order to promote fair, effective, timely and appropriate responses
- independently oversee, monitor and, where appropriate, make recommendations to improve the responses of those organisations.

The CCYP has the power to:

- receive allegations and findings of reportable conduct
- review an organisation's systems to prevent, notify and investigate reportable conduct
- provide oversight of investigations
- investigate allegations in some circumstances
- refer findings to and share information with professional registration bodies (such as the Victorian Institute of Teaching (VIT)) and the Working with Children Check Unit of the Department of Justice and Community Safety
- build the capacity of organisations to respond to allegations of abuse
- report to Parliament on performance of the RCS and trends.

2.3 Who is the head of entity?

The RCS places legal obligations on the 'head of entity' in all Victorian schools. It is important to correctly identify the head of entity, as that person is ultimately responsible for discharging the obligations under the RCS.

a) Primary schools

The head of entity of a school will depend on the structure of the school, but for most Catholic primary schools in the Archdiocese of Melbourne this will be the parish priest.

b) Secondary schools

In relation to Catholic secondary schools in the archdiocese, the head of entity will depend on the governance arrangements at the school. In general, the head of entity will be as follows:

- a Catholic regional college which is governed by an association of canonical administrators: the head of entity will be the president of the association of canonical administrators
- a Catholic secondary college which is incorporated: the head of entity will be the principal
- a Catholic secondary college which is unincorporated and operated by an incorporated entity: the head of entity will be the chief executive officer of the incorporated entity.

c) Special schools

In relation to Catholic special or special assistance schools in the Archdiocese of Melbourne, the head of entity will also depend on the governance arrangements, including whether the school is operated by an unincorporated or incorporated entity. Advice should be sought in relation to the circumstances of a particular special school.

Because governance arrangements vary, it is recommended that, where necessary, advice is sought from the Employee Relations Unit (ER Unit) of Catholic Education Melbourne in relation to the circumstances of a particular school so the head of entity can be correctly determined.

2.4 How does the RCS complement the Child Safe Standards?

Both the [Child Safe Standards](#) and the RCS aim to prevent and ensure appropriate responses to child abuse in organisations.

The Child Safe Standards aim to do this by driving cultural change in organisations, ensuring that protecting children from the risks of abuse is embedded in everyday thinking, operations and practice, including all aspects of recruitment and human resources practices.

The RCS is focused towards an organisation's response to allegations of child abuse, and sets up a scheme of independent oversight of the responses of organisations to ensure that schools (and other organisations) respond to allegations appropriately.

For further information on how the RCS and Child Safe Standards work together, see '[Information sheet 6: Child Safe Standards and Reportable Conduct Scheme](#)' available from the CCYP website.

2.5 How does the RCS relate to other reporting requirements?

The RCS does not replace existing reporting requirements for the protection of children. Schools are still required by law to continue to report to:

- **Victoria Police** where there is a reasonable belief that criminal conduct has been committed by an adult against a child
- the **Department of Health and Human Services** (DHHS) in accordance with mandatory reporting obligations
- any government funding bodies as part of any funding and service agreement obligations
- the VIT in accordance with relevant requirements under the *Education and Training Reform Act 2006* (Vic.).

Schools should still operate in accordance with the PROTECT guidance: '[Identifying and Responding to All Forms of Abuse in Victorian Schools](#)', while also complying with the RCS. For more information on a school's reporting obligations, see '[Information sheet 5: Other reporting obligations](#)' available from the CCYP website. See also Catholic Education Melbourne [Policy 2.19 PROTECT: Identifying and responding to abuse – Reporting obligations](#), including an editable template available on the CEVN website <https://cevn.cecv.catholic.edu.au> under *Child Safety / Resources & Tools*.

3. Reporting and other obligations under the RCS

3.1 What are the general obligations under the RCS?

There are a number of requirements under the RCS. The first of those requirements is for the head of entity to have the following systems in place:

- *a system for preventing the commission of reportable conduct.* This requires schools to take a systematic and preventative approach to keeping children safe and includes, for example, implementing child safe policies and systems of work;
- *a system for enabling people to notify the head of entity of a reportable allegation.* This requires schools to have processes in place to enable staff and others to make a report to the head of entity about conduct that may be reportable conduct. In a school situation, the reporting line will generally be to the head of entity via the school principal. There should also be capacity for people to report directly to the head of entity or Catholic Education Melbourne where the principal is involved in the reportable allegation (see [section 3.5](#)).
- Whether the report is made to the principal, head of entity or other person, the reporting process should not be onerous and may include, for example, having a discussion in person, sending an email or making a telephone call. Schools should train staff on the relevant policies and processes, including outlining what reportable conduct is and how to report it;
- *a system for enabling people to notify the CCYP of a reportable allegation involving the head of entity.* This means that school processes must permit people to notify the CCYP directly where the conduct involves the head of entity. Schools should ensure that this point is covered in staff training, as well as in school policies and processes;
- *a system for investigating and responding to a reportable allegation against an employee.* Schools should have a process as to how they investigate and respond to allegations against staff, including for reporting matters to Victoria Police and other relevant authorities.

For further information about the responsibilities of the head of entity, see '[Information sheet 3: Responsibilities of the head of an organisation](#)' available from the CCYP website.

3.2 What matters are reportable under the RCS?

The key obligation under the RCS is for the head of entity to report to the CCYP any reportable allegations involving an employee of the entity. The head of entity has three business days in which to notify the CCYP of a reportable allegation (see [section 5.2](#)).

In order to support heads of entities, the ER Unit has taken on the role of reporting reportable allegations to the CCYP on behalf of the head of entity, where the head of entity has authorised the ER Unit to do so. In circumstances where heads of entities have authorised the ER Unit to report on their behalf, principals play a critical role in working with the ER Unit to ensure compliance with the Act and its reporting and investigative requirements.

a) Who is classed as an employee?

The RCS covers all employees of a relevant organisation. The definition of 'employee' under the RCS is broad and includes people aged 18 years or over who are:

- employees
- persons engaged by the entity such as **volunteers, contractors, office holders, school board members** and **officers of a religious body**.

These people are classed as employees for the RCS irrespective of whether they are employed or engaged to provide services in connection with any work or activities that relate to children. This means the RCS applies to persons employed or engaged in schools even if they are not engaged to work with children, e.g. administration staff, cleaners.

For further information on who is an employee and specific examples relating to volunteers, see '[Information sheet 1: About the Victorian Reportable Conduct Scheme](#)' available from the CCYP website.

The definition of employee under the RCS is very broad. If in doubt, it is recommended that principals/heads of entities contact the ER Unit for advice as to whether a specific person is considered an employee of the school under the RCS.

b) What is a reportable allegation?

A reportable allegation is defined under section 3 of the Act 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.

The different aspects of this definition are explained in paragraphs c) to f) below.

If there is a reportable allegation, it needs to be reported to the CCYP. However, it does not necessarily mean that the allegation will be found to be reportable conduct. It will depend on the individual circumstances and the outcome of the investigation.

Schools are encouraged to use the terminology ‘reportable allegation’ unless a finding of reportable conduct has been made.

c) What is reportable conduct?

Reportable conduct is defined in the Act to mean:

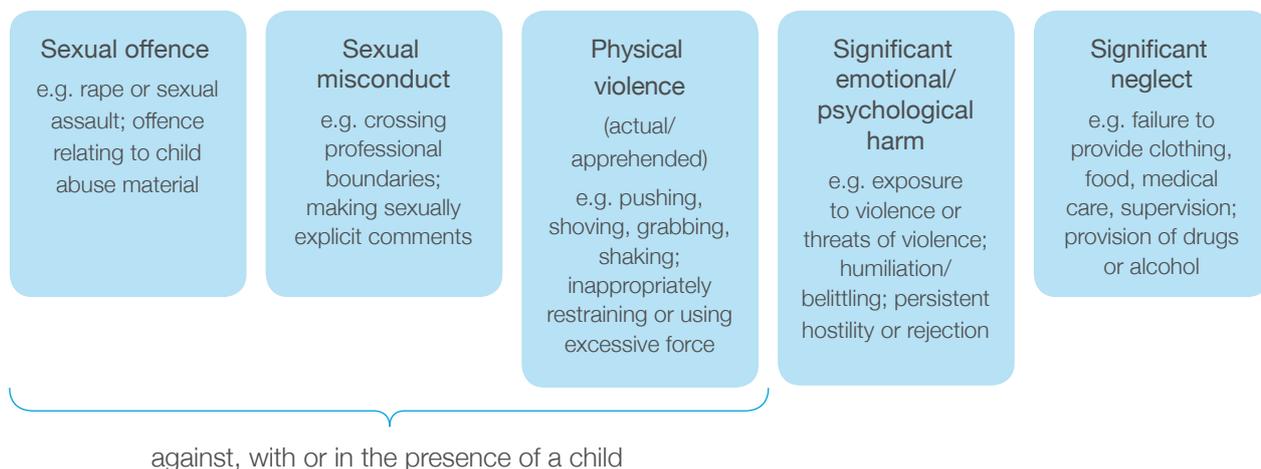
- a sexual offence committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence committed against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child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

Each of these categories is discussed in further detail in section 3.3.

d) What is misconduct that may involve reportable conduct?

The head of entity must report to the CCYP, as a reportable allegation, misconduct that *may* involve reportable conduct. Misconduct is generally considered to be a departure from the accepted standards of the role; that is, behaviour that breaches a professional code of conduct or workplace expectation. Misconduct may include conduct that is wrongful, improper or unlawful.

Only those instances of misconduct that may involve reportable conduct need to be reported to the CCYP. Many forms of employee misconduct will be unrelated to reportable conduct. For example, a teacher speaking aggressively to colleagues in the staff room or a maintenance worker stealing equipment.



However, there will be circumstances where an employee has committed misconduct and it appears that their behaviour may involve reportable conduct (i.e. may involve a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child; behaviour causing significant emotional or psychological harm; or significant neglect). An example of a reportable allegation that fits within this category is where a principal receives a complaint that a teacher has contacted and met with students outside school, without any proper professional basis for doing so, and without the approval or awareness of the principal. This behaviour is likely to amount to misconduct and it may involve reportable conduct. The matter would therefore need to be reported to the CCYP as a reportable allegation.

e) What is a reasonable belief?

A reportable allegation is made where a person makes an allegation, based on a 'reasonable belief' that an employee has committed reportable conduct (or misconduct that may involve such). The threshold for forming a reasonable belief is low. The CCYP has advised that 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.'³

It is important to be aware that heads of entities must report allegations to the CCYP (and principals/school leaders should facilitate such reporting through the ER Unit) even if they did not witness the conduct and even in circumstances where they do not share the person's belief that the conduct has occurred. However, they do not need to notify the CCYP about an allegation if it is plainly wrong or has no basis at all in reality.

Given that the threshold of reasonable belief is low, principals and heads of entities are encouraged to contact the ER Unit for further advice in any circumstances where they believe that a matter *may* be reportable.

A fundamental principle of the RCS is that the voice of a child or student should be valued. As such, the fact that an adult says the conduct did not occur is no reason not to report a reportable allegation.

f) Conduct outside employment

Another key aspect of the RCS is that it covers any conduct by an employee that occurs in relation to a child, whether or not that child is a student at the school and whether or not the conduct occurs in the course of the person's employment. This extends to conduct of the employee in the family home or in relation to the employee's own children.

For example, if a principal becomes aware of a reportable allegation in relation to a teacher of the school, but the conduct occurred in the course of that person's role as a football coach at the local football club, then it must still be reported to the CCYP by the head of entity of the school. This will be so regardless of whether any children concerned are students of the school. The key point is that the obligation arises because the teacher is an employee of the school.

g) Conduct prior to 1 July 2017

The head of entity must report matters which occurred prior to the commencement of the RCS on 1 July 2017, if the allegation is made after that date. However, any reportable matters which were raised and handled prior to 1 July 2017 do not need to be reported again under the RCS (unless the allegations are raised again or additional information is received).

For a school to be covered by the RCS in relation to a reportable allegation that is alleged to have occurred prior to 1 July 2017, the employee must have been employed by the school after that date. It is not essential that the employee was employed by the school at the time the allegation was said to have occurred. This means that if a school becomes aware of a historical allegation against a current employee, it may have an obligation to report to the CCYP even if the employee was not in its employ at the time of the alleged incident.

For further information about historical allegations, see [‘Information sheet 12: Reportable Conduct Scheme – Historical allegations’](#) available from the CCYP website.

In the case of historical allegations, it can be difficult to determine whether a school has an obligation to report to the CCYP under the RCS. Principals/heads of entities are advised to contact the ER Unit to discuss specific circumstances.

3.3 What are the types of reportable conduct?

a) What is a ‘sexual offence’?

The RCS covers sexual offences committed against, with or in the presence of a child. Under the RCS, a sexual offence is an offence listed in clause 1 of Schedule 1 to the *Sentencing Act 1991 (Vic.)*. Sexual offences against children in Victoria include:

- committing sexual penetration
- committing sexual assault
- intentionally engaging in sexual activity in the presence of a child
- being involved in the production of child abuse material (e.g. child pornography)

- encouraging a child to be involved in sexual activity
- possessing child abuse material
- facilitating sexual offences against children
- grooming a child in order to commit a sexual offence
- using the internet, emails or a mobile phone to groom a child.

A person does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be reportable conduct.

b) What is ‘sexual misconduct’?

Reportable conduct includes sexual misconduct committed against, with or in the presence of a child. Sexual misconduct captures a broad range of inappropriate behaviours of a sexual nature that are not necessarily criminal. Under the RCS, sexual misconduct may include physical contact, speech or other communication of a sexual nature, inappropriate touching and voyeurism.

Examples of sexual misconduct in a school include:

- inappropriate discussions of a sexual nature with a student
- sexually suggestive acts or gestures in front of a student
- inappropriate personal communication with a student that explores intimate/sexual feelings
- inappropriate touching between adults in the presence of a student.

In deciding whether alleged conduct is sexual misconduct, the CCYP has advised organisations to consider whether that conduct:

- amounts to misconduct (i.e. a departure from the accepted standards of the role)
- is of a sexual nature (having regard to the area of the body involved in the conduct, whether one of the reasons for the conduct was sexual arousal/gratification or whether the conduct was overly personal or intimate)
- occurred against, with or in the presence of a child.⁴

For further guidance, see [‘Information sheet 9: Sexual misconduct under the Reportable Conduct Scheme’](#) available from the CCYP website.

c) What is 'physical violence'?

The RCS covers physical violence against, with or in the presence of a child. There are two types of physical violence under the RCS:

- actual physical violence
- apprehended physical violence.

Actual physical violence is where a person intentionally or recklessly uses physical force against, with or in the presence of a child without a lawful reason, which has the ability to **cause injury or harm** to the child. It is not necessary that the injury or harm actually happened (merely that it was capable of such), and the injury or harm does not have to be serious or permanent. Actual physical violence can include, but is not limited to:

- scratching/pushing/shoving/hitting/kicking
- grabbing/throwing/shaking/pulling/hair-pulling/dragging
- using an object to hit or harm a child
- inappropriately restraining or using strength against a child (excessive force).

Apprehended physical violence is where a person intentionally or recklessly engages in conduct or behaviour against, with or in the presence of a child that is capable of **causing a child to think that physical force is about to be used** against them or another person. An example of apprehended physical violence is a person angrily punching the wall next to a child's head causing the child to fear they were about to be punched.⁵

Physical violence does not include 'lawful reasons' for physical contact, for example:

- reasonable steps taken to protect a student from immediate harm, such as taking a student's arm to stop them from going into oncoming traffic
- reasonable steps taken by a teacher to protect themselves, a student or others from immediate harm, such as touching a student to break up a fight.

The CCYP has advised that conduct that does not amount to physical violence under the RCS includes:

- where the contact is minor, trivial or negligible
- where the physical contact is a part of normal social interactions such as touching a child to gain their attention, to guide or to comfort a child
- actions involved in caring for a child having regard to their age, maturity, health or any other relevant characteristics.

For further guidance, see '[Information sheet 10: Physical violence under the Reportable Conduct Scheme](#)' available from the CCYP website.

Our school leaders work towards creating a climate where positive behaviour is explicitly taught and reinforced, and prevention approaches are emphasised. However, there are times when physical or other exceptional interventions may be necessary for safety reasons.

Restraint and seclusion must not be used except in an emergency situation that satisfies the following three conditions:

The student's behaviour poses an imminent threat of physical harm or danger.

The action is reasonable in all the circumstances.

There is no less restrictive means of responding in the circumstances.

The restraint or seclusion should be discontinued as soon as the immediate danger has passed.

Using restraint or seclusion in any other circumstances could amount to reportable conduct. For example, inappropriate restraint could amount to physical violence. Depending on the circumstances, inappropriate use of seclusion could be significant neglect of a child or behaviour that causes significant emotional or psychological harm to a child.

The Catholic Education Commission of Victoria Ltd (CECV) has published detailed guidelines on when it is and is not appropriate to use any form of restraint or seclusion involving a student. Schools should familiarise themselves with the [CECV Positive Behaviour Guidelines](#) and ensure staff are appropriately trained.

d) What is ‘behaviour that causes significant emotional or psychological harm’?

For an allegation to fall within the category of ‘behaviour that causes significant emotional or psychological harm’:

- the alleged behaviour must be identified
- there must be a link between the alleged behaviour and the harm to the child
- the harm must be significant.

Examples of behaviour that may cause significant emotional or psychological harm include severe or sustained instances of:

- verbal abuse
- coercive or manipulative behaviour
- hostility towards, or rejection of, a child
- humiliation, belittling or scapegoating.⁶

In considering whether there is a link between the alleged conduct and harm to a child, schools should consider whether the child would have been harmed if the alleged conduct had *not* occurred.

The CCYP has stated that emotional or psychological harm may also be caused where an existing mental health disorder, such as anxiety or depression, has been exacerbated.

Significant is defined in the Act to mean ‘more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect’. The CCYP has also provided guidance that, to be considered significant, the harm must be more than trivial or temporary.

Schools should be aware of signs that suggest a student may have been significantly emotionally or psychologically harmed, including:

- suicidal action/ideation or self-harm
- patterns of out-of-character, self-destructive, antisocial or anxious behaviour
- ongoing sleep disturbance, nightmares or bedwetting
- regression in behaviour.

For a matter to be a reportable allegation, schools do not need to have medical information or a medical assessment (although a medical assessment may assist and form part of the investigation process discussed in section 6).

In some situations, staff may have difficulty managing behaviour or understanding additional learning needs of students. This may expose the student to harm and the staff member to allegations of reportable conduct, e.g. if the methods used by a teacher are not suitable for the student and cause significant emotional harm. In these situations, it is important that schools work with and support staff to improve practices, and follow the recommendations in the [CECV Positive Behaviour Guidelines](#).

There may be times, for example approaching the end of the school year, when staff and students are particularly tired or vulnerable and more likely to engage in behaviour that leads to a reportable allegation. School leaders should be mindful of supporting staff in such periods and minimising the risk of reportable conduct occurring. Refresher training in behaviour management and/or reportable conduct may be appropriate. Staff should be reminded of the support available through the employee assistance program (see [section 4.4](#)).

e) What is 'significant neglect'?

Neglect of a child occurs when a person does not fulfil their obligations and responsibilities to meet the basic needs of a child. There are a number of different types of neglect:⁷

Supervisory neglect is the failure of a person responsible for the care of a child to exercise adequate supervision or control of the child, for example:

- leaving a child alone or unsupervised for an extended period of time
- exposing a child to inappropriate material or environments, such as drug use or pornography
- leaving a child in the care of an inappropriate person, such as a young child or someone who has a history of child abuse.

Physical neglect is the failure to meet a child's physical needs, including the provision of adequate and appropriate food, clothing, shelter or personal hygiene, for example:

- inadequate food or food that is not of appropriate nutritional value such that the child is hungry, malnourished or fails to thrive
- clothing that is in a poor state of repair, such as shoes with holes in the soles, or clothing that is inappropriate to the season.

Educational neglect is the failure to ensure that a child's formal educational needs are being met and may include, for example:

- failing to register a child in school
- condoning truancy.

Emotional neglect is the failure to provide adequate nurturing, affection, encouragement and support to a child, for example where a worker or volunteer:

- rejects a child, abandons, belittles or calls a child names
- shames a child, isolates them or demeans them
- permits or encourages a child to engage in criminal behaviour, inappropriate consensual sexual behaviour or other maladaptive behaviours.

It is possible that there might be some overlap between significant neglect and behaviour that causes significant psychological or emotional harm. However, it is important to remember that significant neglect does not require that the neglect caused any particular kind of harm to the child.

For these purposes, significant has the same meaning as noted at paragraph d) above, that is, 'more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect'. The word 'significant' refers to the quality of the failure to act, not to the severity of the outcome of the neglect.

The CCYP advises that there may also be situations where the neglect is cumulative. Cumulative neglect recognises the compounding or combined impact that numerous less significant failures can have on a child.

For further guidance, see '[Information sheet 11: Significant neglect under the Reportable Conduct Scheme](#)' available from the CCYP website.

3.4 What conduct is not reportable?

For a matter to be reportable, it must fall within the definition of a reportable allegation as included in section 3.2. A reportable allegation does not include, for example:

- allegations made by a student against another student
- allegations made against a parent of a student at the school (unless the parent is otherwise an employee of the school, e.g. a volunteer)
- allegations made against an employee who was under the age of 18 at the time of the alleged incident
- misconduct that does not include any aspect of reportable conduct
- physical contact that is lawful behaviour, such as reasonable steps taken by a teacher to protect a student from immediate harm (e.g. touching a student to break up a fight)
- any conduct/misconduct that was being dealt with by the school before the introduction of the RCS on 1 July 2017.

If the principal/head of entity is unsure whether alleged conduct amounts to a reportable allegation, they are advised to contact the ER Unit for advice as soon as practicable. Even if the allegation is not reportable, concerns about conduct or performance should be addressed and may need to be managed in accordance with clause 13 of the [Victorian Catholic Education Multi-Enterprise Agreement 2018 \(VCEMEA\)](#).

3.5 What if the principal or head of entity is the subject of the reportable allegation?

Schools should have processes in place to ensure people know how to report allegations involving the school principal or head of entity. In general, if a reportable allegation involves the:

- principal, a person may report the matter directly to the head of entity
- head of entity, a person may report the matter to the principal.

Other options include reporting the matter to the school board, Catholic Education Melbourne, the Professional Standards Unit of the Catholic Archdiocese of Melbourne (if the matter involves a parish priest (see [section 3.6](#))) or directly to the CCYP.

Where the principal or head of entity is involved in the allegation, as with any other case, the ER Unit is able to discuss the circumstances and provide advice to the appropriate person representing the school. Contact the ER Unit for advice on specific circumstances.

3.6 What if the principal becomes aware of an allegation against the parish priest?

If the principal becomes aware of a reportable allegation against the parish priest who is also the head of entity, the principal must contact the regional general manager (RGM) at Catholic Education Melbourne, and Victoria Police, in instances of a suspected criminal offence. The RGM and the principal will liaise with the ER Unit and inform the Catholic Archdiocese of Melbourne through appropriate channels. Catholic Education Melbourne and the Catholic Archdiocese of Melbourne have developed protocols for managing these situations. In general, any report to the CCYP will be made by the Catholic Archdiocese of Melbourne. It is recognised that the principal needs to be supported in such circumstances.

4. Dealing with a reportable allegation

4.1 What should schools do about a reportable allegation?

Below are the steps a principal should take if they become aware of a potential reportable allegation. These steps are in *general* order of priority, but the guidance may change depending on the circumstances.

What if a student or another child informs you of a reportable allegation?	What if a staff member or another adult informs you of a reportable allegation?
<ol style="list-style-type: none">1. The first step should always be to ensure the student/child is safe. If you believe a child faces immediate danger or risk of harm, contact Victoria Police on 000.2. When speaking with a child or young person, it is important to remember that if they have decided to speak to you, then there is a good chance they trust you.<ul style="list-style-type: none">• Give the child or young person your full attention.• Listen calmly and empathically.• Reassure the child or young person that it is right to tell.• Accept the child or young person will disclose only what they are comfortable disclosing and recognise the bravery/strength of the child for talking about something that is difficult.• Let the child or young person take their time.• Let the child or young person use their own words.• Do not make promises you cannot keep.• Do not say or do anything to suggest to the child or young person that you doubt them or make them feel ashamed to have revealed the allegation.3. Tell the child or young person what you plan to do next.	<ol style="list-style-type: none">2. Thank the individual for bringing the allegation to your attention. Offer them support and assistance as necessary. If they are a staff member, refer them to the employee assistance program.3. Explain to the person making the report that the school will manage the concern confidentially and, to protect all parties, they should not discuss the matter.
<ol style="list-style-type: none">4. Take a moment to make a record of the allegations. If appropriate, use the PROTECT template: 'Responding to Suspected Child Abuse: A Template for all Victorian Schools'. You may also use the template record in Appendix 1 and/or make a note in your diary. If a staff member, parent or other adult was present, ask them to make a record as well.5. Consider whether you need to refer the matter to Victoria Police or the DHHS (see Appendix 3 for contacts). If necessary, report the matter in accordance with the actions documented in the PROTECT guidance: 'Identifying and Responding to All Forms of Abuse in Victorian Schools' and 'Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse', using the PROTECT template.6. If relevant, notify the child's parents following advice in the PROTECT guidance.7. As soon as practicable, contact the ER Unit for advice, support and assistance to discuss the circumstances and notify the head of entity.8. If the matter does involve a reportable allegation, the ER Unit will notify the CCYP with authorisation from the school's head of entity (see section 5).9. Conduct a risk assessment to determine any measures that should be put in place to manage the person against whom allegations have been made and to protect any children or young people (see section 4.2).	

4.2 How does a risk assessment work?

Note that schools should not start investigating the allegation, including unnecessarily questioning the student or speaking with the person who is the subject of the allegation, without conducting a risk assessment; otherwise they may be putting the student, the staff member, the school or the investigation at risk.

Before commencing an investigation, the head of entity must arrange for a risk assessment to be undertaken. In practice, the risk assessment will generally be conducted by the principal or school leaders. The risk assessment examines what steps should be taken to appropriately ensure child safety, i.e. what the arrangements will be for the subject of the allegation and for the children involved. This will take into account the risks to the children involved, other children and the subject of the allegation, and how the investigation process can be best managed.

The risk assessment tool in [Appendix 2](#) may assist schools with this process.

Schools are encouraged to seek advice from the ER Unit on the appropriate steps to put in place before an investigation commences. In the most serious of matters and on advice from the ER Unit, this may involve directing the person who is the subject of the allegation to not attend work until further notice.

4.3 How should schools deal with the subject of the allegation?

The person against whom an allegation has been made should be treated with respect and dignity. They should be offered support in the form of counselling or the employee assistance program (see [section 4.4](#)).

The CCYP has prepared an information sheet to advise employees who are the subject of an allegation about the RCS: see '[Information sheet 13: Workers and volunteers and the Reportable Conduct Scheme](#)' available from the CCYP website.

a) Employees

A reportable allegation will generally amount to a concern about the employee's conduct. This means that for those employees covered by the VCCEMA, the process in clause 13 needs to be followed.

By following the process outlined in clause 13 of the VCCEMA, schools will also be complying with the obligations under the RCS to:

- provide procedural fairness
- provide support to an employee against whom an allegation has been made
- ensure the collection of relevant information
- consider all of the relevant issues.

There may be variations in the process depending on the circumstances; however, in general:

- The employee will be notified of the allegations in writing and asked to attend a 'first instance' meeting under clause 13.
- During the 'first instance' meeting, the employee will be advised of the details of the investigation (or in some situations may respond to the allegations in that meeting).
- The employee will participate in the investigation.
- After the investigation, the employee will be notified in writing of the investigation findings and any proposed disciplinary outcome, and will be asked to attend a formal meeting under clause 13.
- At the formal meeting, the employee will be provided with an opportunity to respond to any proposed disciplinary outcome and any other matters.
- Following the formal meeting, the employee will be advised in writing of the final outcome.

The employee is entitled to have a support person present in any meeting under clause 13 or as part of the investigation. The employee (and all parties) should be directed to maintain confidentiality.

The ER Unit has template letters for each stage and will work with principals and heads of entities to advise on the process.

b) Contractors, volunteers and others

Clause 13 applies only to employees covered by the VCEMEA and does not apply to independent contractors, volunteers or other categories of people covered by the RCS. Although these groups are not covered by the VCEMEA, a similar process is applied, including giving the person a fair opportunity to respond and allowing them to have a support person present.

4.4 What support is available for those involved?

All people affected by a reportable allegation, including all participants in an investigation, should be offered appropriate support. Where applicable, students should be offered counselling through the school.

Staff may access counselling via the AccessEAP employee assistance program (phone 1800 818 728). Counselling is available face-to-face or by telephone. The service is confidential and free for staff to access (Catholic Education Melbourne funds the retainer and the school pays a fee per session).

Principals may access counselling and other wellbeing services through the Converge International employee assistance program (phone 1300 687 327). These services are confidential and there is no cost to the principal or the school (the service being fully funded by Catholic Education Melbourne). Principals are encouraged to seek additional support from their networks including, as relevant, Catholic Education Melbourne principal consultants, RGMs, the Learning Diversity Team and the ER Unit, and their principal colleagues.

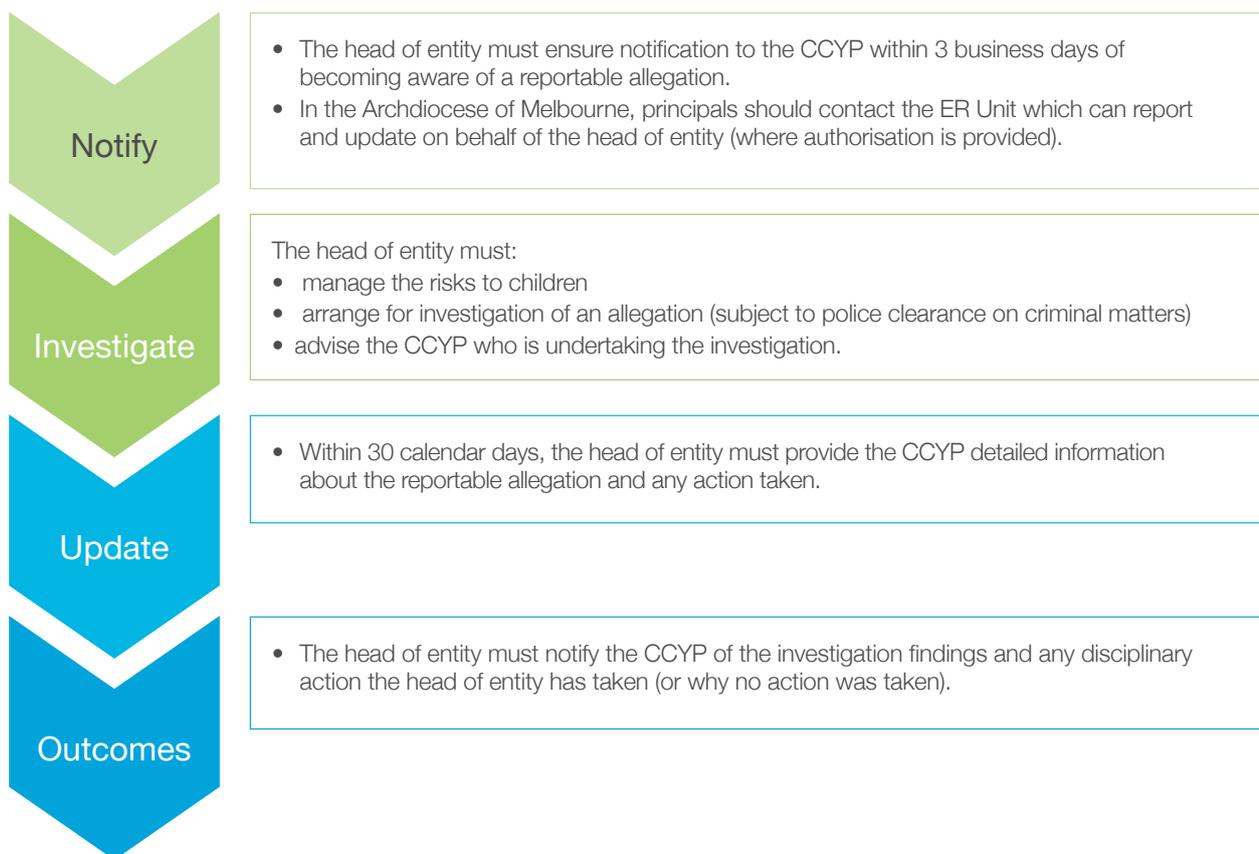
4.5 How should schools manage documentation?

School leaders should keep accurate notes of all meetings and discussions held in relation to a reportable allegation, being mindful not to include irrelevant or extraneous information. In addition, they should retain all relevant documentation such as letters, emails, incident reports and photographs. Schools should be aware of any obligations under their school privacy policies and information should be treated with respect for the privacy of those involved. Records and documentation should be stored in a secure location, whether physical or electronic. Schools should be mindful that, in rare situations, they may be required to produce records and documentation to a court/tribunal or to other parties, as part of any subsequent legal proceedings.

5. Reporting to the CCYP

5.1 What are the reporting requirements?

The diagram below summarises the process from the time the head of entity notifies the CCYP of a reportable allegation.⁸ Where authorised by the head of entity, the ER Unit is able to make the initial report and subsequent updates to the CCYP on behalf of the head of entity.



5.2 What is the timeframe for reporting?

The head of entity must notify the CCYP of a reportable allegation within **three business days** of becoming aware of the allegation. For example, in a parish primary school, the timeframe is three business days from when the parish priest becomes aware of the alleged conduct, not three business days from when the principal becomes aware. That said, principals should ensure that the head of entity is informed of the allegation in a timely manner.

For schools and parishes, it is important to note that the three business days **are not** necessarily the same as the school/parish days of business. For example,

if a parish priest becomes aware of a reportable allegation on the last Friday of term, it must be reported by the following Tuesday (during the school holidays).

Given the tight timeframe, principals are advised to contact the ER Unit for advice as soon as practicable after becoming aware of a potential reportable allegation. With the authorisation of the head of entity, the ER Unit is able to report to the CCYP on their behalf.



It is a criminal offence for a head of entity to fail to comply with the three business day notification obligation without a reasonable excuse.

5.3 What initial information is given to the CCYP?

The CCYP requires specific information when a matter is first reported, including:

- the name of the person against whom an allegation has been made (including any former or preferred name)
- the date of birth of the person against whom an allegation has been made
- whether the matter has been reported to Victoria Police
- the name, address and telephone number of the school
- the name of the head of entity.

If the ER Unit is reporting on behalf of the head of entity, it will provide the required information to the CCYP.

5.4 What updates are required by the CCYP?

After the initial notification to the CCYP, there are several points at which the head of entity must provide updates or additional information. If authorised, the ER Unit can provide these updates to the CCYP on behalf of the head of entity.

a) Notification of investigator

As soon as practicable, the head of entity must advise the CCYP of the name of the person conducting the investigation and their contact details.

b) 30 calendar day update

As soon as practicable and within 30 calendar days of becoming aware of the reportable allegation, the head of entity must provide a further notification to the CCYP that includes:

- detailed information about the reportable allegation
- whether any disciplinary or other action, or no action, has been taken in relation to the employee and the reasons for this
- any written submissions made by the employee about the allegation or disciplinary action.

If the matter is not resolved within 30 days, the head of entity should continue to provide updates to the CCYP.



It is a criminal offence for a head of entity to fail to comply with the 30 calendar day notification obligation without a reasonable excuse.

c) Notification of outcome of investigation

As soon as practicable after the investigation has concluded, the head of entity is advised to provide a copy of the investigation report to the CCYP. The investigation report should include the findings and reasons for the findings.

d) Disciplinary or other action

As soon as practicable after the investigation has concluded, the head of entity must provide the CCYP with details of any disciplinary or other action proposed to be taken and reasons why or, if no such action is proposed, reasons why not.

e) Additional documents

The CCYP may also require the head of entity to provide it with additional documents or information at other times. In practice, such requests from the CCYP are made via email to the ER Unit.

5.5 What is the role of the CCYP in relation to investigations?

In relation to investigations, the CCYP has powers to:

- oversee the investigation
- disclose information about the investigation to children, parents and carers
- conduct its own investigation into reportable allegations (if it is in the public interest or if the school or the relevant regulator, being the VIT, will not)
- investigate whether the reportable allegations have been inappropriately handled or responded to
- make recommendations to schools following a CCYP investigation into reportable allegations or into a school's handling of the investigation
- refer investigation findings and reasons for the findings to the VIT, the Department of Justice and Community Safety (for Working with Children Checks) or other regulators.



In practice, throughout the investigation process, the CCYP will often direct queries to the school via the ER Unit (e.g. queries about how the risk to children is being managed during the investigation). Once the investigation report is lodged with the CCYP, the CCYP will usually have additional queries about the process and the findings.

5.6 What is the role of the VIT in relation to the RCS?

Under the RCS, on becoming aware that a registered teacher is the subject of a reportable allegation, the CCYP must notify the VIT. Depending on the circumstances, the school may have obligations under the *Education and Training Reform Act 2006* (Vic.) to separately notify the VIT.

In general, upon becoming aware of a reportable allegation against a registered teacher, the VIT will ask for further information from the school about the teacher. In practice, these queries are directed through the ER Unit which will assist the school with its response to the VIT.

The VIT has the power under the Education and Training Reform Act to conduct its own investigation into the alleged reportable conduct if deemed necessary. Such investigations generally occur after the investigation arranged by the head of entity, but in some circumstances may occur prior to or at the same time as that investigation.

The VIT may suspend a teacher's registration if it reasonably believes that the person poses an unacceptable risk of harm to children and the suspension is necessary to protect children. Schools are advised to contact the ER Unit for advice in this situation.

6. Conducting an investigation

6.1 What are the obligations in relation to investigations?

Under the RCS, as soon as practicable after becoming aware of a reportable allegation against an employee, the head of entity must investigate or arrange for another party to investigate the allegation. In practice, the principal will generally make these arrangements on behalf of the head of entity with assistance from the ER Unit.

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 an allegation of reportable conduct against an employee. An effective investigation requires a systematic approach to assessing and managing an allegation, followed by a sound decision-making framework.⁹

6.2 Who will conduct the investigation?

Under the RCS, allegations must be appropriately investigated by the school. This means that in some cases, an external investigator will be appropriate, though this will not always be necessary. The ER Unit can assist principals/heads of entities to determine whether an investigation can be handled internally (e.g. by the principal or deputy principal) or whether it is necessary to refer it to an independent investigator.

When considering who will conduct an investigation, the school should take into account:

- the experience and availability of staff
- conflicts of interest (e.g. it may not be appropriate for the principal to conduct the investigation)
- the time it will take to investigate
- the seriousness and complexity of the allegations
- the number of witnesses, including whether students will need to be interviewed
- the school's financial position and the cost of an investigation.

Ideally, the person investigating the allegation will be a different person from the one making the final decision as to any disciplinary process relating to the employee. For example:

- In a primary school, the principal may conduct the investigation and present the recommended findings to the parish priest, who reviews the investigation report and decides whether to accept the findings. The parish priest then makes an informed decision about the outcome of the clause 13 process (such as a decision to issue the employee with a warning).
- In a secondary school, the deputy principal may conduct the investigation and present the recommended findings to the principal, who reviews the investigation report and decides whether to accept the findings. The principal then makes an informed decision about the outcome of the clause 13 process (such as a decision to issue the employee with a warning).

The ER Unit has template documents available to assist schools in relation to conducting an investigation, including:

- template letters to employees
- terms of reference for external investigators
- template investigation plans
- template witness records of interview
- template investigation reports.

Schools are advised to contact the ER Unit for further information.

6.3 What happens when there is a police investigation?

Although schools are required to investigate reportable allegations, if the alleged conduct is criminal in nature, a Victoria Police investigation will have priority. This means that if a police investigation is being conducted, the school must wait until Victoria Police has completed its investigation, or otherwise given clearance to the school, before commencing the school investigation.

6.4 What is the standard of proof in an investigation?

The decision-maker ‘should base their decision on clear and cogent evidence, and not guesswork, suspicion or rumour’.¹⁰

The standard of proof for substantiating allegations of reportable conduct is ‘the balance of probabilities’. This means that in order for an investigator to make a finding that alleged conduct is substantiated, the investigator must form the view that, on the basis of available evidence, on balance, it is ‘more likely than not’ that the alleged conduct occurred. The balance of probabilities test is not purely a mechanical comparison of mathematical probabilities, but requires the investigator to be ‘reasonably satisfied’ that the conduct occurred.¹¹

The more serious the wrongdoing, the more care the decision-maker must exercise when deciding whether they are satisfied that the conduct is substantiated. This means that in cases which examine serious allegations, the person investigating will need to closely

consider the evidence to be satisfied that it is strong enough to substantiate the allegations on the balance of probabilities. This approach has been described as the ‘rule of prudence’. It recognises investigation findings as ‘calling for considerable caution before being made and for care being exercised in respect to the evidence upon which the finding is made’.¹²

6.5 What are the possible findings in an investigation?

The aim of an investigation is for the investigator to make findings, on the balance of probabilities, as to whether the alleged conduct did or did not occur (finding of fact) and whether this amounts to reportable conduct – i.e. what actually happened and does it fit the definition of ‘reportable conduct’? This will not only involve a finding that alleged conduct is substantiated or otherwise, but also an indication as to the reasoning behind this conclusion.

In the context of reportable conduct, five possible findings are available to an investigator and are explained in the following table:

POSSIBLE INVESTIGATION FINDINGS ¹³	
Substantiated	This finding should be used when a decision maker has decided that the reportable conduct has been proven to have happened on the balance of probabilities. The evidence suggests it is more likely than not that the reportable conduct happened because there is enough reliable, convincing, evidence of weight.
Unsubstantiated – insufficient evidence	This finding should be used when there was some evidence of weight to support the allegation, but not enough for the decision maker to make a substantiated finding. The evidence does not suggest that it is more likely than not that the reportable conduct happened.
Unsubstantiated – lack of evidence of weight	This finding should be used when there is not enough evidence to properly investigate the allegation, or the small amount of evidence available is contradictory or confusing. There is not enough evidence to establish whether the reportable conduct did, or did not happen.
Unfounded	This finding should be used when there is strong evidence that the reportable conduct did not happen. The evidence suggests that it is more likely than not that the reportable conduct did not happen.
Conduct outside scheme	This finding should be used when the decision maker has investigated the conduct and, although the conduct occurred, it does not fit any of the types of reportable conduct listed in the Act.

6.6 What should be in the investigation report?

The investigator should present the principal and/or head of entity with an investigation report that contains the findings and reasons for the findings. Template investigation reports are available from the ER Unit.

The investigation report should include:

- the allegations that were investigated
- a description of how the investigation was undertaken
- lists of witnesses interviewed, and an explanation of how the witnesses were determined and selected
- details of what evidence and information was obtained during the investigation
- an assessment of the evidence
- clear explanation as to the reasons for the findings.

Copies of witness statements or records of interview should be attached to the investigation report.

For further guidance on the investigation process, see '[Information sheet 4: Investigation overview](#)' and '[Information sheet 8: Investigation findings](#)' from the CCYP website.

7. After the investigation

7.1 What happens at the school?

At the conclusion of the investigation, the investigation report, with recommended findings, is presented to the principal and/or head of entity. The principal and/or head of entity need to review the report and decide whether they accept the findings (e.g. on reviewing the investigation report, they are satisfied that the finding of fact was based on logical evidence and that the conduct amounted to reportable conduct).

The principal and/or head of entity then need to consider the appropriate outcome in the circumstances. The subject of the allegation will be notified of the findings, but will not be provided with a copy of the investigation report.

Principals/heads of entities are encouraged to seek advice from the ER Unit in relation to the appropriate process and outcomes following an investigation.

a) Employees

As outlined in section 4.3a), in matters involving an employee covered by the VCEMEA, the process outlined in clause 13 will need to be followed. This means that after the investigation, the employee should be notified in writing of the findings and any proposed outcome (e.g. warning or termination of employment), and given an opportunity to respond to such in a formal meeting.

b) Volunteers and contractors

In cases involving volunteers or contractors, the principal will need to consider whether it is safe for the services of those people to be retained.

c) General approach

In respect of all individuals, the appropriate action will depend on the circumstances, including the nature of any substantiated conduct, whether there is a history of prior inappropriate conduct, the level of insight of the person involved and, crucially, the risk to children and young people posed by the person.

It is important to note that just because an allegation was not 'substantiated' under the RCS does not mean that no action will be taken in relation to alleged conduct. Whether any further measures or steps need to be implemented will depend on the basis of the finding. As seen in section 6.5, there are different reasons why an allegation may not be substantiated under the RCS. For example, an allegation may be unsubstantiated on the basis of insufficient evidence, which is different from a finding that the conduct was unfounded. Or the conduct may have occurred, but is found to be conduct outside the RCS. There are many circumstances in which, depending on the nature of the alleged conduct, it may still be appropriate to implement proactive measures to monitor and address the conduct of a person going forward. For example, in relation to an employee, it may be appropriate to provide them with additional training and temporary additional supervision.

As in all cases, the appropriate steps to be taken will depend on all the circumstances, taking into account that the paramount focus must be on ensuring the safety of the child at all times.

7.2 What is reported to the CCYP?

As outlined in section 5.4, as soon as practicable after the investigation has concluded, the head of entity must provide to the CCYP:

- a copy of the investigation report, including the findings and reasons for the findings
- details of any disciplinary or other action proposed to be taken and reasons why or, if no such action is proposed, reasons why not.

7.3 What does the CCYP do with the findings?

The CCYP will review the investigation report and the general handling of the allegation. It will consider the findings and reasons for the findings. The CCYP may have additional questions for the school related to its handling of the case, the investigation report, the findings or the reasons for the findings. These queries will be directed to the ER Unit, which will assist with the school's response.

Following the satisfactory completion of an investigation, where considered appropriate by the CCYP, it may report substantiated allegations to the Working with Children Check Unit of the Department of Justice and Community Safety. The Unit may ultimately decide to suspend a person's Working with Children Check, having regard to that finding. This is part of ensuring that individuals who pose a risk to children are not permitted to work with children, even if they do not have a criminal record.

Where the matter concerns a registered teacher, the CCYP may also refer investigation findings and reasons for the findings to the VIT.

7.4 When is the matter closed?

At the school level, the matter is generally finalised on completion of the clause 13 process, i.e. when the employee who is the subject of the allegation has been informed of the investigation findings and any disciplinary outcomes (if relevant) have been implemented.

In terms of the CCYP, on completing its review of the matter, it will send the head of entity a 'case closure' letter that signals the end of its involvement. If relevant, the case closure letter will confirm that the matter has been referred to the Working with Children Check Unit and/or the VIT. The ER Unit will assist the school with a template letter to notify the employee who is the subject of the allegation that the CCYP has closed the matter.

In relevant cases, the VIT may continue dealing with the matter beyond finalisation at the school level and by the CCYP.

8. Common questions from principals and employers

Question	Answer
Who do I contact if I think I have a reportable allegation?	<p>If you believe you have a reportable allegation, you should contact the ER Unit as soon as practicable to discuss the circumstances and seek advice.</p> <p>Be mindful that reportable allegations must be made to the CCYP within three business days of the head of entity becoming aware of the allegation.</p>
Who will notify the head of entity?	<p>The principal will normally advise the head of entity of the reportable allegation (if the head of entity is not already aware of the allegation). This may occur after the principal has sought advice from the ER Unit.</p> <p>If the allegation involves the head of entity, the principal must contact the RGM who will liaise with the ER Unit about the particular circumstances.</p>
Who will report to the CCYP under the RCS?	<p>With the authorisation of your school's head of entity, the ER Unit will report to the CCYP on the head of entity's behalf. Reports need to be made to the CCYP within three business days of the head of entity becoming aware of the reportable allegation. See section 5.2.</p>
What if I don't contact the ER Unit in relation to a reportable allegation?	<p>There is no legal obligation to contact the ER Unit. Principals/heads of entities may choose to handle the matter and deal with the CCYP directly.</p> <p>However, the ER Unit is an important source of information and advice on reportable conduct matters in Catholic schools, and generally handles matters for schools in the Archdiocese of Melbourne. Schools that do not contact the ER Unit may miss out on receiving quality advice in this important area.</p>
Do I have to report all misconduct?	<p>Under the RCS, only misconduct that may involve reportable conduct must be reported to the CCYP.</p> <p>If you have any misconduct concerns, you should seek advice from the ER Unit about how to manage the situation. Even though it may not be a reportable allegation under the RCS, you may still need to manage the conduct either informally or formally under clause 13 of the VCEMEA. See section 3.2d.</p>
What if I don't report a reportable allegation?	<p>Under the RCS, the CCYP has powers to prosecute heads of entities for failing to notify it of a reportable allegation. Even if you are not the head of entity, a failure to notify the CCYP may expose the head of entity to an offence if it is later found to be a reportable allegation.</p> <p>Ultimately, whatever the justification, a failure to report a reportable allegation compromises the safety of children and young people.</p>
What about my other reporting obligations?	<p>The RCS does not change your other reporting obligations. Principals and teachers must continue to report matters to Victoria Police, the DHHS or the VIT as relevant. See section 2.5.</p>

Question	Answer
<p>Is there a priority in my reporting obligations?</p>	<p>Yes. Ensuring a child/young person is safe, and contacting Victoria Police where relevant, should always be your first priority. Refer to the four critical actions for schools in the PROTECT resources. See section 4.1.</p> <p>The RCS requires reportable allegations to be made within three business days of the head of entity becoming aware of the allegation so, if you believe you have a reportable allegation, it is important to contact the ER Unit for assistance as soon as practicable.</p>
<p>What if I don't believe that the alleged conduct has occurred?</p>	<p>Even if you do not believe the alleged conduct occurred, you should still contact the ER Unit to discuss the matter. The RCS has different thresholds compared with other reporting obligations, such as to the VIT. The CCYP has advised that conduct may still need to be reported even if you did not witness it yourself and even if you do not share the person's belief that the conduct occurred. See section 3.2e.</p>
<p>How is it fair to report allegations to the CCYP before they have been proven?</p>	<p>A key aspect of the RCS is for the CCYP to provide independent oversight of investigations into allegations of reportable conduct. This means the CCYP needs to be made aware of the allegations from the outset. It is essential that allegations are reported to the CCYP before they are investigated and proven.</p> <p>In terms of fairness to the employee, the RCS requires allegations to be investigated and for the employee to be given the right to respond. Under both the RCS and clause 13 of the VCMEA, the principles of natural justice and procedural fairness apply. This means the employee will be given an opportunity to respond to the allegation before any finding is made.</p>
<p>What are the obligations of my staff if they become aware of a reportable allegation?</p>	<p>School staff and others are advised to follow the relevant processes in their school for reporting allegations. In general, reports should be made to the principal who will notify the head of entity as required.</p> <p>If the allegation involves the principal, a report may be made directly to the head of entity. If the allegation involves the principal or head of entity, other options include reporting to the school board, Catholic Education Melbourne, the Professional Standards Unit of the Catholic Archdiocese of Melbourne (if involving a parish priest) or directly to the CCYP. See section 3.5.</p>
<p>Can I report a parent to the CCYP?</p>	<p>It depends on the circumstances. If you have an allegation regarding a parent, it may be reportable to the CCYP if the parent is an employee under the RCS (e.g. a staff member, contractor or volunteer at the school or parish).</p> <p>If the parent is not an employee of the school, the matter may still need to be reported to the DHHS or Victoria Police as relevant.</p>
<p>Do allegations involving volunteers and contractors need to be reported?</p>	<p>Yes. Reportable allegations involving volunteers and contractors will still be reportable under the RCS. The ER Unit will assist you to report and deal with the matter. See section 3.2a.</p>
<p>Who do I talk to regarding concerns about parish employees?</p>	<p>If you have a concern regarding a parish employee, you should speak with your parish priest. Alternatively, you may contact the Professional Standards Unit of the Catholic Archdiocese of Melbourne or report to the CCYP as a member of the general public.</p>

9. Example scenarios

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 her if she is okay. Amanda responds that she does not like school on Wednesday as she has music and Katherine calls her 'a silly little girl' which makes her feel sick in the tummy all day. Today she pulled Amanda's ponytail to make her sit down in her chair and it hurt her head.

Are these allegations reportable?

Yes. The alleged conduct potentially involves:

- physical violence against a child (pulling hair) (Depending on whether other children were present, it may also be physical violence in the presence of a child.)
- behaviour that causes significant emotional or psychological harm to a child. (Note: There must be a link between the alleged behaviour and harm to the child; the harm must be significant.)

What should the principal do?

The principal should ensure Amanda is safe, and then make a record of the conversation and her allegations. The principal should contact Amanda's parents.

The principal should then contact the ER Unit to seek advice and support, and notify the head of entity. With the authorisation of the head of entity, the ER Unit will report the matter to the CCYP. With the assistance of the ER Unit, the principal should conduct a risk assessment and make arrangements for the allegations to be investigated.

With the assistance of Catholic Education Melbourne, the principal should ensure appropriate steps are taken to support the welfare and wellbeing of both Amanda and Katherine.

Scenario 2

Jemma, a teacher at your school, overhears a group of Year 8 boys talking about camp. During the conversation, she hears 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)
- misconduct which may involve reportable conduct.

What should the principal do?

The principal should thank Jemma for reporting the allegation and ask her to complete a written record of what she overheard. The principal should also make a written record of the discussion.

The principal should then contact the ER Unit to seek advice and support, and notify the head of entity. With the authorisation of the head of entity, the ER Unit will report the matter to the CCYP. With the assistance of the ER Unit, the principal should conduct a risk assessment and make arrangements for the allegation to be investigated.

Considering the potentially criminal nature of the allegation, the principal should also contact Victoria Police.

With the assistance of Catholic Education Melbourne, the principal should ensure appropriate steps are taken to support Mr Matthews and any students involved.

Scenario 3

Your school runs a sports program for students, which involves parent volunteers to coach or manage the various teams. After a state competition, Lauren, a Year 9 student, tells you that she wants to drop out of the netball team. When you ask why, she explains that a parent volunteer is making her feel uncomfortable as she is always finding an excuse to come into the girls' change rooms while students are changing. Lauren alleges that while staying overnight at the state competition, another girl claims she saw the volunteer 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 against and in the presence of children.

Volunteers are school employees for the purposes of the RCS and therefore these are reportable allegations.

What should the principal do?

The principal should comfort Lauren and ensure she is okay. The principal should make a written record of the discussion and contact Lauren's parents.

The allegation may potentially amount to a criminal offence and therefore the principal should also contact Victoria Police.

The principal should then contact the ER Unit to seek advice and support, and notify the head of entity. With the authorisation of the head of entity, the ER Unit will report the matter to the CCYP. With the assistance of the ER Unit, the principal should conduct a risk assessment and make arrangements for the allegations to be investigated.

With the assistance of Catholic Education Melbourne, the principal should also ensure appropriate steps are taken to support Lauren's welfare and wellbeing.

Scenario 4

A school parent, Rita, comes into your office to complain that when she attended church on Sunday Rachel, the parish's receptionist, used the parish newsletter to tap her son on the shoulder to pay attention. 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 appear to be behaviour that may cause significant emotional or psychological harm, or physical violence to a child under the RCS.

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.

What should the principal do?

The principal should thank Rita for raising the matter and make a written record of the discussion. As the concern regards Rachel, a parish employee, the principal should speak with the parish priest and refer Rita to the parish. Alternatively, the principal can contact the Catholic Archdiocese of Melbourne for assistance.

Scenario 5

A school parent, Nancy, comes to you and says 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 him have with the team about the girl he is dating, including that 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)
- sexual misconduct against, with or in the presence of a child, as the communications with children are of a sexual nature and in front of other children.

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

What should the principal do?

The principal should thank Nancy for reporting the allegation and ask her to complete a written record of what she overheard. The principal should also make a written record of the discussion.

Given the potentially criminal nature of the allegations, the principal should contact Victoria Police.

The principal should then contact the ER Unit to seek advice and support, and notify the head of entity. With the authorisation of the head of entity, the ER Unit will report the matter to the CCYP. With the assistance of the ER Unit, the principal should conduct a risk assessment and make arrangements for the allegations to be investigated.

With the assistance of Catholic Education Melbourne, the principal should ensure appropriate steps are taken to support the welfare and wellbeing of Michael and any students who may be involved.

Scenario 6

Alice is a student at your school who has been diagnosed with anxiety disorder and often has panic attacks. According to her behaviour support plan, there is a clear process in which Alice is aware that when she has a panic attack she is able to take herself to a calming space (with set strategies in place for her to access).

Alice's mother Judy calls to complain that following a power outage at home, her daughter had a severe panic attack and revealed that Sharon (her teacher last year) would at times put her in a darkened room on her own until she stopped crying. Alice felt that she was not able to leave the room and was frightened of the dark – this was significantly different to the calming space that was provided. Judy believes that this may be a factor which explains why Alice has wanted to sleep in her parents' room with the nightlight on for the last six months.

Is this allegation reportable?

Yes. The alleged conduct appears to be seclusion and potentially involves behaviour that causes significant emotional or psychological harm to a child.

continued next page...

What should the principal do?

The principal should thank Judy for reporting the allegation and ask her to complete a written record of what happened and what Alice said. The principal should also make a written record of the discussion.

The principal should then contact the ER Unit to seek advice and support, and notify the head of entity. With the authorisation of the head of entity, the ER Unit will report the matter to the CCYP. With the assistance of the ER Unit, the principal should conduct a risk assessment and make arrangements for the allegation to be investigated.

The principal should ensure that Alice is safe and contact the Learning Diversity Team at Catholic Education Melbourne to access further advice. With the assistance of Catholic Education Melbourne, the principal should ensure appropriate steps are taken to support the welfare and wellbeing of both Alice and Sharon.

Scenario 7

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 his or others' tables, calling out and using inappropriate language. When this happens, the school has a process in place to alert the deputy principal who will attend the classroom and seek to remove Sean to his office. This usually involved grabbing the student's arm and forcefully pulling him through the school. 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 could take up to 30 minutes. A concern is raised about this protocol by an emergency teacher with the parish priest, who informs the principal.

Are these allegations reportable?

Yes. The alleged conduct is potentially:

- physical violence against a child (excessive use of physical restraint)
- behaviour that could cause significant emotional or psychological harm to a 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.

What should the principal do?

The principal should make a record of the conversation with the parish priest and ask them to make a record of what the emergency teacher said (if not already done). The principal should ensure Sean is safe and contact his parents.

The principal should then contact the ER Unit to seek advice and support. With the authorisation of the head of entity, the ER Unit will report the matter to the CCYP. With the assistance of the ER Unit, the principal should conduct a risk assessment and make arrangements for the allegations to be investigated.

The principal should review the [CECV Positive Behaviour Guidelines](#) and seek advice from the Learning Diversity Team regarding further support for the student and school. With the assistance of Catholic Education Melbourne, the principal should ensure appropriate steps are taken to support the welfare and wellbeing of both Sean and the deputy principal.

Scenario 8

Ben's Grade 4 class is going on an excursion to the zoo. He is at times a challenging student, who can be easily distracted. The class is travelling 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, 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, pulling him back to safety then releasing his arm. Ben gets quite a shock and is a bit upset by the incident. That night, his mum calls the principal to raise 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 against a child (as it was appropriate use of restraint)
- 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) as per the [CECV Positive Behaviour Guidelines](#).

What should the principal do?

The principal should thank the parent for reporting the matter and ensure that Ben is safe. The principal should make a written record of the discussion.

If unsure whether the allegation is reportable, the principal should contact the ER Unit to discuss the circumstances and seek advice.

The principal should then review the [CECV Positive Behaviour Guidelines](#) and ensure that, in future, a written report of the incident is made at the time and that parents are informed (verbally and in writing that day).

The principal should follow their school's complaints policy for managing the parent's concern.

Scenario 9

Jane is a PE teacher at a rural secondary college. All staff have been trained on the college's social media policy and instructed not to be 'friends' with students on social media, or to provide students with their personal contact details. Another teacher at the school informs the principal that Jane has been speaking to a student, Anthony, on her personal mobile phone about some of Anthony's personal issues to do with his parents. The principal is also told that Jane has been seen meeting with Anthony alone in a classroom after school hours.

Are these allegations reportable?

Yes. The alleged conduct is misconduct which may involve reportable conduct.

What should the principal do?

The principal should thank the teacher and ask her to make a written record of the matter. The principal should also make a written record of the discussion, ensure that Anthony is safe and notify his parents.

The principal should then contact the ER Unit to seek advice and support, and notify the head of entity. With the authorisation of the head of entity, the ER Unit will report the matter to the CCYP. With the assistance of the ER Unit, the principal should conduct a risk assessment and make arrangements for the allegations to be investigated.

With the assistance of Catholic Education Melbourne, the principal should ensure appropriate steps are taken to support the welfare and wellbeing of both Anthony and Jane.

Scenario 10

Mary, a teacher of a Grade 5 class, is aware that a few students are planning a 'Halloween prank' by placing realistic toy spiders in tubs to be discovered by fellow students. She decides to allow the prank to go ahead. A student, Cooper, reacts with signs of distress, including crying. His mother later reports the incident and says that he had trouble sleeping that night and did not want to return to school the following day. However, Cooper did attend and had no further trouble sleeping. No other indicators of harm were identified.

Is this allegation reportable?

No. The alleged conduct does not meet the threshold for behaviour that causes significant emotional or psychological harm to a child. To be considered 'significant' under the RCS, the alleged harm must be more than trivial or temporary.

What should the principal do?

The principal should thank Cooper's mother for bringing the matter to the school's attention and make a written record of the discussion. The principal should also ensure the welfare of Cooper, Mary and other children in the class.

If unsure whether the allegation is reportable, the principal should contact the ER Unit to discuss the circumstances and seek advice.

Once satisfied that the matter is not a reportable allegation, the principal should follow the school's policy for managing the issues raised by the mother, including managing any employment concerns under clause 13.

Scenario 11

Peter, a teacher, provides his Year 12 class members with a 'show bag' of exam preparation aids, including a non-prescription sleeping tablet which he (jokingly) suggests may help sleepless students. One student consumes a tablet, but there are no reports of any injury or harm as a result. Another student notifies the school of what has occurred.

Is this allegation reportable?

No. The matter does not meet the threshold for significant neglect of a child.

What should the principal do?

The principal should thank the student who notified the school and make a written record of the matter. The principal should discuss the incident with the student who consumed the tablet to confirm the absence of any harm. The principal should also discuss the matter with Peter and follow the school's processes for managing employment concerns under clause 13.

Scenario 12

Dennis, a teacher taking a Year 11 geography class, initiates an assignment for students to map and survey changes to the local shopping strip, which involves interviews with shop managers/owners. When visiting one of the shops, a student is asked by the owner to return after hours with the suggestion that this would be for sex. The student informs Dennis about the experience and they discuss it in class with other students in attendance. The teacher suggests that the student may choose to visit the shop again to 'spice up' the assignment and report back all the details. Dennis laughs and continues to allude to the type of details the student might include in the assignment. The conversation is reported by a number of students.

Is this allegation reportable?

Yes. The alleged conversation may be sexual misconduct in that it appears to be conduct that is:

- misconduct, as it involves a departure from the accepted standards of a teacher
- of a sexual nature
- against, with or in the presence of a child (including the other children in the class who witnessed the conversation).

The alleged conduct may also constitute the criminal offence of grooming a child in order to commit a sexual offence.

What should the principal do?

The principal should thank the students who reported the matter and ask each of them separately to complete a written record of the conversation. The principal should also make a written record of the discussion with each of the students.

Given the potentially criminal nature of the allegation, the principal should contact Victoria Police.

The principal should then contact the ER Unit to seek advice and support, and notify the head of entity. With the authorisation of the head of entity, the ER Unit will report the matter to the CCYP. With the assistance of the ER Unit, the principal should conduct a risk assessment and make arrangements for the allegation to be investigated once police clearance is given for such an investigation to be conducted.

With the assistance of Catholic Education Melbourne, the principal should ensure appropriate steps are taken to support the welfare and wellbeing of any students who may be involved, as well as Dennis.

Scenario 13

Maria Smith, a college principal, receives a letter from the VIT regarding one of the college's staff members. The letter advises Maria that the VIT is investigating an allegation of sexual misconduct by a teacher involving a student, which occurred in the 1990s. The alleged misconduct is said to have taken place while the teacher was on the staff of a different school.

Is this allegation reportable?

Yes. Although the allegation relates to conduct that is supposed to have occurred prior to 1 July 2017, when the RCS commenced, this complaint has been received by the school after that date. Complaints received after 1 July 2017 come within the RCS, even if they relate to conduct that is said to have taken place before the RCS started. Although the teacher was at a different school at the time of the alleged conduct, it is the responsibility of the current school's head of entity to ensure that a report is made. The alleged conduct involves sexual misconduct against, with or in the presence of a child. Consequently, it is a reportable allegation.

What should the principal do?

Maria should acknowledge receipt of the letter from the VIT and liaise with the institute to determine what information can be confirmed with the teacher regarding its investigation. She should ensure that the head of entity is aware that the complaint has been received.

Maria should liaise with the ER Unit to ensure that, within three days, a report is made to the CCYP. Through the ER Unit, she should seek advice from the CCYP regarding the conduct of an investigation of a reportable allegation.

Scenario 14

Later that day, Maria receives a telephone call from a relative of a staff member. The relative informs her that the staff member has an alcohol addiction and is physically violent to children in the family, which has caused them physical injuries.

Is this allegation reportable?

Yes. The allegation is one of physical violence by an employee against, with or in the presence of a child without lawful reason, which has the ability to cause injury or harm to the child.

What should the principal do?

Maria should thank the relative for bringing the matter to her attention. She should also make a written record of the discussion.

Given the potentially criminal nature of the allegation, Maria should contact Victoria Police.

She should then contact the ER Unit to seek advice and support, and notify the head of entity. With the authorisation of the head of entity, the ER Unit will report the matter to the CCYP. With the assistance of the ER Unit, Maria should conduct a risk assessment and make arrangements for the allegation to be investigated once police clearance is given for such an investigation to be conducted.

10. Further information

Who can be contacted for further assistance or information?

Employee Relations Unit (ER Unit)

Catholic Education Melbourne

228 Victoria Parade

EAST MELBOURNE VIC 3002

Phone: (03) 9267 0431

Website: www.cecv.catholic.edu.au

Learning Diversity Team

Catholic Education Melbourne

228 Victoria Parade

EAST MELBOURNE VIC 3002

Phone: (03) 9267 0228

Student Wellbeing Team

Catholic Education Melbourne

228 Victoria Parade

EAST MELBOURNE VIC 3002

Phone: (03) 9267 0228

Professional Standards Unit (regarding parish employees only)

Catholic Archdiocese of Melbourne

486 Albert Street

EAST MELBOURNE VIC 3002

Phone: (03) 9926 5621

What are some other useful resources?

The [Victorian Catholic Education Multi-Enterprise Agreement 2018](#) available from the Employee Relations section of the CECV website.

The Commission for Children and Young People's information sheets and other resources available from the CCYP website <https://ccyp.vic.gov.au>:

- [Information sheet 1](#): About the Victorian Reportable Conduct Scheme
- [Information sheet 2](#): What is reportable conduct under the Reportable Conduct Scheme?
- [Information sheet 3](#): Responsibilities of the head of an organisation
- [Information sheet 4](#): Investigation overview
- [Information sheet 5](#): Other reporting obligations
- [Information sheet 6](#): Child Safe Standards and Reportable Conduct Scheme
- [Information sheet 7](#): Reporting to the Commission
- [Information sheet 8](#): Investigation findings
- [Information sheet 9](#): Sexual misconduct under the Reportable Conduct Scheme
- [Information sheet 10](#): Physical violence under the Reportable Conduct Scheme
- [Information sheet 11](#): Significant neglect under the Reportable Conduct Scheme
- [Information sheet 12](#): Reportable Conduct Scheme – Historical allegations
- [Information sheet 13](#): Workers and volunteers and the Reportable Conduct Scheme
- [Information sheet 14](#): Commission's own motion investigations under the Reportable Conduct Scheme
- [Reportable Conduct Scheme information sheet: Frequently asked questions.](#)

The Department of Education and Training's PROTECT resources available from www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx.

Endnotes

¹ CCYP 2018, 'Information sheet 1: About the Victorian Reportable Conduct Scheme', accessed 17 July 2019 <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/AboutRCS120718.pdf>.

² CCYP, 'About the Reportable Conduct Scheme', accessed 17 July 2019 <https://ccyp.vic.gov.au/reportable-conduct-scheme/about-the-reportable-conduct-scheme/#TOC-3>.

³ CCYP 2018, 'Information sheet 2: What is reportable conduct under the Reportable Conduct Scheme?', accessed 17 July 2019 <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/FINALPDF-Information-Sheet-2-What-is-reportable-conduct-2.pdf>.

⁴ <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/FINALPDFv2Information-Sheet-9-Sexual-Misconduct.pdf>.

⁵ <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/FINALPDF-Information-Sheet-10-Physical-Violence.pdf>.

⁶ <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/FINALPDF-Information-Sheet-2-What-is-reportable-conduct-2.pdf>.

⁷ <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/Info-Sheet-11-Significant-Neglect-221018.pdf>.

⁸ CCYP 2018, 'Information sheet 1: About the Victorian Reportable Conduct Scheme', accessed 17 July 2019 <https://ccyp.vic.gov.au/assets/resources/RCSInfoSheetUpdates/AboutRCS120718.pdf>.

⁹ CCYP 2017, 'Information sheet 4: Investigation overview', accessed 17 July 2019 <https://ccyp.vic.gov.au/assets/resources/Investigation-overview.pdf>.

¹⁰ NSW Ombudsman 2017, 'Making a finding of Reportable Conduct', accessed 31 January 2018 https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0011/41033/FS13-CP-Making-a-Finding-of-Reportable-Conduct-170523.pdf.

¹¹ *Briginshaw v Briginshaw* (1938) 60 CLR 336.

¹² *Sullivan v Civil Aviation Safety Authority* [2014] FCAFC 93 at 111.

¹³ CCYP 2018, 'Information sheet 8: Investigation findings', accessed 18 July 2019 <https://ccyp.vic.gov.au/assets/resources/Investigation-findings.pdf>.

Appendix 1 – Template record of reported issue

Record of Issue	
Name:	Date: Time:
What has happened?	
Who is the child or young person involved? <i>(Note: There may be more than one; they may not be a student.)</i>	
Who is the adult involved?	
When did this happen? <i>(Specify date and time.)</i>	
Where did this happen?	
Who told you this?	
What did the person say? <i>(Use their words as far as possible.)</i>	
Was anyone else present when you saw/were told this?	
Include other details	
Explain any documents	

[Download Record of Reported Issue template](#)

Appendix 2 – Risk assessment tool

Reportable Conduct Risk Assessment

Case Reference: _____ ER Advisor: _____

Stage of Risk Assessment

<input type="checkbox"/> Initial	<input type="checkbox"/> Ongoing	<input type="checkbox"/> Final
----------------------------------	----------------------------------	--------------------------------

Consultation

Risk assessment completed in consultation with:		
<input type="checkbox"/> Principal	<input type="checkbox"/> Deputy Principal	<input type="checkbox"/> Manager, Employee Relations
<input type="checkbox"/> Student Wellbeing	<input type="checkbox"/> ER Advisor (specify name): _____	
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Employer (specify): _____	
<input type="checkbox"/> Diocese (specify): _____	<input type="checkbox"/> Other (specify): _____	

Person Subject of the Allegation

Name:	Date of birth: / /		
Former name:	Preferred name:		
Gender:	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Other
Engagement:	<input type="checkbox"/> Employee	<input type="checkbox"/> Volunteer	<input type="checkbox"/> Contractor
Employee position:	<input type="checkbox"/> Principal	<input type="checkbox"/> Deputy Principal	<input type="checkbox"/> Learning Support Officer
	<input type="checkbox"/> Teacher	<input type="checkbox"/> Other (specify): _____	
School name:			
Diocese:	<input type="checkbox"/> Ballarat	<input type="checkbox"/> Melbourne	<input type="checkbox"/> Sale <input type="checkbox"/> Sandhurst

Allegation Details

Date of alleged incident:	Time of alleged incident:
Description of allegation:	

Victim/s

Child 1 *(duplicate if more victims)*

Name:	Date of birth: / /		
Gender:	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Other
Disability/special needs:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<i>If yes, provide details:</i>			

Employer Details

Employer name:	Contact number:		
Employer:	<input type="checkbox"/> Parish Priest	<input type="checkbox"/> Canonical Administrator	
	<input type="checkbox"/> Incorporated association	<input type="checkbox"/> Company	

Step 1: Identify and Assess the Risk

The table below should be used to identify present risks to the victim, other children, the person subject of the allegation, other employees and the school, as well as in relation to any investigation and employment-related issues. Tick all relevant boxes where risk is present and, using the [risk matrix](#) below, record the highest level of risk present for each section (low, medium, high or extreme).

Victim	Risk level: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Extreme <input type="checkbox"/> n/a		
<input type="checkbox"/> Physical violence	<input type="checkbox"/> Sexual offence	<input type="checkbox"/> Sexual misconduct	
<input type="checkbox"/> Significant neglect	<input type="checkbox"/> Significant emotional/psychological harm		
<i>Detail risks to victim:</i>			
Other children	Risk level: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Extreme <input type="checkbox"/> n/a		
<input type="checkbox"/> Physical violence	<input type="checkbox"/> Sexual offence	<input type="checkbox"/> Sexual misconduct	
<input type="checkbox"/> Significant neglect	<input type="checkbox"/> Significant emotional/psychological harm		
<i>Detail risks to other children:</i>			
Person subject of the allegation (PSOA)	Risk level: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Extreme <input type="checkbox"/> n/a		
<input type="checkbox"/> Psychological health	<input type="checkbox"/> Performance/career	<input type="checkbox"/> Relationships (family, peers)	
<i>Detail risks to PSOA:</i>			
Other employees	Risk level: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Extreme <input type="checkbox"/> n/a		
<input type="checkbox"/> Psychological health	<input type="checkbox"/> Relationship with PSOA	<input type="checkbox"/> Potential workload	
<i>Detail risks to other employees:</i>			
School	Risk level: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Extreme <input type="checkbox"/> n/a		
<input type="checkbox"/> Media attention	<input type="checkbox"/> Possible legal action	<input type="checkbox"/> Termination/suspension of PSOA	
<input type="checkbox"/> Negative community response/ reaction	<input type="checkbox"/> Liability (re: duty of care to students)	<input type="checkbox"/> Application for workers compensation	
<i>Detail risks to school:</i>			
Investigation	Risk level: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Extreme <input type="checkbox"/> n/a		
<input type="checkbox"/> Media attention	<input type="checkbox"/> Application for workers compensation	<input type="checkbox"/> Possible legal action	
<input type="checkbox"/> Psychological health (employees)	<input type="checkbox"/> Psychological health (victim)		
<i>Detail risks to investigation:</i>			
Employment-related issues	Risk level: <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Extreme <input type="checkbox"/> n/a		
<input type="checkbox"/> Level of supervision of employees	<input type="checkbox"/> Support available for employees	<input type="checkbox"/> Disciplinary history	
<input type="checkbox"/> Performance/career	<input type="checkbox"/> Other risks (specify)		
<i>Detail risks to employment-related issues:</i>			

Risk Matrix

Consequence	Description	Likelihood	Description
Negligible	No harm or injury	Very unlikely	Will only occur in exceptional circumstances
Minor	Little harm or injury	Unlikely	Not likely to occur in normal circumstances
Moderate	Some harm or injury	Possible	May occur at some time
Significant	Serious harm or injury	Likely	Expected to occur at some time
Severe	Severe harm or injury	Very likely	Expected to occur regularly under normal circumstances

	Negligible	Minor	Moderate	Significant	Severe
Very likely	Medium	High	Extreme	Extreme	Extreme
Likely	Medium	Medium	High	Extreme	Extreme
Possible	Low	Medium	Medium	High	Extreme
Unlikely	Low	Low	Medium	Medium	High
Very unlikely	Low	Low	Low	Medium	Medium

Step 2: Recommendations

Based on the level of risk identified, determine the appropriate recommendation for both the victim and person subject of the allegation.

Complete both sections for the victim and the person subject of the allegation and, if no action is taken, include reasons why no action is being recommended.

Victim	Person subject of the allegation
No action <i>(Provide specific details and reasons why no action is recommended):</i>	No action <i>(Provide specific details and reasons why no action is recommended):</i>
<input type="checkbox"/> Referred to diocesan Student Wellbeing <input type="checkbox"/> Offered counselling <input type="checkbox"/> Changed class <input type="checkbox"/> PSOA removed from school <input type="checkbox"/> Increased supervision of PSOA <input type="checkbox"/> Other (specify) <i>Provide specific details and reasons why this action is recommended:</i>	<input type="checkbox"/> Increased supervision <input type="checkbox"/> Offered counselling <input type="checkbox"/> Restricted current duties <input type="checkbox"/> Transferred to alternative duties <input type="checkbox"/> Transferred to a different class <input type="checkbox"/> Suspended on full pay <input type="checkbox"/> Suspended without pay <input type="checkbox"/> Not re-engaged <input type="checkbox"/> Not relevant as matter is finalised <i>Provide specific details and reasons why this action is recommended:</i>

Completed By

Name:	Position:
Signature:	Date:

[Download](#) the Risk Assessment tool

Appendix 3 – Useful contact numbers

Organisation/Department	Contact
Catholic Education Melbourne Employee Relations Unit	(03) 9267 0431
Catholic Education Melbourne Learning Diversity Team	(03) 9267 0228
Catholic Education Melbourne Student Wellbeing Team	(03) 9267 0228
Catholic Archdiocese of Melbourne Professional Standards Unit (regarding parish employees only)	(03) 9926 5621
Victoria Police	Emergency 000 Your local police station _____
Department of Health and Human Services – Child Protection	North Division 1300 664 977 South Division 1300 655 795 East Division 1300 360 391 West Division (rural) 1800 075 599 West Division (metro) 1300 664 977 After hours, weekends, public holidays 13 12 78
Commission for Children and Young People	General enquiries 1300 782 978 Child Safe Standards and Reportable Conduct Scheme (03) 8601 5281
Victorian Institute of Teaching	Principal hotline 1300 650 375
AccessEAP (for school staff)	1800 818 728 (24-hour service)
Converge International (for school principals)	1300 687 327 (24-hour service)