THE KING DAVID SCHOOL

REPORTABLE CONDUCT POLICY

POLICY TITLE: REPORTABLE CONDUCT POLICY

DEVELOPED/REVIEWED BY

Senior Leadership Team
Human Resources Manager
Governance Committee

REVIEW SUMMARY

The King David School is committed to providing a safe environment for all children, students, and young people, and takes active steps to protect them from neglect and abuse. Our school and governing body maintain a comprehensive suite of child protection strategies, embedded in the Child Safe Standards, and acknowledge our responsibility to report any misconduct by an employee, volunteer or contractor to the Social Services Regulator (SSR).

As of 1 July 2017, the Victorian Government legislated for the introduction of a Reportable Conduct Scheme (RCS) to improve how organisations respond to allegations of child abuse and child-related misconduct by employees, volunteers, and contractors.

DOCUMENT DEVELOPMENT PROCESS

This document was first developed by Vice Principal - Wellbeing, David Opat, and Human Resources Manager, Sarah Egan, in May 2024 for the purpose of making clear the responsibilities of all School staff members to report any misconduct by an employee, volunteer or contractor to the Principal of The King David School for further reporting to the Social Services Regulator (SSR).

RATIONALE

The Social Services Regulator (SSR) is focused on employee, volunteer and contractor conduct and how organisations investigate and respond to suspected child abuse. The RCS aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children, but do not have a criminal record.

The RCS applies to The King David School and other organisations which are required to meet the Child Safe Standards.

The Principal must ensure that The King David School maintains systems that:

- prevent reportable conduct by employees of the School within the course of their employment
- ensure reportable allegations are made to the Principal or the School Council President, via the Chief Finance and Operations Officer if the reportable allegation concerns the Principal
- ensure reportable allegations that involve employees are notified to the SSR and responded to in accordance with the requirements of the RCS.

DEFINITIONS

child/young person	Under the *Child Wellbeing and Safety Act 2005 (Vic.)* for the purpose of the Reportable Conduct Scheme, a child is defined as any person under the age of 18 years.

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young adult	A person from 18 – 22 years of age.
employee	For the purposes of the *Child Wellbeing and Safety Act 2005* (Vic.), employee is defined as a person aged 18 years or over who is either: ● employed by the School whether or not that person is employed in connection with any work or activities of the school that relate to children ● engaged by the School to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children.
mandatory reporting	Is the term used to describe the legislative requirement imposed on selected classes of people to report suspected cases of child abuse and neglect to government authorities. Where a mandated reporter forms a belief on reasonable grounds that a student or young person is in need of protection from physical injury or sexual abuse, they are to report their concerns to the Department of Families, Fairness and Housing (DFFH) Child Protection.
reportable allegation	Any information that leads a person to form a reasonable belief that an employee has committed either: ● reportable conduct, or ● misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.
reportable conduct	Means: ● a sexual offence committed against, with or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded ● 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

PRINCIPLES/GUIDING PRINCIPLES

This Policy applies to all employees of The King David School and requires them to report allegations of reportable conduct to the Principal who must then notify the Social Services Regulator (SSR). Allegations that concern the Principal can be referred to the School Council President, via the Chief Finance and Operations Officer.

PROCEDURES

The Reportable Conduct Scheme (the scheme) is a child safety mechanism established under the *Child Wellbeing and Safety Act 2005 (Vic.)* to improve how organisations respond to allegations of child abuse and child-related misconduct. The scheme complements the Victorian Child Safe Standards and the School's existing child safety measures.

Scope and Reportable Conduct Definitions

There is an allegation of reportable conduct under the scheme where a person has formed a reasonable belief that an employee, volunteer, or contractor has committed:

- 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

Note: A reasonable belief is more than suspicion—there must be an objective basis for the belief, such as direct observation, a report from a child, or credible information from a witness. It does not require absolute proof or certainty.

Internal Reporting Requirements

All employees, volunteers, contractors, and community members must report allegations through internal leadership pathways immediately:

- Standard Allegations: Any person who forms a reasonable belief of reportable conduct must report the allegation to the Principal or a member of the Senior Leadership Team.
- Allegations Involving the Principal: Where an allegation involves the Principal, the report must be made to the School Council President via the Chief Finance and Operations Officer.
- Allegations Involving the School Council President: Where an allegation involves the School Council President, the report must be made to the School Council Vice President.

Statutory Reporting to the Regulator (SSR)

The Principal (or Chief Finance and Operations Officer / School Council President if the allegation concerns the Principal) holds direct statutory responsibility under the *Child Wellbeing and Safety Act 2005 (Vic.)* to:

- Assess reportable allegations and notify the Social Services Regulator (SSR) within three business days of becoming aware of the allegation.
- Manage or facilitate an appropriate investigation into the matter and submit ongoing reporting milestones and investigation findings to the SSR.

Concurrent Reporting Obligations

The Reportable Conduct Scheme operates alongside existing reporting duties and does not replace them:

- Victoria Police: Principals or leaders must contact Victoria Police as a first priority if they suspect a criminal offence has occurred. Any police investigation takes precedence over the School's internal reportable conduct investigation.
- DFFH Child Protection (Mandatory Reporting): Mandated reporters must continue to fulfill statutory reporting duties to the Department of Families, Fairness and Housing (DFFH) Child Protection where there is reasonable belief that a child is in need of protection.
- Victorian Institute of Teaching (VIT): Where an allegation involves a registered teacher, the Principal must ensure notifications are made to the VIT in accordance with statutory obligations.

Reportable conduct, mandatory reporting, and reporting to the VIT

Reportable conduct allegations as listed above are referred to the SSR.

Any alleged conduct that is regarded to be of a criminal nature is to be dealt with as mandatory reporting and referred to Victoria Police and the DFFH as per the College Reportable Conduct Policy and Mandatory Reporting Policy.

If an employee against whom an allegation of reportable conduct is made is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the School must notify the Victorian Institute of Teaching (VIT) immediately under conduct that is reportable to the VIT.

Responsibilities of the Principal

Note: *Principals must comply with Ministerial Order No. 1359 and the PROTECT reporting obligations, which are in addition to the reporting requirements to the SSR under the RCS.*

The Principal is ultimately responsible for notification of any reportable allegation to the SSR and for ensuring that a reportable allegation is investigated.

However, it is the responsibility of the Principal (or for allegations against a Principal, the Chief Finance and Operations Officer or School Council President) to ensure that all reportable allegations are taken

seriously and referred to the SSR as soon as they become aware of them, and to respond appropriately. This will usually include investigating or facilitating the conduct of an investigation.

Note: *King David School staff members are not required to make a report directly to the SSR; this is the responsibility of the School Principal. However, any person with a concern (including a staff member who wishes to remain anonymous, students, parents and/or other members of the community) may notify the SSR directly of a reportable allegation via a community notification on the website.*

In the event of a reportable allegation against the Principal, this must be reported to the School Council President.

Principals (and other leaders as appropriate) must also facilitate any requests for information or documentation from Victoria Police or a regulator in the course of an investigation to ensure compliance with the RCS and the law.

Reporting Milestones and Requirements to the SSR

Upon becoming aware of a reportable allegation against an employee, volunteer, or contractor, the Principal (or Chief Finance and Operations Officer / School Council President where relevant) must ensure the following statutory reporting milestones and information submissions to the SSR are completed:

- **Initial Notification (Within 3 Business Days):** Submit an initial report to the SSR providing the School's contact details, the name and date of birth of the subject of the allegation, initial advice on the nature of the alleged conduct, and details/copies of any report made to Victoria Police.
- **Investigation Information (As Soon as Practicable):** Notify the SSR of the name and contact details of the designated investigator undertaking the investigation into the reportable allegation.
- **Detailed Update (Within 30 Calendar Days):** Provide the SSR with detailed advice regarding the progress of the investigation, the School's operational response, proposed disciplinary or administrative actions, and any written responses submitted by the employee, volunteer, or contractor regarding the allegation or proposed actions.
- **Final Investigation Outcomes:** Provide the SSR with copies of the final investigation findings, final decisions regarding disciplinary or operational action, and full reasons for taking or not taking action.
- **Additional Information:** Promptly supply any further information, documentation, or clarification requested by the SSR throughout the process.

Investigating reportable allegations

The King David School will ensure procedural fairness throughout the entire investigation process.

Note: *It is anticipated that any investigations will be undertaken by the Principal or the School Council President in conjunction with the Chief Finance and Operations Officer, (in the case of an allegation against the Principal).*

The Principal will ensure that all other School-based policies and procedures (including Codes of Conduct, processes for managing and investigating complaints, misconduct, discipline, grievances, dispute resolution, and employee welfare and support), as well as any SSR and other regulatory guidance, are considered to guide the investigation.

In all cases, before any findings are made or disciplinary action is taken, the subject of an allegation will be:

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

The Principal or School Council President in conjunction with the Chief Finance and Operations Officer (for allegations against the Principal) will determine when the subject of the reportable allegation should be first told about an allegation, in order to ensure that any police investigation is not prejudiced; child safety risks are appropriately assessed and mitigated; and the investigation is not compromised, but remains procedurally fair.

At the conclusion of the investigation, the Principal will make a decision on the reportable conduct findings recommended in the Investigation Report.

If the alleged conduct is potentially criminal in nature, Victoria Police must also be notified as a first priority and any investigation by Victoria Police will take precedence.

Recordkeeping and the Privacy Act

The School maintains records of reportable allegations, written reports, and reportable conduct investigation findings indefinitely.

The School must not publish information that would enable the identification of:

- a person who notified the SSR
- a child in relation to whom a reportable allegation was made or a finding of reportable conduct was made

The *Privacy Act 1988* (Cth) provides more information on the meaning of publish, which includes making the information publicly available in writing or email.

The School maintains all records in accordance with the Public Record Office Victoria Recordkeeping Standards.

RESPONSIBILITY

- Principal
- All mandated reporters
- All King David School Staff

RELATED LEGISLATION

- Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic.)
- Child Wellbeing and Safety Act 2005 (Vic.)
- Children, Youth and Families Act 2005 (Vic.)
- Public Records Act 1973 (Vic.)
- Privacy Act 1988 (Cth.)

RELATED POLICIES

- Child Safety and Wellbeing Policy
- Mandatory Reporting Policy
- Positive Behaviours Policy
- School Complaints Handling Policy

RELATED DOCUMENTS

- Safeguarding Children and Young People Code of Conduct
- Staff and Student Professional Boundaries
- Protect: Identifying and Responding to Abuse Reporting Obligations
- Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

NEXT REVIEW

October 2028