

SECTION 6..4.1: REPORTABLE CONDUCT SCHEME

The Australian Ballet School

RESPONSIBLE: Health and Wellbeing Committee (HWC)

VERSION 1 APPROVED BY THE BOARD: August 2022

LATEST VERSION: March 2024

REVIEW DATE: This policy will be reviewed after any significant child safety incident or at least every 2 years and improve where applicable or earlier depending on regulatory requirements.

DATA ACCESS LOCATION: Staff Portal, Student Portal, The Australian Ballet School website

1. OVERVIEW

The Australian Ballet School (School) is committed to the protection, safety and wellbeing of children in its care under its **Child Protection Program**. In line with its Code of Conduct, the School is committed to a culture of mutual respect, fairness, support and compliance with the law.

The Victorian Reportable Conduct Scheme (Scheme) was established by the *Child Wellbeing and Safety Act 2005* (Vic) (the Act) Part 5A. The Scheme works together with the Victorian Child Safe Standards (CSS) to ensure children are safe, while guiding an organisation's investigation of and response to an allegation of **Reportable Conduct** in the workplace.

The Commission for Children and Young People (Commission) is responsible for administering the Scheme. Its role includes:

- Supporting and guiding organisations to respond fairly, effectively, timely and appropriately to allegations;
- Independently overseeing, monitoring and, where appropriate, making recommendations to organisations in relation to the findings of investigations;
- Promoting improvement to policies and practices affecting the safety and wellbeing of Victorian children and young people.

The Scheme has been designed to ensure that the Commission will be aware of every **Reportable Allegation** involving children in organisations that exercise care, supervision and authority over children. The Commission may share relevant information with the Working with Children Check Unit, other regulators and Victoria Police.

2. PURPOSE

The purpose of this policy is to describe the School's responsibilities under its Child Protection Program.

Related Policies: This policy should be read in conjunction with Code of Conduct (2.1), Bullying Policy (5.1.1), Sexual Harassment Policy (5.1.3), Working with Children Check Policy (5.3.5) and Child Safe Policy (6.4).

3. DEFINITIONS

Alleged Perpetrator: refers to any person who is alleged to have committed any Reportable Conduct, including any **Board member, Staff Member, Contractor, Consultant, Volunteer**, work experience/internship or occupational placement student, or other position engaged by the School.

Child: any person under 18 years of age who is enrolled in any capacity at the School (including those undertaking casual/out-of-hours classes).

Child Protection Program: the School's program, policies and procedures that fulfil its obligations under the Scheme.

Child Safety Officer: this role is shared by The Director of the School (Director), the Executive Director, the Head of Boarding and the Health and Wellbeing Manager as the designated officers on the School staff who are required to have a thorough knowledge of child safe issues and are the primary point of contact for any member of the School Community who has any concerns relating to any allegation of Reportable Conduct.

Department of Families, Fairness and Housing (DFFH): the Victorian Government Department which is responsible for child protection, prevention of family violence, housing, disability, multicultural affairs, LGBTIQ+ equality, veterans and the offices for Women and Youth. DFFH Child Protection is tasked to investigate allegations that a child is at risk of significant harm.

Head of Organisation: the person who is primarily responsible for an organisation's compliance with the Scheme. The Director is the School's Head of Organisation. If the Director is unable to carry out this role, it is delegated to the Executive Director and if they are unavailable, to the Chair of the Board.

Independent Investigator: an independent body or person (who may be employed by the School at the time a Reportable Allegation is made), with appropriate qualifications, training and experience to investigate Reportable Allegations. They are responsible for gathering and assessing all relevant evidence connected to a Reportable Allegation. Any Staff Member appointed as an Independent Investigator must not have any identified conflict of interest in relation to the Reportable Allegation.

Investigation: A workplace investigation conducted by the School aimed at gathering and examining information to establish facts and make findings based on a **Reasonable Belief** in relation to a Reportable Allegation.

Mandatory Reporter: identified people and roles nominated under the *Children, Youth and Families Act 2005* (Vic) who have a legal obligation to report a Reasonable Belief of child physical or sexual abuse to government authorities. In Victoria, registered medical practitioners, nurses, registered teachers and early childhood teachers, school principals, school counsellors, registered psychologists, police officers, out of home care workers (excluding voluntary foster and kinship carers), early childhood workers, youth justice workers and people in religious ministry are Mandatory Reporters.

At the School and boarding premises, Marilyn Rowe House (MRH), the following Staff Members are Mandatory reporters:

- The Director;
- Executive Director;
- Health and Wellbeing Manager;
- Head of Boarding;
- Head of Music;
- Designated Board member;
- All Staff members of the boarding house (MRH)

Reasonable Belief: a belief based on facts that would lead a reasonable person to think that Reportable Conduct may have occurred. There must be an objective basis for the belief, but proof or certainty is not required. A reasonable belief may be based on observed conduct, direct information from a Child that relevant conduct has occurred or information concerning conduct received from a credible source.

Reportable Allegation: an allegation of **Reportable Conduct**.

Reportable Conduct: refers to the five types of conduct listed in the Act:

- Sexual offences (against, with or in the presence of a Child);
- Sexual misconduct (against, with or in the presence of a Child);
- Physical violence (against, with or in the presence of a Child);
- Behaviour that causes significant emotional or psychological harm;
- Significant neglect of a Child.

For the avoidance of doubt, conduct that is reportable under the Child Safe Standards Policy also constitutes Reportable Conduct under this policy

Respondent(s): a person(s) who is the subject of a Reportable Allegation.

4. WHO DOES THIS POLICY APPLY TO

This policy applies to Board members, Board Committee members, Staff Members, Volunteers, Contractors, Consultants, work experience/internship and vocational placement students or persons in other positions engaged by the School.

5. POLICY

The Child Safety Officer(s) is responsible for the day to day management of the Child Protection Program and in this role, reports to the Head of Organisation-

The Head of the Organisation is ultimately responsible for the School's compliance with the Scheme.

The Scheme imposes specific obligations and timeframes with respect to Reportable Conduct. The Head of Organisation must ensure that:

- In accordance with the Scheme, the School has systems in place which are designed, as far as possible, to prevent Reportable Conduct;
- The Commission is notified when any Reportable Allegation is made or any Reportable Conduct occurs;
- The Commission is provided with all relevant information or documents relating to any Reportable Allegation or Reportable Conduct;

- Any Independent Investigator is given all assistance required in connection with the reasonable performance of their function;
- The Commission is provided with details of the outcome of any Investigation into any Reportable Allegation or instance of Reportable Conduct, and any appropriate disciplinary or other action to be taken.

The School may also be required to report Reportable Allegations and Reportable Conduct to other regulatory bodies, including the Police, if the allegation or conduct pertains to unlawful behaviour. See Section 6.1.2 – Procedures: Police.

The School is not required to notify the Commission about a Reportable Allegation involving a Volunteer who performed services without the School's knowledge.

6. PROCEDURES

The Child Safety Officer is responsible for the regular scheduling and coordination of briefings, information sessions and meetings for the education, implementation and understanding of Child Safety training for all persons covered by this policy.

Any person who has information that leads them to form a Reasonable Belief that anyone nominated in **Section 4 – Who Does this Policy Apply to** has committed any Reportable Conduct must immediately report the matter to the Child Safety Officer. The Child Safety Officer must then notify The Head of Organisation of the matter. If the Child Safety Officer cannot be contacted, the Head of Organisation should be informed immediately.

The Scheme is in addition to, and does not change, the obligations for Mandatory Reporters.

Reportable Allegations must be reported as set out below.

6.1 External Reporting:

6.1.1 Department of Families, Fairness and Housing (DFFH):

The Mandatory Reporters for the School have an obligation to report to DFFH a Reasonable Belief of Reportable Conduct.

6.1.2 Police:

There may also be an obligation to report a Reportable Allegation to Victoria Police or the Police in a State or Territory where the Reportable Allegation occurs. This includes any Reportable Allegation occurring outside the School by any Alleged Perpetrator, and is not limited to persons covered by this policy. In Victoria, the offence of 'failure to disclose' applies to the following individuals:

- A person aged 18 years and over must report any Reasonable Belief that a sexual offence has been committed in Victoria against a child under the age of 16 years, by a person aged 18 years and over and
- A person who is in authority within a school must act to remove or reduce a substantial risk that a sexual offence will be committed against a Child who is under the care, authority or supervision of that school.

Failing to do so is an offence.

Note: if a Reportable Allegation is criminal in nature, clearance/permission from Victoria Police (or other State or Territory Police) must be obtained before the School begins any Investigation. An investigation by Victoria Police (or other State or Territory Police) into criminal or potentially criminal conduct takes priority over any Investigation by the School and may require the School's Investigation to be put on hold until the police investigation is complete.

6.1.3 Commission:

The Head of Organisation is responsible for ensuring the Commission is notified of any Reportable Allegation of which the School becomes aware within three business days, irrespective of where the alleged conduct is alleged to have occurred.

The Commission provides an online form for the Head of Organisation to notify a Reportable Allegation. The Head of Organisation must follow the Commission's notification process.

6.2 Conducting an Investigation:

The Head of Organisation is responsible for the conduct of any Investigation.

The Head of Organisation must follow the Commission's *Guidance for organisations – Investigating a Reportable Conduct Allegation*, see:

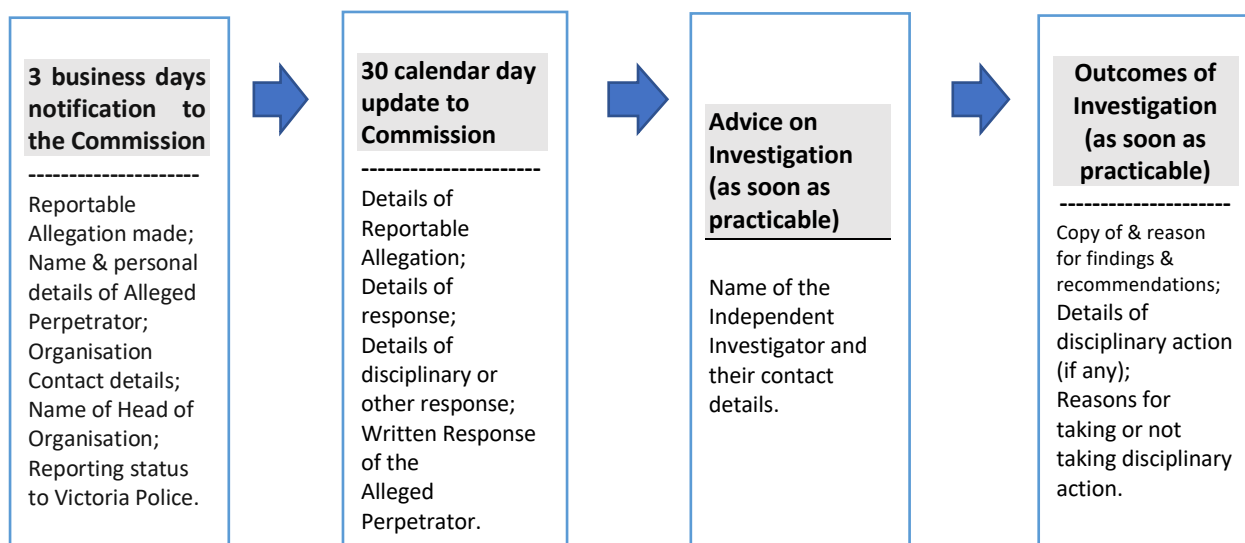
<https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>

and guidance for organisations about their obligations under the Scheme:

<https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/reportable-conduct-scheme-information-sheets/>

The Head of Organisation must appoint an Independent Investigator to conduct any Investigation.

The Head of Organisation must adhere to all timelines set by the Commission as follows:



See: CCYP Information Sheet 3: *Responsibilities of the Head of an Organisation*. Access via link above.

It is a criminal offence for the Head of Organisation to fail to notify and update the Commission about Reportable Allegations and to fail to comply with the 3-business day and 30 calendar day updates.

The Head of Organisation may seek internal assistance from or delegate to other Staff Members if the Head of Organisation is satisfied that the Staff Member has the appropriate skills, capabilities and experience to fulfill their obligations under the Scheme, for example by developing systems, sending notifications to the Commission and conducting Investigations on behalf of the Head of Organisation.

The Commission requires that organisations are aware of their legal, contractual, professional and any other obligations to document Reportable Allegations and maintain thorough records at every stage of an Investigation. The School has policies relating to secure storage and applicable retention obligations in relation to such material.

The Commission encourages organisations covered by the Scheme to seek clarification or seek guidance by contacting the Commission:

Email: childsafestandards@ccyp.vic.gov.au

Telephone: 8601 5281

Website: <https://ccyp.vic.gov.au/>

6.2 Confidentiality:

The details of any Investigation should be kept **Confidential** as far as circumstances allow. All persons involved in an Investigation must be told that the Investigation must be kept confidential except to the extent that there is need to inform those who have a need to know.