

FRIDAY NIGHT SCHOOL LTD
REPORTABLE CONDUCT POLICY

1. BACKGROUND

The Friday Night School is unequivocally committed to fostering the dignity, self-esteem and integrity of children and young people and providing them with a safe, supportive and enriching environment to develop physically, intellectually, emotionally and socially. The Friday Night School believes in a community where children are safe and have the opportunity to reach their full potential. We promote children's rights as described in the United Nations Convention on the Rights of the Child (1989).

We are committed to a safe and nurturing culture for all children and young people involved in the Friday Night School.

Friday Night School holds the care, safety and wellbeing of children and young people as central and fundamental to its responsibilities.

Friday Night School is committed to providing a safe environment for all students and young people and takes active steps to protect them from neglect and abuse. Friday Night School maintains a comprehensive suite of child protection strategies, embedded in the Child Safe Standards, and acknowledges our responsibility to report any misconduct by an employee, volunteer or contractor to the Commission for Children and Young People (CCYP).

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.

2. PURPOSE

The purpose of this policy is to implement the Friday Night School's obligations under the RCS to CCYP.

The CCYP 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 Friday Night School and other organisations which are required to meet the Child Safe Standards.

The Friday Night School Program Director must ensure that Friday Night School maintains systems that:

- prevent reportable conduct by employees of the Friday Night School within the course of their employment
- ensure reportable allegations are made to the Program Director, or made directly to the Friday Night School Board Chair if the reportable allegation concerns the Program Director

- ensure reportable allegations that involve employees are notified to the CCYP and responded to in accordance with the requirements of the RCS.

3. SCOPE

This Policy applies to all staff (including contractors) and volunteers of Friday Night School, and to the Program Director and the Board of the Friday Night School. In summary, this policy requires that:

- **All staff (including contractors) and volunteers of Friday Night School** must report allegations of reportable conduct to the Program Director, or to a member of the board of Friday Night School if the allegation concerns the Program Director (see part 5.1 below; relevant definitions are addressed in parts 4.1 and 4.2 below). Allegations of reportable conduct are referred to as “reportable allegations”.
- **The Program Director, or a member of the Board of the Friday Night School who receives an allegation** of reportable conduct must follow the process outlined in parts 5.2 to 5.5 below.
- **The Program Director** must maintain the systems described in part 2 above.
- **The Friday Night School** must comply with the record-keeping and privacy obligations described in part 6 below.

4. REPORTABLE CONDUCT OF FRIDAY NIGHT SCHOOL STAFF, VOLUNTEERS AND OTHERS

4.1 Who is an 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.

4.2 Key definitions

Child: Any person who is under the age of 18 years.

Mandatory reporting is a 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 Health and Human Services (DHHS) Child Protection.

Reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed either:

- reportable conduct

- 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.

School environment: Any physical or virtual place made available or authorised by Friday Night School for use by a child during or outside school hours, including:

- a venue used by the school
- online school environments, including email and intranet systems
- other locations provided by Friday Night School for a child's use including school camps, sporting events, excursions, competitions, or school community and other events.

School staff means an individual who is:

- directly engaged or employed by Friday Night School
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).

5. IMPLEMENTATION

5.1 Reporting obligations on staff members, volunteers, contractors, Board members and other participants

If an employee of the Friday Night School (which includes a staff member, volunteer, contractor, Board member or other participant) becomes aware of a "reportable allegation", they must report that allegation to the Program Director, or a member of the Board of the Friday Night School if the allegation relates to the Program Director. The report may be made orally or in writing. The Contact details for the Program Director and Board Member are available at the end of this document.

A 'reportable allegation' is made where a person makes an allegation, based on a reasonable belief, that an employee (which includes a staff member, volunteer, contractor, Board member or other participant) has committed conduct that may involve reportable conduct. This includes where a reportable allegation is made against the Friday Night School Program Director.

Note: A '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. For example, a person is likely to have a reasonable belief if they:

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

Note: 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 CCYP directly of a reportable allegation via a public notification by phone, email or letter on the CCYP website.

5.2 Reporting obligations on the Program Director and members of the Friday Night School Board

Reporting to CCYP

If the Friday Night School Program Director, or a member of the Friday Night School Board, receives a report of a reportable allegation, they must:

- submit a notification to the CCYP within three days of becoming aware of the reportable allegation
- meet the milestones and reporting requirements to the CCYP under the RCS, which are described in part 5.4 below.

The RCS is an allegations-based scheme. This means that the threshold for notifying the CCYP is low. The Program Director or member of the Friday Night School Board must comply with their obligations regardless of whether they agree with or share the belief that the reportable conduct has occurred.

Reportable conduct includes:

Sexual Abuse	Sexual Misconduct	Physical Abuse	Psychological or Emotional Harm	Significant Neglect
<ul style="list-style-type: none"> • Rape or sexual assault • Sexual activity with or in the presence of a child • Grooming or encouraging a child to engage in sexual activity • Offences relating to child abuse material • 	<ul style="list-style-type: none"> • Behaviour, physical contact, speech or other communication of a sexual nature • Physical contact without valid reason • Crossing professional boundaries • Voyeurism 	<ul style="list-style-type: none"> • Hitting, kicking, punching • Pushing, shoving, grabbing, throwing, shaking • Use of an object to threatened or inflict injury or harm • Inappropriate restraint, excessive force 	<ul style="list-style-type: none"> • Exposure to violence or threats of violence • Anti-social behavior • Self-destructive behavior • Persistent hostility or rejection • Humiliation or belittling 	<p>Deprived from the following:</p> <ul style="list-style-type: none"> • clothing or food • medical attention or care • shelter • supervision <p>Access to drugs or alcohol</p>

			•Scapegoating	
--	--	--	---------------	--

Reporting to DHHS Child Protection

It is important to note that existing mandatory reporting obligations have not changed. Therefore the Friday Night School must also, separately, comply with any other obligations to report any allegation of abuse to the DHHS Child Protection.

Reporting to Victoria Police

If the alleged conduct is potentially criminal in nature, the Program Director or Board member must notify Victoria Police as a first priority ahead of the notifications described above, and any investigation by Victoria Police will take precedence. Where the allegation falls under the mandatory reporting domain, the reporting to CCYP is in addition to reporting to Victoria Police and the DHHS.

Reporting to the Victorian Institute of Teaching

If an employee or volunteer 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, Friday Night School must notify the Victorian Institute of Teaching (VIT) immediately as conduct that is reportable to the VIT.

Providing information

The Friday Night School, including the Program Director and Board members (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.

5.3 Milestones and other requirements for reporting to the CCYP

Upon becoming aware of a reportable allegation against an employee, the Friday Night School Program Director or member of the Friday Night School Board of Directors must ensure that the following milestones and reporting requirements to the CCYP are met:

Within three business days	Within 30 calendar days	Advice on investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none"> • School contact details • Name of the employee, volunteer or contractor • Their date of birth 	<ul style="list-style-type: none"> • Details of the investigation • Details of the school's response • Details regarding disciplinary or other action proposed 	<p>As soon as is practicable:</p> <ul style="list-style-type: none"> • name of the investigator • their contact details 	<ul style="list-style-type: none"> • Copies of the investigation findings • Details regarding disciplinary or other action proposed 	<ul style="list-style-type: none"> • Promptly providing any further information to the CCYP as requested

<ul style="list-style-type: none"> • Initial advice on the nature of the allegation • Any police report 	<ul style="list-style-type: none"> • Any written response from the employee, volunteer or contractor regarding the allegation, proposed disciplinary or other action 		<ul style="list-style-type: none"> • Reasons for taking or not taking action 	
---	---	--	---	--

5.4 Responsibilities of the Program Director and Board to investigate reportable allegations

When the Friday Night School Program Director or a member of the Friday Night School Board becomes aware of a reportable allegation, they must ensure that the reportable allegation is investigated. This will usually include conducting an investigation or facilitating the conduct of an investigation. The investigation must be conducted with reference to the requirements of the RCS and any relevant guidance published by the CCYP or other regulators.

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 over Friday Night School's investigation.

5.5 Investigating reportable allegations

Friday Night School will ensure procedural fairness throughout the entire investigation process. It will ***have regard always to the safety of the complainant*** and also follow all other relevant policies and procedures of the Friday Night School, in conducting 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 Friday Night School Board 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.

5.6 Conclusion of investigation

At the conclusion of the investigation, the Friday Night School Program Director will make a decision on its response to the reportable conduct findings recommended in the Investigation Report.

6 RECORDKEEPING AND THE PRIVACY ACT

Friday Night School maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

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

- a person who notified the CCYP
- 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.

7 REFERENCES

Victorian Children Legislation Amendment (Reportable Conduct) Act 2017

Victorian Child Wellbeing and Safety Act 2005 Victorian Children, Youth and Families Act 2005

FRIDAY NIGHT SCHOOL CONTACT DETAILS:

PROGRAM DIRECTOR: SHEENA TEEDER	BOARD CHAIRPERSON: KIRSTEN GRAY
EMAIL: sheena@fridaynightschool.org	EMAIL: kirsten20@me.com
Mobile: 0415 034 548	

Policy Status	Approved 24/08/2022
Key Stakeholders	Board members, staff, teachers, tutors, volunteers, parents, guardians, other carers, students
Approval	Board of Directors
Scheduled Review	24/08/2023