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Reportable Conduct Scheme Policy

1. Objective

The Victorian Reportable Conduct Scheme (the Scheme) seeks to improve organisation responses to allegations of child abuse and neglect by employees, volunteers and contractors. The Scheme is established under the *Child Wellbeing and Safety Act 2005* (Vic).

bestchance is committed to the protection of children from harm, abuse and exploitation and has a legal, moral and ethical duty of care to ensure the safety and security of all children who participate in our programs. This includes taking all reasonable steps to prevent or respond to emotional, physical and sexual abuse and neglect.

This policy supports the organisation's commitment to zero tolerance of child abuse.

2. Scope

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

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

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

This policy takes into account the diversity of all children, including but not limited to:

- Aboriginal and Torres Strait Islander children.
- Children from linguistically diverse backgrounds.
- Children with a disability and children who are vulnerable.

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

3. Context and Guiding Principles

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

This policy should be read concurrently with the following:

- Reportable Conduct Scheme Procedure
- Child Safety and Wellbeing Policy
- Commitment to Child Safety and Wellbeing
- Code of Conduct

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4. Definitions

Term	Definition
Behaviour that causes significant Emotional or Psychological Harm	<p>You should consider each allegation carefully, keeping in mind the context in which the behaviour occurred and the child's circumstances. To be reportable under this category:</p> <ul style="list-style-type: none"> • The allegation must concern the worker's or volunteer's behaviour • There must be a clear link between the worker's or volunteer's alleged behaviour and the harm suffered by the child • The harm must be significant <p>A child can be significantly emotionally or psychologically harmed by behaviour such as sexual offences, sexual misconduct, physical violence and significant neglect. However, other types of behaviour can cause significant emotional and psychological harm to a child. For example, severe or sustained instances of:</p> <ul style="list-style-type: none"> • verbal abuse • coercive or manipulative behaviour • hostility towards or rejection of a child • humiliation, belittling or scapegoating
Child	Any person under the age of 18 years.
Code of Conduct	Set of rules or practices that establishes a standard of behaviour to be followed by individuals and organisations. A Code of Conduct defines how individuals should behave (<i>refer to Child Safety and Wellbeing Code of Conduct and the People Principles Code of Conduct</i>).
Disclosure	In the context of this policy, disclosure refers to a statement that a child or young person makes to another person that describes or reveals abuse.
Duty of Care	Duty of care is a requirement that a person or organisation act toward others with watchfulness, attention, caution and prudence that a reasonable person in the circumstances would. It is the duty of bestchance to protect children from all reasonably foreseeable risk of injury or harm.
Employee	<p>Under the Scheme, employee refers to:</p> <ul style="list-style-type: none"> • Workers, volunteers and contractors directly employed or engaged by the organisation • Labour hire workers • Secondees • Directors of Companies • Individual Business Owners
Head of Organisation	<p>The Head of Organisation (under the Scheme) is the Chief Executive Officer (CEO) or their Nominee, the General Manager Governance and Safety.</p> <p>Under the Scheme, the organisation is required to have systems in place to prevent reportable conduct and to enable all employees (refer definitions) to make reportable allegations.</p>
Mandatory Reporting	<p>The legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm. A broad range of professional groups are identified in the <i>Children, Youth and Families Act 2005</i> as 'Mandatory Reporters' including:</p> <ul style="list-style-type: none"> • All educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service or a children's service • All proprietors, nominees of a children's service, approved providers and nominated supervisors in an education and care service • Educators/teachers registered with the Victorian Institute of Teaching (VIT).

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Term	Definition
	<p>Mandated persons must make a report to Victorian Police and/or Child Protection as soon as it is practicable, if during the course of acting out their professional roles and responsibilities they form a belief on reasonable grounds (refer to definitions) that:</p> <ul style="list-style-type: none"> • A child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse (refer to definitions) and • The child's parents/guardians have not protected or are unlikely to protect the child from harm of that type. <p>Mandatory reporters must also follow processes for responding to incidents and discourse of suspicions of child abuse to fulfil their legal obligations.</p>
Physical Violence	<p>Physical violence includes an act that causes physical injury or pain such as:</p> <ul style="list-style-type: none"> • Hitting, kicking, punching • Pushing, shoving, grabbing, throwing, shaking • using an object to hit or strike • using inappropriate restraint/excessive force.
Reportable Allegation	<p>Any allegation that an employee (refer definitions) has committed child abuse/misconduct. If an allegation relates to an employee (refer definitions) who resigns or where the allegation occurs for conduct outside the workplace, a report and investigation is still required.</p>
Reportable Conduct Scheme	<p>The Scheme aims to improve oversight of how organisations respond to allegations of child abuse and child related misconduct by their workers and volunteers. There are five types of reportable conduct:</p> <ul style="list-style-type: none"> • Sexual offences committed against, with or in the presence of a child • Sexual misconduct committed against, with or in the presence of a child • Physical violence 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.
Sexual Offences	<p>In Victoria, it is an offence to engage in certain sexual behaviours against, with or in front of a child. Many of these behaviours are reportable under the Reportable Conduct Scheme such as:</p> <ul style="list-style-type: none"> • sexual assault • indecent acts • possession of child abuse material • 'grooming' a child in order to commit a sexual offence.
Sexual Misconduct	<p>Sexual misconduct captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal such as:</p> <ul style="list-style-type: none"> • developing an intimate relationship with a child, for example, through regular contact with the child without the knowledge or approval of the organisation's management • inappropriately discussing sex and/or sexuality with a child • other overtly sexual acts that could lead an organisation to take disciplinary or other action.
Significant Neglect	<p>Neglect occurs when a worker or volunteer does not meet their obligations and responsibilities to keep a child safe and well. Examples include:</p> <ul style="list-style-type: none"> • supervisory neglect, which is the absence or inattention of a worker or volunteer which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviour towards the child • physical neglect, which is the failure to provide basic physical necessities for a child such as adequate food, clothing and housing.

5. Policy

It is paramount that any concerns or allegations of Reportable Conduct be raised with the General Manager Governance and Safety (or nominee) prior to taking any action. To uphold this policy, bestchance is committed to the following:

Building a child safe culture

All employees (refer definitions) have a responsibility to supporting bestchance's commitment and obligation to creating a child safe environment.

Abiding by the Child Safety and Wellbeing Code of Conduct

All employees (refer definitions) must ensure that they, at all times, display appropriate standards of behaviour towards children and young people, ensuring that they are respected, they feel safe and protected and their concerns are taken seriously. The Child Safety and Wellbeing Code of Conduct outlines the accepted behaviours towards children and young people and mitigates opportunities for abuse or harm to occur.

Robust Recruitment and Selection Processes

bestchance has robust recruitment and selection processes. Recruitment practices include selection criteria which clearly demonstrate commitment to child safety to assist in ensuring the most appropriate people are selected and employed.

Selection processes include pre-screening activities to reflect an understanding of and a commitment to child safety.

All employees (refer definitions) are required to hold a current Working With Children Check (WWCC) (or equivalent such as VIT registration) at all times and to provide evidence of a valid check as required.

Reporting any child safety concern

All allegations of reportable conduct must be reported centrally to the Governance and Safety Team as soon as practical via quality@bestchance.org.au.

All employees (refer definitions) working in the Early Childhood Education and Care sector in Victoria are mandated to report to Victoria Police via 000:

- suspected, alleged or disclosed sexual abuse of a child
- suspected, alleged or disclosed physical abuse of a child

All adults (18 years and older) in Victoria are mandated to report to Victoria Police any suspected, alleged or disclosed sexual abuse of a child.

All employees (refer definitions) are required to report any reportable conduct committed by another employee (refer definitions) to the Governance and Safety Team immediately.

Reportable conduct includes:

- 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

6. Accountabilities

Employees

All employees (refer definitions) have a duty of care to report all allegations of reportable conduct to the General Manager Governance and Safety.

CEO

The Chief Executive Officer is the Head of Organisation (as defined by the Scheme) and their Nominee is the General Manager Governance and Safety. Both are responsible for ensuring the organisation is compliant with the Scheme and for notifying the Commission for Children and Young People of all allegations of reportable conduct.

General Manager Governance and Safety

The General Manager Governance and Safety will:

- Advise the Chief Executive Officer of all allegations
- Advise the General Manager People and Culture and any other relevant General Manager of any allegation
- Depending on the nature of the allegation, action may include temporary suspension of the person of the allegation, pending an internal investigation
- Report to Victoria Police, any incidents of Reportable Conduct (awaiting approval to conduct internal investigation)
- Conduct internal investigations
- Report any allegation to the Commission for Children and Young People within three days of being notified of the allegation
- Report all allegations to the Department of Education via NQAITS within the required time frame.

Child Safety Steering Group Representatives

Nominated Child Safety Steering Group Representatives are responsible for providing information and support to all employees (refer definitions) visitors, children and young people and their careers, regarding child safe/child protection matters.

Training and Supervision

To ensure a child safe culture, all staff and volunteers are required to:

- Implement and abide by all bestchance policies and procedures including:
 - Child Safety and Wellbeing
 - Child Protection
 - Reportable Conduct Scheme
 - Recruitment and Selection
- Complete the Department of Education Mandatory Reporting e-learning module on an annual basis
- Participate in in-house Child Safety training which includes how to identify, assess and minimise risks of child abuse and to detect potential signs of child abuse

Governance Arrangements

The Board and the CEO are responsible for ensuring all staff and volunteers abide by this policy.

The Head of School is responsible for ensuring all staff and volunteers within Cheshire School abide by this policy.

The General Manager Governance and Safety is responsible for reviewing the implementation of this policy via regular Self-Assessments across all programs and services.

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Review

The General Manager Governance and Safety is responsible for ensuring this policy is reviewed every 24 month and/or immediately after any serious child safety and wellbeing incident or legislative change.

7. Related Documents

Reportable Conduct Scheme Procedure
Child Safe Incident Form
Child Safety and Wellbeing Code of Conduct
Child Safety and Wellbeing – Commitment Statement
Child Safe Guide
Child Safety Training Action Plan
Building Culturally Safe Environments Action Plan
Child Safe Standards
National Principles for Child Safe Organisations
Commission for Children and Young People – Reportable Conduct Scheme Information Sheets

8. Relevant Legislation

Child Wellbeing and Safety Act 2005 (Vic)
Privacy and Data Protection Act 2014 (Vic)
Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)
Family Violence Protection Act 2008 (Vic)
Family Violence Protection (Information Sharing and Risk Management) Regulations 2018 (Vic)
Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)

9. Document Control

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	1.0	23/11/2022	Inaugural version Policy and Procedure combined
	1.1	27/02/2023	Cosmetic updates
	2.0	02/10/2024	Separate Policy and Procedure created with updated definition of employee