



REPORTABLE CONDUCT SCHEME POLICY

1. INTRODUCTION

The protection of children and young persons is the responsibility of everyone who works at **Sunnyside Kindergarten Association, Inc.** including its staff, contractors, parents and volunteers. We all share responsibility for promoting the wellbeing and safety of children.

The Reportable Conduct Scheme ('**the Scheme**') is administered by the Commission for Children and Young People ('**The Commission**') and is established under the *Child Wellbeing and Safety Act 2005* (Vic). The Scheme provides for the reporting to the Commission of allegations of reportable conduct, or misconduct that may involve reportable conduct, committed by employees (including volunteers, contractors and office holders) within or connected to **Sunnyside Kindergarten Association, Inc.**

Sunnyside Kindergarten Association, Inc. is an entity to which the Scheme applies. The Nominated Supervisor and the President of the Approved Provider are accountable for compliance by the kindergarten and by staff with the requirements of the Scheme.

2. CHILD SAFETY OFFICERS

The Approved Provider has appointed two Child Safety Officers in relation to this Scheme. The Child Safety Officers are:

- the Educational Leader; and
- the DET Policies and Procedures Committee Member (Policies and Procedures)

3. PURPOSE

The purpose of this policy is to ensure that **Sunnyside Kindergarten Association, Inc.** complies with its obligations under the Reportable Conduct Scheme.

The Approved Provider is responsible for ensuring compliance by **Sunnyside Kindergarten Association, Inc.** with its obligations under the Reportable Conduct Scheme. In particular, the Approved Provider will ensure that **Sunnyside Kindergarten Association, Inc.** has in place:

- a system for preventing the commission of reportable conduct by an employee of the kindergarten within the course of his or her employment;
- a system for enabling any person, including employees of the kindergarten, to notify a Child Safety Officer of a reportable allegation of which the person becomes aware, or to notify the President of the Approved Provider of an allegation involving the Nominated Supervisor and/or Child Safety Officer;
- a system for investigating and responding to a reportable allegation against an employee of the kindergarten.

Everyone involved in **Sunnyside Kindergarten Association, Inc.** has a role to play, and may disclose an allegation of reportable conduct involving an employee to the Commission or to the Child Safety Officer.

4. REPORTABLE CONDUCT

What is reportable conduct?

An allegation of reportable conduct means any information that leads a person to form a 'reasonable belief' that a staff member has committed reportable conduct or misconduct that may involve reportable conduct.

This includes information about something that is alleged to have occurred outside the course of the person's employment or engagement with **Sunnyside Kindergarten Association, Inc.**, and whether or not the staff member has direct contact with children as part of their employment or engagement with **Sunnyside Kindergarten Association, Inc.**

There is an allegation of 'reportable conduct' where a person has a 'reasonable belief' that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child, or
- behaviour causing significant emotional or psychological harm, or
- significant neglect of a child, or
- 'misconduct' involving any of the above.

The scope of 'reportable conduct' is wide and is not limited to criminal conduct. That means, reportable conduct includes sexual offences, grooming, 'sexting', as well as inappropriate physical contact or sexualised behaviour with a child.

What is a 'reasonable belief'?

A reasonable belief is a belief based on facts that would lead a reasonable person to think that reportable conduct *may* have occurred.

A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it does not require certainty. For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves
- heard from a child that the conduct occurred
- received information from another source (including another person who witnessed the reportable conduct or misconduct).

The Child Safety Officers or any member of the Approved Provider does not need to share the person's reasonable belief regarding the allegation.

However, they do not need to notify the Commission about the allegation if it is plainly wrong or had no basis at all in reality.

5. REPORTABLE ALLEGATION

Any person who has any information that leads him/her to form a reasonable belief that an employee of **Sunnyside Kindergarten Association, Inc.** has committed:

- (a) reportable conduct; or
- (b) misconduct that may involve reportable conduct, is encouraged to report such information as soon as practicable, and where possible immediately, to a Child Safety Officer:

- in writing addressed to a Child Safety Officer in a sealed envelope marked 'Private and Confidential' and delivered to the kindergarten's office
- in writing sent by post in an envelope marked 'Private and Confidential' and addressed to:

Child Safety Officer
Sunnyside Kindergarten
5 Cooina Place
EAST MALVERN VIC 3145

- by email marked / titled – 'Reportable Conduct' – sent to – det@sunnysidekindergarten.org.au

If the person has information of a reportable allegation involving the Nominated Supervisor, the person may directly notify the President of the Approved Provider:

- in writing addressed to the President of **Sunnyside Kindergarten Association, Inc.** in a sealed envelope marked 'Private and Confidential' and delivered to the kindergarten office
- in writing sent by post in an envelope marked 'Private and Confidential' and addressed to:

President
Sunnyside Kindergarten
5 Cooina Place
EAST MALVERN VIC 3145

A report may also be made directly to the Commission at:

Commission for Children and Young People
Level 18 570 Bourke Street
Melbourne Victoria 3000

Telephone: (03) 8601 5281

Email: childsafestandards@ccyp.vic.gov.au

A report may be made whether or not the conduct or misconduct is alleged to have occurred within the course of the employee's employment with **Sunnyside Kindergarten Association, Inc.**

6. PREVENTING REPORTABLE CONDUCT FROM OCCURRING

Sunnyside Kindergarten Association, Inc. has policies and practices that take a preventative approach to keeping children safe, and for the early identification and response to risks of child abuse in the kindergarten's physical and online environment. Such policies and practices include:

Commitment to Child Safety Code of Conduct

Commitment to a Child Safe Standard

Child Safe Environment Policy

Supervision of Children Policy

7. PROCEDURES FOR RESPONDING TO AND REPORTING SUSPECTED CHILD ABUSE

Sunnyside Kindergarten Association, Inc. has procedures for responding to and reporting suspected abuse of a child currently in its care. **Sunnyside Kindergarten Association, Inc.** also has practices and programs that support, encourage and enable kindergarten staff, parents and children to understand, identify, discuss and report child safety matters. Such policies and practices include:

- Child Safe Environment Policy
- Complaints and Grievances Policy
- Code of Conduct Policy

8. REPORTABLE ALLEGATION INVESTIGATION

As soon as practicable after becoming aware of a reportable allegation against an employee, the Child Safety Officer will notify the President of the Approved Provider of the reportable allegation.

Following notification to the President of the Approved Provider, the President will commence an investigation into the reportable allegation, which may include appointing an independent investigator. Depending on the nature of the allegation, the President of the Approved Provider and/or the Child Safety Officer on the

approval of the President may follow the processes set out in the other kindergarten policies noted above.

Generally, the person appointed to conduct the investigation will decide on the appropriate process for the investigation, taking into account the principles of natural justice, and will advise the parties of such matters.

The investigator will, as soon as practicable:

- conduct an investigation into the allegation;
- conduct interviews of relevant persons and seek any further information he/she deems necessary;
- provide to the President of the Approved Provider a confidential report of his/her findings in relation to the allegation against the employee; and
- if requested, make recommendations about what disciplinary or other action should be taken (if any).

The President of the Approved Provider will consider the findings, and recommendations if any, and determine what further action, if any, to take in relation to the allegations.

If an allegation involves a possible criminal offence, the President will first obtain clearance from Victoria Police before beginning an investigation.

9. RESPONSIBILITIES OF THE PRESIDENT

The President of the Approved Provider is responsible for notifying the Commission of a reportable allegation in line with the Reportable Conduct Scheme and for investigating such allegations and providing the findings to the Commission.

If the President of the Approved Provider becomes aware of a reportable allegation against an employee of **Sunnyside Kindergarten Association, Inc.** he or she will notify the Commission in writing of the following:

Within 3 business days after becoming aware of the allegation	<ul style="list-style-type: none">• the name and date of birth (if known) of the employee involved• whether Victoria Police has been contacted• contact details for the kindergarten and the President
As soon as practicable and within 30 calendar days	<ul style="list-style-type: none">• details of the allegation• details of the kindergarten's response to the allegation• reasons for whether or not any disciplinary or other action is proposed

	<ul style="list-style-type: none"> any written response from the employee concerning the allegation that the employee wished to have considered in determining what, if any, disciplinary or other action should be taken
Advice on investigation – as soon as practicable	Name of investigator
Outcomes of investigation – as soon as practicable	<ul style="list-style-type: none"> a copy of the findings and reasons for the findings details of any disciplinary or other action that the President proposes to take reasons for taking or not taking any disciplinary or other action
Additional documents and information	<ul style="list-style-type: none"> any information or documents relating to the allegation or an investigation that the Commission may request.

10. OTHER LEGAL REQUIREMENTS

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police without reasonable excuse is a criminal offence.

It is a criminal offence to fail to protect a child under the age of 16 from a risk of sexual abuse. The offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

The Scheme does not change mandatory reporting or other reporting responsibilities imposed by law on certain professionals and community members, such as persons registered to teach or granted permission to teach under the *Education and Training Reform Act 2006* (Vic). Further information about mandatory reporting can be found in the *Children, Youth and Families Act 2005* (Vic).

The *Charter of Human Rights and Responsibilities Act 2006* (Vic) provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child (section 17(2)).

11. COMMUNICATION

The kindergarten community will be informed about this policy. It will be publicly available. It will be available on the kindergarten's website and communicated in the kindergarten's newsletters, personnel induction programs and during recruitment and enrolment processes for staff, contractors and volunteers.

All Committee members, staff, volunteers and contractors of **Sunnyside Kindergarten Association, Inc.** will be made aware of this policy and the kindergarten's commitment to child safety.

12. DEFINITIONS

Child	A child is an individual who is under the age of 18 years.
Employee	For the purpose of this policy, an employee is a person of or over the age of 18 years who is: (a) an employee of Sunnyside Kindergarten Association, Inc. , whether or not the person is employed in connection with any work or activities of Sunnyside Kindergarten Association, Inc. that relate to children; (b) engaged by Sunnyside Kindergarten Association, Inc. to provide services, including as a volunteer, contractor, office-holder or officer, whether or not the person provides services to children.
Reportable conduct	Reportable conduct means: (a) 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; (b) sexual misconduct committed against, with or in the presence of, a child; (c) physical violence committed against, with or in the presence of, a child; (d) any behaviour that causes significant emotional or psychological harm to a child; or

	(e) significant neglect of a child.
Sexual misconduct	Sexual misconduct includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism.

13. POLICY REVIEW

This policy will be reviewed annually or more often as circumstances require.

Relevant legislation:

- *Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)*
- *Child Wellbeing and Safety Act 2005 (Vic)*
- *Commission for Children and Young People Act 2012 (Vic)*

AUTHORISATION

This policy was adopted by the Approved Provider of **Sunnyside Kindergarten Association, Inc.** on **26 January 2021**.

REVIEW DATE: 25 JANUARY 2022