THE HUTCHINS SCHOOL

# Reportable Conduct Policy

## Responding to child abuse reports and allegations

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| **Relevant legislation** | Child and Youth Safe Organisations Act 2023 (Tas)<br>Children, Young Persons and Their Families Act 1997 (Tas)<br>Criminal Code Act 1924 (Tas)<br>Registration to Work with Vulnerable People Act 2013 (Tas) |
| **Commencement date** | 01 July 2017 |
| **Last review date** | 01 February 2024 |

## 1. Purpose

The Hutchins School (the School) is committed to upholding the Child and Youth Safe Standards and the Universal Principle for Aboriginal Cultural Safety. The protection of children and young people who attend our programs and services is our highest priority.

This policy has been developed to inform staff, contractors, volunteers and members of the School community of their obligations concerning reportable conduct.

The School promotes equity and inclusion, and respects the diversity of the children and young people and their parents/carers who access our services. This includes Aboriginal and Torres Strait Islander children and young people, children and young people from culturally and linguistically diverse backgrounds and children and young people with a disability.

We take seriously our commitment to deliver a learning environment that is characterised by humility, kindness, courage and respect and are dedicated to ensuring the safety of children and young people to whom we provide services or who participate in our programs and services.

As part of that commitment our Board has endorsed this policy.

## 2. Scope

All adults within or engaged by the School (whether on a paid or unpaid basis) are required to meet the requirements of this policy without exception. Note that in this policy 'staff' refers to staff (paid or unpaid), volunteers and contractors. Responsibilities for staff (primarily mandatory reporting) and the organisation (several reporting mechanisms, as outlined in the Child and Youth Safe Organisations Framework) are outlined below.

## 3. Objectives

The primary objective of this policy is to inform adults engaged with the School (regardless of their position or capacity) of their responsibility toward mandatory reporting and reportable conduct, and to outline mechanisms and processes for responding to child abuse reports and allegations for individuals and the organisation.

## 4. Definitions

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| **Bullying** | The inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:<br>• *Verbal (*name calling, put downs, threats);<br>• *Physical* (hitting, punching, kicking, scratching, tripping, spitting);<br>• *Social* (ignoring, excluding, ostracising, alienating); and/or<br>• *Psychological* (spreading rumours, stalking, dirty looks, hiding or damaging possessions). |
| **Child or young person** | A person under the age of eighteen years. |
| **Emotional or psychological abuse** | Emotional or psychological abuse occurs when a child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviours may result in significant damage to the child's physical, intellectual or emotional wellbeing and development. |
| **Family violence** | Family violence occurs when children are forced to live with violence between adults in their home. It is harmful to children. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development. |
| **Grooming*** | Grooming means befriending and establishing an emotional connection with a child (and/or the child's guardian, family or friend or a worker) for the purpose of establishing trust to normalise sexually harmful behaviour or engage in an unlawful act, criminal offence or sexual misconduct against a child.<br>Grooming occurs in a pattern of manipulative or controlling behaviours. These behaviours can take place in a range of settings. Examples of grooming behaviour include: |

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| | • isolating a child from their peers to spend time alone;<br>• befriending a child in person and continuing to communicate with the child online;<br>• giving gifts, money or alcohol to a child, parent or friend to gain access to a child;<br>• inappropriate touching of a child, including tickling and play fighting; and/or<br>• asking a child not to tell anyone about their behaviour.<br><br>for the purpose of:<br><br>• establishing trust to normalise sexually harmful behaviour or engage in an unlawful act, sexual offence or sexual misconduct against a child.<br><br>Grooming behaviour can also be a sexual offence under the Criminal Code Act 1924. If you are unsure if an allegation of grooming behaviour is a criminal offence, you should contact Tasmania Police. |
| **Harm** | Harm is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:<br><br>• physical, psychological or emotional abuse or neglect;<br>• sexual abuse or exploitation;<br>• a single act, omission or circumstance; and/or<br>• a series or combination of acts, omissions or circumstances. |
| **Neglect** | Neglect is the persistent failure or deliberate denial to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available. |
| **Physical abuse** | Physical abuse occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behavior includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child are risk of being hurt. |
| **Relevant offence*** | The definition of reportable conduct included in the Framework includes 'a relevant offence' because there are other types of conduct that need to be reported, but don't easily fit into the other categories.<br><br>Under the Reportable Conduct Scheme, a relevant offence is: |

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| | • a sexual offence under the Criminal Code Act 1924;<br>• failing to report the abuse of a child;<br>• female genital mutilation; and/or<br>• accessories after the fact for crimes that are listed above. |
| **Reportable Conduct*** | For the purposes of this policy, reportable conduct is:<br>a) a relevant offence committed against, with or in the presence of a child, whether or not criminal proceedings in relation to the offence have been commenced or concluded; or<br>b) sexual misconduct, that does not form part of a sexual offence, against, with or in the presence of a child; or<br>c) physical violence against a child; or<br>d) grooming of a child; or<br>e) conduct that causes, or is likely to cause, significant emotional or psychological harm to a child; or<br>f) significant neglect of a child<br>regardless of whether or not the alleged conduct occurred within the course of a worker's duties at the School.<br>Further information on reportable conduct may be found at the web site for the Office of the Independent Regulator. |
| **Sexual abuse** | Sexual abuse occurs when an adult or a person of authority (e.g. older) involves a child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse. |
| **Sexual exploitation** | Sexual exploitation occurs when children are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet. Exploitation can also involve children who are forced into prostitution. |
| **Sexual offences / sexual misconduct*** | **Sexual offences**<br>Sexual offences include:<br>• bestiality (given this often co-occurs with sexual abuse of people);<br>• penetrative sexual abuse of child or young person;<br>• person permitting penetrative sexual abuse of child or young person on premises;<br>• persistent sexual abuse of child or young person;<br>• indecent act with child or young person; |



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| | • procuring child or young person for sexual abuse;<br>• communications with intent to procure child or young person;<br>• penetrative sexual abuse of person with mental impairment;<br>• indecent assault;<br>• procuring a person for penetrative sexual abuse by threats or fraud;<br>• involving person under 18 years in production of child exploitation material;<br>• production of child exploitation material;<br>• distribution of child exploitation material;<br>• possession of child exploitation material;<br>• accessing child exploitation material;<br>• incest;<br>• indecency;<br>• rape; and/or<br>• accessories after the fact for crimes that are listed above.<br><br>**Sexual misconduct**<br><br>This conduct may overlap with criminal conduct. When performed in a sexual manner or with a sexual intention, sexual misconduct includes:<br><br>• inappropriate behaviour;<br>• physical contact;<br>• voyeurism (which means watching someone or others); and/or<br>• speech or other communication, including electronic communication.<br><br>Sexual misconduct is conduct that doesn't meet the acceptable standard of behaviour by a worker or volunteer and is committed in a sexual manner or with sexual intention.<br><br>Sexual misconduct may occur in a variety of settings, including in person communication and online communication.<br><br>Examples of sexual misconduct include inappropriate comments to a child about an area of their body in a sexual manner and inappropriate touching of a child.<br><br>Another example would be intentionally showing a sexually explicit movie to a child for sexual gratification. |
| **Staff** | For the purpose of this policy, 'staff' refers to all people engaged with the School, whether in a paid or unpaid capacity. This includes both volunteers and contractors. |

* These definitions are derived from the Child And Youth Safe Organisations Act, with minor modifications made for textual clarity and context.

# 5. Policy statement

## Staff responsibilities

Reportable conduct must be notified through a referral pathway that is defined in the Child and Youth Safe Organisations Act 2023. This pathway ensures that the appropriate authorities receive information in a timely and actionable manner. For an individual, the process of making this report is called 'mandatory reporting'. Further obligations apply to the School as an organisation – these will be detailed later in the policy.

### If you have reasonable suspicion or evidence that a child is being abused/neglected:

Adults engaged with the School are required to report when they know, or believe or suspect on reasonable grounds that a child or young person is suffering, has suffered or is likely to suffer abuse or neglect immediately; or if that is not possible, no later than before ending that person's shift or session of work at the School.

All paid workers, volunteers and contractors in educational facilities are mandatory reporters, which means that staff at the School are *personally responsible* for notifying the appropriate authorities of reportable conduct. This requirement goes beyond notifying a supervisor or the Principal.

| **Mandatory reporting legislation and summary** | **Relevant personnel who must comply** |
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| *The Children, Young Persons and Their Families Act 1997*<br><br>This legislation requires that mandatory reporters are individually responsible to share with the appropriate authorities concerns of child abuse or neglect. The requirements are detailed in this fact sheet.<br><br>Please familiarise yourself with this legislation at https://www.legislation.tas.gov.au/view/html/inforce/current/act-1997-028 | "school principals, ministers of religion, teachers, kindergarten teachers, people who manage child care services, and *people employed by, or volunteering in… organisations… that provide education or care for children".* |

### Who do I notify?

If you witness or become aware of reportable conduct involving a child or young person, you must contact the Strong Families, Safe Kids (SFSK) Advice and Referral Line (ARL) by calling 1800 000 123.

Reports to SFSK may also be made online, at https://strongfamiliessafekids.tas.gov.au/ - however, they prefer that contact is made via phone so that their team can obtain additional information to make an assessment if required.

The School has been advised by Tasmania Police to also make a report to them, either on 1800 333 000 (where no immediate risk of harm or abuse exists) or on 000 (where an immediate threat to health or safety may be reasonably forseen or is present).

When reporting conduct of concern, or recording an incident witnessed or disclosed by anyone within the School community, staff are expressly forbidden to:

- assess the validity of allegations or concerns. Simply report all allegations or concerns as disclosed to the nominated person or persons within the School as described in this policy (the validity of an allegation will then be assessed in the manner described in this policy); or
- consider factors such as the authority or position of the persons involved. Any pre-existing views about the good character, or otherwise, of any person involved or under investigation should not influence the reporting process.

In situations where a child or young person is making an allegation, staff are required to:

- listen to the allegation or disclosure supportively, without dispute;
- clarify the basic details, without seeking detailed information or asking suggestive or leading questions;
- explain to the child (if present) that other people may need to be told, in order to stop what is happening; and
- provide reassurance that our school will take immediate action in response to the allegation.

The School believes that every child has the right to be heard, protected and supported where an allegation is made. It is expected that staff will respect the diverse needs of its students, seek to support the right for every child and family to have their concerns taken seriously and resolved promptly.

For further information on the School's commitment to equity and diversity, please refer to the Equity and Diversity Statement.

## After making a report to Strong Families, Safe Kids and/or Tasmania Police:

It is requested (though not mandated by legislation) that the reporter notify the Principal if a report to SFSK has been made. The intent of this request is to ensure that the School is able to provide support to all involved. The Mandatory Report Notification Form has been created for this purpose. This form is online, confidential, and may be completed anonymously. It is designed to notify select persons within the School (primarily Heads of School, Principal, Chief Operating Officer and the Policy & Compliance Manager) in the event of a mandatory report and contains mechanisms and controls to allow the reporter to avoid potential conflicts of interest. Options are also provided to manage cases where the report form is being completed by a person other than the original recipient of the disclosure. This form is designed to ensure clear, honest communication within the School in respect to mandatory reports, and to support students, staff, families and community members through what is understood to be a difficult situation.

School staff must report directly to the relevant authorities regardless of whether they have, or intend to report that matter internally.

### If you have concerns over a volunteer, contractor or staff member's conduct:

The School has developed an Inappropriate or Reportable Conduct Report Form that is designed to accommodate reportable and/or inappropriate conduct. This form is designed to provide the School with an opportunity to investigate and take action on concerning behaviours, whether they relate to issues of child safety or not.

This form is accessible from the School's Policy and Compliance site (in the 'Safeguarding Children' section), on the Human Resources site, and via Rory. Reports made via this mechanism are confidential and are delivered in the first instance to the Policy and Compliance Manager, who will escalate the report as required and/or trigger an investigation if necessary. This form allows for tracking and reporting, which ensures that where cumulative reports, trends or patterns emerge, the School is positioned to respond and take action.

Staff are required to report to the Principal (or to the Deputy Principal if the Principal is the subject of the report) any breach of the Practice and Behaviour Standards or Code of Conduct arising from an action by an employee or volunteer within the School. This notification may be made using the Inappropriate or Reportable Conduct Report Form.

## 6. Organisational responsibilities

In response to any instance or allegation of reportable conduct, the Principal and/or Chief Operating Officer will investigate and deal with the allegations in consultation with Tasmania Police and other authorities.

If an allegation regarding any form of reportable conduct including (but not limited to) abuse, neglect, sexual misconduct or any sexual offense with a child or young person has been made against a staff member at the School, the Principal or Chief Operating Officer will:

- complete a Mandatory Report Notification Form to ensure all relevant details are documented;
- make notifications to:
  - The Independent Regulator, by:
    - Completing an intitial notification;
    - Making a 3-day notification report;
    - Completing a 30 day update; and
    - Providing a final investigation.

    All of these notifications and reports may be made at the Office of the Independent Registrar web site: (https://oir.tas.gov.au/report-a-concern).
  - Tasmania Police;
  - Strong Families, Safe Kids; and/or (as required):
    - The Teachers Registration Board (TRB) of Tasmania;
    - The Registrar of the Working with Vulnerable People Act; and/or
    - Any other regulator where such allegations may affect a person's professional registration.

The Principal and/or Chief Operating Officer must also:

- assist in any investigations undertaken by the aforementioned authorities, as required;
- take any action necessary to safeguard the child or young person from additional harm, both according to advice from the authorities above, and through options such as:
  - suspending a staff member (under full pay) for the duration of an investigation into child sexual abuse;
  - redeploying that staff member to a position where they do not work with children;
  - organising additional supervision of that staff member;
  - removing/suspending that staff member from duty until the validity of the allegations is determined; and
  - assisting in addressing the support needs of those impacted by the allegation including considerations of cultural safety for:
    - the child and their family (this includes any specific support needs for those from an Aboriginal and Torres Strait Islander; Culturally and Linguistically Diverse; or person with a disability background);
    - the person against whom the complaint is made by, for example, offering professional counselling either internally or through the Employee Assistance Program; and/or
    - other personnel impacted by the allegations.
- communicate with School staff as required, sending the clear message that:
  - the allegation does not mean the person is guilty and that the allegation will be properly investigated and will include the right to 'procedural fairness'; and
  - staff are not to discuss the matter with any person, except as directed by police, child protection authorities and/or the Principal and only in direct relation to investigation of the allegation.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by school staff will subjected to full incident review in accordance with the requirements of the Independent Regulator. All allegations of child abuse, grooming or neglect will also be reported to the Australian Childhood Foundation within 28 days (by the Principal, or a delegate), in accordance with the requirements of the Safeguarding Children Program.

## Confidentiality and privacy

The School is committed to maintaining the confidentiality and privacy of all concerned (including the alleged perpetrator), except where doing so would compromise the welfare of the child or young person and/or investigation of the allegation.

## Documentation of allegations or concerns

The School's online reporting mechanisms may be used by any person to document an allegation, disclosure, incident or concern regarding child abuse. In situations where school staff become aware of or concerned about the potential for reportable conduct (whether through observation of potential indicators or by direct observation of inappropriate behaviour toward a child or young person), they are required to use these processes to record their observations and concerns as accurately as possible. Completed forms are retained electronically in both Complispace and Synergetic. Synergetic records are tightly controlled and accessible only to Heads of School and select authorised personnel.

The School maintains and regularly monitors records of mandatory report notifications as part of our Incident Management processes to ensure that they are responded to effectively in accordance with this policy and procedure, and to ensure that requirements for reporting to external authorities are complied with in full.

All documentation regarding staff conduct, including copies of Mandatory Report Notification Forms and Inappropriate or Reportable Conduct Forms is also retained by Human Resources in their staff files.

## Communication

The School communicates this Mandatory Reporting Policy and its requirements to all staff (whether paid or volunteer) who are involved with children and young people within our organisation. This document forms part of our Induction and Probation process and is provided to school staff for the purpose of review at the completion of each policy cycle.

Annual staff professional development sessions are held as 'refreshers' on the content of this policy and the requirement for staff to report inappropriate conduct as the law demands.

All significant alterations to this policy are communicated to staff as a matter of priority.

## Consequences for breaching this policy

A mandatory reporter under the Children, Young Persons and their Families Act 1997 may be charged with an offence for failing to fulfill their reporting responsibilities. If school staff fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person, the School views such failure as a serious matter that, depending on the circumstances, may result in disciplinary action or be grounds for dismissal.

This policy prohibits all staff from:

- discussing any concerns or allegations with unauthorised personnel (within or outside the School) such prohibition not being designed to limit, in any way, their rights and responsibilities to report their concerns or allegations, but rather as part of the School's commitment to ensuring privacy, confidentiality and natural justice; and

- making deliberately false, misleading or vexatious allegations.

Our staff are obliged to raise any concerns they might have in relation to:

- the School policies designed to safeguard children and young people – such as our Code of Conduct, Practice and Behaviour Standards and this Reportable Conduct Policy; and
- actions of other people within the School community that contravene our policies, or that may otherwise have the potential to harm a child or young person.

## 7. Supporting/related documents

Code of Conduct

Commitment to Kindness

Complaints and Grievances Policy

Inappropriate or Reportable Conduct Report Form

Practice and Behaviour Standards

Peer-on-peer Abuse Guidelines (not online; available upon request)

Mandatory Report Notification Form

Safeguarding Children and Young People Policy

## 8. Record keeping

This policy is to be kept for three (3) years until review unless there is a significant legislative or organisational change requiring earlier review. We retain 'evidence' to document each review undertaken. Such evidence may include minutes of meetings and/or documentation of changes to policies and procedures that result from a review.

External audits conducted by the Australian Childhood Foundation occur at 3 yearly intervals.

The master copy is kept in SharePoint Online in read-only in PDF form. All printed copies are uncontrolled.

## 9. Policy owner

Principal

# 10. Version Control

| Version | Author | Purpose/Change | Date |
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| 1.0 | Health, Safety & Risk Manager | Policy First Issue | 08/10/2018 |
| 2.0 | Policy & Compliance Manager | Full review. Significant textual changes to reflect changes in school personnel and to streamline both the policy and the procedural content. Updated phone numbers and referral mechanisms to reflect governmental changes and shifts in legislation.<br><br>Policy renamed for clarity.<br>References added to the Mandatory Report Notification Form (online). | 01/03/2021 |
| 2.1 | Policy & Compliance Manager | Added clause to meet ACF Safeguarding Children requirements (pg.5)<br><br>"The School believes that every child has the right to be heard, protected and supported where an allegation is made. It is expected that staff will respect the diverse needs of its students, and seek to support the right for every child and family to have their concerns taken seriously, and resolved promptly.<br><br>For further information on the School's commitment to equity and diversity, please refer to the Equity and Diversity Statement." | 05/04/2022 |
| 3.0 | Policy & Compliance Manager | Significant changes made to accommodate and address the requirements of the Child and Youth Safe Organisations Framework. Links added to the Office of the Independent Regulator and detail included to support reporting.<br><br>Moved two paragraphs from 'After making a report…' to 'Who do I notify?' for clarity.<br><br>Policy renamed 'Reportable Conduct Policy'. | 01/02/2024 |