

## Child Protection

### Misconduct by Staff, Volunteers & Others

#### **Allegations of Misconduct by Staff, Volunteers and Others**

Schools have a duty of care to investigate and act on allegations of employee misconduct or conviction which relate to their ability to perform their functions.

#### **Reportable Conduct**

Under the Education and Training Reform Act 2006 (Victoria), the school must notify the Victorian Institute of Teaching (VIT) once the School has taken action against a registered teacher. VIT then has powers to investigate and take further action.

#### **Reportable Conduct & Mandatory Reporting**

The Reportable Conduct obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Victoria) (refer to ***Child Protection – Mandatory Reporting***).

#### **Internal Reporting of Allegations of Staff Misconduct**

Any allegation of staff misconduct must be immediately reported to the Principal, or the Parish Priest/ Canonical Administrator should the allegation involve the Principal.

#### **Internal Investigation of Allegations of Misconduct**

Once an allegation of staff misconduct has been made (which does not require reporting to DHHS Child Protection under the ***Mandatory Reporting obligations***) an internal investigation, led by the Principal will be conducted in such a manner as the particular circumstances demand.

It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (police or Department of Health and Human Services Child Protection).

#### **Reporting Obligation to VIT**

The school must notify the Director CEO Sale via their Education Consultant and the VIT if the school has taken action against a registered teacher in response to:

- Allegations of serious misconduct;
- Serious incompetence;
- Fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach); or
- A registered teacher's ability to practise as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.

The school must also notify the VIT if the school becomes aware that a teacher:

- Has been charged with or committed for trial for a sexual offence, (including grooming and child pornography offences);
- Has been convicted or found guilty of an indictable offence (offences detailed in the Crimes Act and the Wrongs Act, including offences which carry prison sentences of 5 years or more or penalties over a threshold level).

The school should also notify VIT if a teacher takes action against them in another forum such as the Fair Work Commission.

### **What “Action” Must Be Reported**

“Actions” which will be reported by the school to VIT include (but are not limited to):

- Disciplinary action taken by the school; or
- Where a teacher resigns after being advised by the school that it is inquiring into allegations.

### **When to Notify VIT**

VIT should be notified of the action taken against a teacher once the process initiated by the school has been initiated.

### **VIT Response**

On receiving the notification, VIT has the power to:

- Ensure that it has obtained all relevant information from the school, and may request further information;
- Decide whether the matter does not reach the threshold required for it to proceed;
- Conduct an investigation, an informal hearing, or a formal hearing.

A formal hearing may result in findings which can result in cautions, reprimands, conditions imposed including counselling and further education, suspension, cancellation of registration and/or a period of disqualification.

### **Employees’ Responsibility**

All employees are responsible to ensure:

- Reports of staff misconduct are made as soon as possible to the Principal’
- The Principal is notified of any convictions which relate to Reportable Conduct;
- Co-operation in any internal investigation;
- Confidentiality is maintained throughout the process; and
- Records of all verbal and written communications are maintained and stored securely.

### **Implementation**

This policy is implemented through a combination of:

- Staff training;
- Effective communication and incident notification procedures;
- Effective record keeping practices; and
- Initiation of corrective actions where necessary.

### **Related Policies**

- ***Child Protection – Abuse, Grooming & Neglect Identification & Initial Notification***
- ***Child Protection – Mandatory Reporting***
- ***Child Protection – Detecting, Reporting and Addressing Grooming Behaviours***
- ***Child Protection – Working with Children Checks Policy***
- ***Child Protection – Taking Action to Protect Students from Risk of Sexual Offences***

**Implementation Date:** July 2016

**Review Date:** June 2021