



Introduction

St Margaret's Berwick Grammar (**SMBG**, the **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. Our school and governing body maintain a suite of child protection strategies, embedded in the Child Safety Standards, and acknowledge our responsibility to report any misconduct by an employee, volunteer or contractor to the Commission for Children and Young People (CCYP) and as of 23 February 2026 to Social Services Regulator (**SSR**)

As of 1 July 2017, the Victorian Government legislated for the introduction of a Reportable Conduct Scheme (RCS) to oversee allegations of child abuse or misconduct towards children. In accordance with regulatory requirements, strategies are in place to identify, report and investigate any Reportable Allegations made pursuant to the Reportable Conduct Scheme, which is an allegations-based scheme.

Staff have a responsibility to understand the Scheme, this Reportable Conduct Policy and the roles that each individual plays in ensuring that Reportable Allegations are identified, reported and investigated. This is one way in which we can all provide for the safety and wellbeing of children and young people.

Purpose

This Policy sets out the legal and regulatory obligations that apply to SMBG under the Scheme, and outlines the processes, actions and strategies adopted by SMBG to ensure compliance with the Scheme and the protection of children and young people enrolled at SMBG .

Relationship of the Child Safe Standards and the Reportable Conduct Scheme

While the Child Safe Standards and the Reportable Conduct Scheme work together to keep children safe from abuse, they are distinct sets of responsibilities for organisations but have been designed to complement one another and together, the Child Safe Standards and the Reportable Conduct Scheme strengthen the capacity of organisations to prevent and respond properly to allegations of child abuse.

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse to Victoria Police.

SCOPE

This Policy applies to any Reportable Allegations of:

- a sexual offence committed against, with or in the presence of a child
- sexual misconduct committed against, with, or in the presence of a child
- physical violence committed against, with, or in the presence of a child
- behaviour that causes significant emotional or psychological harm to a child and
- significant neglect of a child (collectively (**Reportable Conduct**))

Additionally, this Policy applies to:

- all people who carry out work in any capacity for SMBG inclusive of SMBG employees, Council members, SMBG Executives, Principal, volunteers, consultants, contractors, (SMBG **Staff**).

Principles

The Scheme is a child safety mechanism and is based on the following fundamental principles:

- the protection of children and young people is the paramount consideration in the context of allegations of child abuse or employee misconduct involving a child
- Criminal conduct or suspected criminal conduct should be reported to Victoria Police (**Police**)
- A Police investigation into any matter must always have priority and the investigation into the Reportable Allegation may be suspended until the police advise that it may proceed
- SMBG works in collaboration with the regulator of the Scheme (CCYP/SSR) to ensure SMBG is complaint with the Scheme to ensure the protection of students in our care
- SMBG Staff covered by the Scheme who are the subject to Reportable Allegations are entitled to procedural fairness during investigations into their conduct.

Reportable Allegations

All SMBG Staff have an obligation to recognise, and report conduct or concern that may lead them to form a Reasonable Belief that a SMBG Staff member has committed a Reportable Conduct or misconduct that may involve Reportable Conduct, or has committed Reportable Conduct or misconduct that may involve Reportable Conduct. This obligation extends to conduct or misconduct that is alleged to have occurred within or outside the course of that person's employment or engagement.

For a detailed description of each of the five types of 'reportable conduct' see:

Information Sheet 2 What is Reportable Conduct

Obligations of the Principal under the reportable conduct scheme:

The Principal must

- notify the CCYP within 3 business days of becoming aware of a reportable allegation (**notify**)
- within 30 calendar days provide the CCYP/SSR with detailed information about the reportable allegation and any action they have taken (**Investigate**)
- notify the CCYP of the investigation findings and any disciplinary action they have taken as Head of the Entity (or the reasons no action was taken). (**outcomes**) *Procedures for reporting are accessible from the Commission for Children and Young People website:*

Information sheet 4 Investigation overview

Information sheet 7 Reporting to the Commission

IMPLEMENTATION

A 'reportable allegation' is made where a person makes an allegation, based on a reasonable belief, that an employee, volunteer or contractor has committed conduct that *may* involve reportable conduct. This includes where a reportable allegation is made against the School Principal.

DEFINITIONS

Term	Definition
Child:	Any person who is under the age of 18 years.
Mandatory reporting	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 Families, Fairness and Housing (DFFH) Child Protection.
Reportable allegation	means any information that leads a person to form a reasonable belief that an employee has committed either: <ul style="list-style-type: none"> • reportable conduct OR • 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:	<ul style="list-style-type: none"> • 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 the school for use by a child during or outside school hours, including: <ul style="list-style-type: none"> • a campus of the school • online school environments, including email and intranet systems • other locations provided by the school for a child’s use including school camps, sporting events, excursions, competitions, or school community and other events.
School staff	means an individual working in the school environment who is: <ul style="list-style-type: none"> • directly engaged or employed by the school governing authority • a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)

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: The Principal, or a member of the Management Team, does not need to agree with or share the belief that the alleged conduct has occurred. The RCS is an allegations-based scheme. This means that the threshold for notifying the CCYP is low.

The Principal or his delegate will

- submit a notification to the CCYP within three days of the Principal becoming aware of the reportable allegation
- meet the milestones and reporting requirements to the CCYP under the RCS.
- Any reportable allegation listed above will be immediately reported by the School Principal to the School Council. An allegation against a school Principal should be referred to another member of the Exec Team, or directly to the Council.

Reporting Obligations

- It is important to note that existing mandatory reporting obligations have not changed. The school will report any allegation of abuse to the DFFH Child Protection.
- 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.
- Where the allegation falls under the mandatory reporting domain, the reporting to CCYP/SSR is in addition to reporting to Victoria Police and the DFFH.

Other reporting obligations

The obligation to report allegations of Reportable Conduct to the CCYP is in addition to any other reporting obligations, refer to **Four Critical Actions**

Failure to Disclose

Under the Crimes Act 1958 (Vic) all adults must make a report to Victoria Police if they hold a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 years

Failure to Protect

Under the Crimes Act 1958 (Vic) a person in a position of authority in an organisation must act to reduce or remove a substantial risk to a child under 16 years of age who is under their care or supervision who may become the victim of sexual abuse committed by an adult associated with their organisation. If the alleged conduct is potentially criminal in nature, the Principal (or other notifier) should also make a report to the Victoria Police. In the case of a sexual offence that may have been committed against a child, this must be reported to Victoria Police. Failure to disclose/report is an offence. A police investigation into the allegations has first priority over the investigation into the Reportable Allegations

Grooming

A person commits the offence of grooming if they are 18 years of age or more; and communicates, by words or conduct (whether or not a response is made to the communication), with another person who is a child under the age of 16 years; or the person under whose care, supervision or authority the child is; and they intend that the communication will facilitate the child under the age of 16 engaging or being involved in the commission of a sexual offence by them or by another person who is 18 years of age or more.

NOTE Any staff member who forms a Reasonable Belief that another adult is grooming a child and/or their parents /carers, should report their concerns to Victoria Police by following the procedures in the PROTECT Procedures: Responding to all forms of child abuse. Failure to take reasonable steps to protect a child in the school from the substantial risk of sexual abuse from an adult associated with the school is a criminal offence under section 490 (1) of the Crimes Act 1958 (Vic).

Reporting to Victoria Police and Department of Families, Fairness and Housing

If allegations or concerns trigger mandatory reporting obligations or involve suspected criminal conduct, the Notifier must first report them to the Department of Families, Fairness and Housing and/or Victoria Police respectively

Mandatory reporters

A mandatory reporter includes Principals, registered teachers, early childhood teachers, school counsellors, persons in religious ministry, registered medical practitioners, registered psychologists and nurses.

It is a criminal offence for a mandatory reporter to fail to comply with this obligation

Note: if the person who makes the mandatory report is employed at SMBG they must advise the Principal that they have made that report. This allows for other wellbeing concerns to be addressed in a school context.

Reportable conduct, mandatory reporting and reporting to the VIT

Responsibilities of the Principal

Note: Principals must comply with the PROTECT reporting obligations, which are in addition to the reporting requirements to the CCYP/SSR under the RCS.

The Principal and the Council are ultimately responsible for notification of any reportable allegation to the CCYP and for ensuring that a reportable allegation is investigated.

However, it is the responsibility of the School Principal (or for allegations against a Principal, the Council President) to ensure that all reportable allegations are referred to the Council and or a legal firm appointed by the School as soon as they become aware of them, and to follow their advice and guidance to respond appropriately. This will usually include conducting an investigation or facilitating the conduct of an investigation.

Note: Staff members are not required to make a report directly to the CCYP; this is the responsibility of the Principal or the Council (with legal advice). However, 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 community notification on the website.

In the event of a reportable allegation against the School Principal, this must be reported to another member of the Exec Team, or directly to the School Council.

School Principals (and other leaders as appropriate) must also facilitate any requests for information from Victoria Police or a regulator in the course of an investigation to ensure compliance with the RCS and the law.

Reporting to the CCYP

Investigating reportable allegations

The School will ensure procedural fairness throughout the investigation process.

Note: *It is anticipated that any investigations will be undertaken by the School Principal (or another school leader) unless it is deemed appropriate by the Principal, the School Council (in the case of an allegation against a Principal) for a suitably qualified investigator to be appointed.*

The School Principal will ensure that for current employees the process set out in the St Margaret's Berwick Grammar Agreement (2025–2029) is followed. Further, all other school-based policies and procedures (including Codes of Conduct, processes for managing and investigating complaints, misconduct, discipline, grievances, dispute resolution, and employee welfare and support), as well as any CCYP and other regulatory guidance, are considered to guide the investigation.

For an allegation against a current employee, this means that the Principal will follow the advice provided by the St Margaret's Berwick Grammar Agreement (2025 – 2028).

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 Principal will decide 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.

Initial investigation

Note: *Upon receipt of a reportable allegation, the Principal or Council President (for allegations against a Principal) will immediately contact the Legal Unit at ISV for advice.*

The Principal or Council President is then guided by the ISV legal unit or the School's lawyers to ensure an appropriate investigation is conducted into the reportable allegation by reference to the requirements of the RCS, together with any relevant guidance published by the CCYP.

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.

Recordkeeping and the Privacy Act

The school maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

The 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.

RELATED POLICIES AND RESOURCES

Information Fact Sheet 1: **About the Reportable Conduct Scheme**

Information Fact Sheet 2: **What is Reportable Conduct**

Information Fact Sheet 3: **Responsibilities of the Head of an Organisation**

Information Fact Sheet 4: **Investigation Overview**

Guidance for Organisations – **Investigating a Reportable Conduct Allegation**

Guidance for Organisations – **Interviewing Children and Young People**

How to be a Good Questioner of Children

Victorian Children Legislation Amendment (Reportable Conduct) Act 2017

Victorian Child Wellbeing and Safety Act 2005

Victorian Children, Youth and Families Act 2005

Recordkeeping Policy

REVIEW

This policy is approved by the Senior Executive and is reviewed every two years, and/or earlier where required.

Effective Date	March 2026
Review Date	March 2028
Published	Website, Nexus