Melbourne Archdiocese
Catholic Schools

# Reportable Conduct Policy for MACS Schools

St Mary's College
Seymour

## 1. Introduction

Melbourne Archdiocese Catholic Schools Ltd (**MACS**) is a company limited by guarantee established in 2021 by the Archbishop of the Catholic Archdiocese of Melbourne to assume the governance and operation of MACS schools across the Archdiocese of Melbourne. MACS subsequently established Melbourne Archdiocese Catholic Specialist Schools Ltd (**MACSS**) to provide educational services to children with diverse learning needs and Melbourne Archdiocese Catholic Schools Early Years Education (**MACSEYE**) to provide early years care and education services.

The Statement of Mission in the MACS Constitution, and the constitutions of its subsidiaries, MACSS and MACSEYE, sets out the Archbishop's expectations of Catholic schooling in the Archdiocese and provides important context and grounding for the company and the direction which the MACS Board must always observe in the pursuit of the company's objects.

The MACS Board must ensure that all policies and procedures concerning the operations of MACS and its subsidiaries are consistent with the Statement of Mission and company objects, as well as any directions issued by the Archbishop, from time to time.

## 2. Background

MACS is committed to providing a safe environment for all children, students and young people, and takes active steps to protect them from neglect and abuse.

MACS maintains a comprehensive suite of child safety and wellbeing policies and strategies. These are embedded in our policies and procedures for child safety and wellbeing. In accordance with regulatory requirements, strategies are in place to identify, report and investigate any Reportable Allegations made pursuant to the Reportable Conduct Scheme (**the Scheme**), which is an allegations-based scheme.

All MACS Staff have a responsibility to understand the Scheme, this Reportable Conduct Policy for MACS Schools (**the 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.

## 3. Purpose

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

## 4. 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, the Policy applies to:

- all people who carry out work in any capacity for MACS or its subsidiaries and includes MACS employees, Board Directors, Board committee members, MACS Executives, Principals,

volunteers, consultants, contractors, school advisory council members (**MACS Staff**), clergy and those in Religious Ministry as the context requires and

- workers and volunteers supplied by labour hire agencies, companies and other providers (e.g. casual relief teachers, some student teachers – depending on the arrangements), secondees, directors and office holders of companies performing services for MACS (**Others**) if they meet the following criteria:
  - they are supplied to MACS by labour hire agencies, companies and other providers, or they are seconded to MACS
  - they perform work in and as part of MACS; and
  - they are under the direction, supervision or control of MACS.

This Policy does not apply to Notifiable Conduct under the Disability Worker Regulation Scheme, established by the *Disability Service Safeguards Act 2018* (Vic) which involves the regulation of registered and unregistered disability workers in Victoria. Notifiable Conduct relates to disability workers and is administered under the Disability Worker Regulation Scheme.

# 5. 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.
- MACS works in collaboration with the regulator of the Scheme, the Social Services Regulator, to ensure MACS and its schools are compliant with the Scheme to ensure the protection of students in our care.
- MACS Staff and Others covered by the Scheme who are the subject of Reportable Allegations are entitled to procedural fairness during investigations into their conduct.

# 6. Reportable Allegations

All MACS Staff have an obligation to recognise and report conduct or concerns that may lead them to form a Reasonable Belief that a MACS Staff member or Other 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.

Once identified, the conduct or concerns must be referred to the MACS Reportable Conduct Scheme (**RCS**) Team for assessment as soon as possible. In addition to notifying the RCS Team, the individual making the notification (**Notifier**) should notify:

- the Principal of the relevant MACS School if the conduct or concerns relate to a MACS Staff member or Other (other than a Principal) employed or engaged in a MACS School
- the relevant Senior Manager, School Leadership (**SMSL**) and/or General Manager (Region) if the conduct or concerns relate to a Principal of a MACS School; and
- a MACS Manager or individual employed in a MACS Senior role, or a member of the MACS Executive if the conduct or concerns relate to a MACS Staff member or Other employed or engaged in a MACS office.

If a person is unsure whether an allegation amounts to a Reportable Allegation, they should contact the RCS Team for advice.

The procedures for notifying the RCS Team are set out in the *Reportable Conduct Procedures*.

MACS Staff and Others who have Reportable Allegations made about them will be considered to be the Subject of Allegation(s) (**SoA**) until the consideration of the allegations is finalised.

***NB:*** *The Scheme requires certain allegations of past or historical Reportable Conduct to be notified to the Social Services Regulator including where an employee is no longer employed by MACS or when the alleged conduct happened before the employee started working for MACS. This is a complex part of the Scheme, and Notifiers are encouraged to contact the RCS Team to discuss individual cases if advice is needed.*

## 6.1 Taking immediate action

If allegations or concerns require the Notifier to comply with 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, as a priority, prior to contacting the RCS Team.

Depending on the nature and seriousness of the alleged Reportable Conduct or misconduct, the Notifier (likely, but not necessarily, the Principal of a MACS school), should seek advice from the RCS Team about any immediate steps to be taken to manage the risk posed by the SoA, to ensure the safety and wellbeing of the children or young people involved. Advice should also be sought in relation to any supports that may need to be put in place for the SoA.

Some immediate actions that may be taken include:

- reporting the matter to Victoria Police and/or the Department of Families, Fairness and Housing (**DFFH**)
- pairing the SoA with a supervisor, mentor or learning support officer who can oversee and support them in their work
- directing the SoA not to attend the workplace
- directing the SoA to perform alternative duties
- directing the SoA to do or refrain from doing any other thing and the period for which this will occur; and
- advising the SoA of what support is available to them during the period in which the allegations are being investigated.

The RCS Team will work collaboratively with the relevant MACS Office teams, including the Employee Relations (**ER**) and Child Safety teams and the relevant SMSL and/or General Manager (Region) to assist with the implementation of risk mitigation strategies.

As part of managing any reporting obligation made about the SoA, the Principal of the school, SMSL and/or General Manager (Region) must provide pastoral and other support to any of the children or young people involved in MACS schools.

This is an ongoing responsibility during the entirety of the entire Reportable Conduct process. Pastoral and other support may include, but is not necessarily limited to, making any of the children or young people involved in the matter feel safe and supported in the school environment and taking steps to mitigate any harm or further harm to the children involved that could occur during the management of the entire Reportable Conduct process. Refer to the *Protect – Identifying and Responding to Abuse – Reporting Obligations Policy* and Four Critical Actions for more information.

# 7. Reporting Reportable Allegations

MACS has a system in place for reporting Reportable Allegations first to the Executive Director, who is the Head of Entity for MACS, and then to the Social Services Regulator, the Scheme's operator.

The Executive Director does not need to personally agree with or share a person's Reasonable Belief to trigger their reporting obligation.

People within MACS and the school and wider community also have the right to notify the Social Services Regulator directly of Reportable Allegations via the community notification portal on the Social Services Regulator website.

The Executive Director must comply with the Scheme, which requires:

- notification to the Social Services Regulator within three business days of becoming aware of a Reportable Allegation as notified by the RCS Team
- investigating the Reportable Allegation(s)
- providing updates to the Social Services Regulator as necessary, including the 30-day update and
- providing a report to the Social Services Regulator on the findings of the investigation, the reasons for the findings and any action taken in response to the findings.

Please refer to the Reportable Conduct Procedures for more information on the reporting process.

Where a three-day mandatory notification is made to the Social Services Regulator about an SoA who a is registered or casual teacher or holds a permission to teach, the Social Services Regulator will notify the Victorian Institute of Teaching (**VIT**) about the allegations. VIT will then seek further information about the allegations from the RCS Team in accordance with the relevant sections of the *Education and Training Reform Act 2006* (Vic).

# 8. Investigation of Reportable Conduct

MACS has established a system to investigate and respond to any Reportable Allegations made about MACS Staff and Others. The *Reportable Conduct Procedures* provide detailed information about the management of investigations.

In accordance with the Code of Conduct for MACS Staff, all MACS Staff are required to co-operate with any investigations being conducted by others.

During an investigation, the investigator(s) must provide the affected children and their families and/or guardians with an opportunity to participate in the investigation process to ensure that they are provided with a voice on matters that directly impact them.

In all cases, before any findings are made or disciplinary action is taken, the SoA must be:

- advised of the Reportable Allegation(s)
- advised of all information relevant to the Reportable Conduct investigation
- given a reasonable opportunity to respond to that information; and
- offered the appropriate support

At the conclusion of an investigation, a report will be prepared that sets out the Reportable Allegations and the findings made in relation to each of the allegations.

The MACS Executive Director will consider the investigation's findings and determine what further action should be taken in response to those findings.

# 9. Outcomes of investigations

The MACS Executive Director may determine to act in response to the findings in the investigation. This may include:

- directing the SoA to:
  - perform work under the supervision of a specified employee
  - complete specified professional development
  - refrain from doing certain things
  - perform alternative duties

- issuing a formal warning
- terminating the employment of an employee
- terminating the agreement with a contractor and/or
- notifying a volunteer that they are no longer permitted to provide volunteer services for MACS.

At the end of the investigation process, the RCS Team will provide the outcome of the investigation to VIT and the action taken as a result of the investigation.

# 10. Other reporting obligations

The obligation to report allegations of Reportable Conduct to the Social Services Regulator is in addition to any other reporting obligations. Refer to the *Protect – Identifying and Responding to Abuse – Reporting Obligations Policy* and Four Critical Actions for more information.

### 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 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.

***NB:*** *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 49O(1) of the Crimes Act 1958 (Vic).*

### Reporting to Victoria Police and the 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

In the context of Victorian schools, 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.

***NB1:*** *All mandatory reporters must make a report to Victoria Police and/or the Department of Families, Fairness and Housing as soon as practicable for the purposes of the Children, Youth and Families Act 2005 if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that a child has suffered or is likely to suffer significant harm as a result of physical abuse and/or sexual abuse; and the child's parents have not protected, and are unable or unwilling to protect the child from harm of that type. It is a criminal offence for a mandatory reporter to fail to comply with this obligation.*

***NB2:*** *MACS Staff must follow the Four Critical Actions when there is an incident, disclosure or suspicion of child abuse or student sexual offending. Refer to the Protect – Identifying and Responding to Abuse – Reporting Obligations Policy and Four Critical Actions for more information. Additionally, all mandatory reporters should report any other significant concerns for the wellbeing of a child to the Orange Door, which do not necessarily need to amount to abuse.*

***NB3:*** *If the person making the mandatory report is employed in a MACS school, they must advise the Principal that they have made that report. This allows for other wellbeing concerns to be addressed in a school context.*

### Victorian Institute of Teaching (VIT)

Where a three-day mandatory notification is made to the Social Services Regulator about an SoA who is a registered or casual teacher, or holds a permission to teach, the Social Services Regulator will notify the Victorian Institute of Teaching (**VIT**) about the allegations. VIT will then seek further information about the allegations from the RCS Team in accordance with the relevant sections of the *Education and Training Reform Act 2006* (Vic).

## 11. Recordkeeping

MACS maintains records of Reportable Allegations, written reports and Reportable Conduct investigation findings in accordance with the Public Record Office Victoria Recordkeeping Standards and MACS policies for information and records management and relevant policies and procedures for child safety and wellbeing.

## 12. Monitoring and review

In accordance with the Policy Governance Policy, MACS will regularly review policies and procedures to ensure they remain compliant with legal and regulatory requirements and consistent with best practice. Principals will be notified when this Policy is reviewed and are required to notify their school community through the school's usual communication channels.

## 13. Roles and reporting responsibilities

| Role | Responsibility | Reporting requirement |
|---|---|---|
| Executive Director | • Head of Entity for the Scheme<br>• Ensure MACS has systems in place to:<br>– prevent the occurrence of Reportable Conduct<br>– ensure Reportable Allegations are brought to immediate attention<br>– notify the Social Services Regulator of allegations<br>– investigate allegations of Reportable Conduct and respond to those allegations in accordance with the requirements of the Scheme | Make reports to Social Services Regulator in accordance with the Scheme. |

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| | – report findings of investigations to the Social Services Regulator<br>– ensure appropriate actions are taken in response to any Reportable Allegations | |
| Director, People and Culture | • Prepare report about MACS strategies for child safety and compliance with the Scheme | Executive Director, MACS Board, Child Safety and Risk Management Board Committee, Victorian Catholic Education Authority |
| Reportable Conduct Scheme (**RCS**) Team | • Support the Executive Director to fulfil their responsibilities under the Scheme | |
| Principals and MACS Managers | • Ensure all Reportable Allegations are identified, taken seriously and referred to the RCS Team as soon as they become aware of them<br>• Maintain recordkeeping practices to support investigations and to facilitate requests for information or documentation from MACS, Victoria Police, Social Services Regulator or a regulator during an investigation that are compliant with the Scheme and relevant legislation | |
| All MACS Staff and school communities | • Must notify the Principal, a MACS Manager, the Executive Director or Social Services Regulator of any Reportable Allegation about MACS Staff or Others | |

# 14. Definitions

Definitions of standard terms used in this Policy can be found in the Glossary of Terms.

**Child**

Child means a child or young person who is under the age of 18 years. (Source: *Child Wellbeing and Safety Act 2005*)

**Social Services Regulator**

The Social Services Regulator is an entity established by the *Child Wellbeing and Safety Act 2005* (Vic). The role of the Social Services Regulator includes overseeing compliance with the Child Safe Standards and administering the Reportable Conduct Scheme.

**MACS Reportable Conduct Scheme (RCS) Team**

The MACS Reportable Conduct Scheme (RCS) Team supports the Executive Director to comply with his obligations under the Reportable Conduct Scheme.

**Notifier**

A person who makes the notification about alleged Reportable Conduct through one of the channels available. This can be the person who has formed the reasonable belief or someone else who wants to seek advice about a possible Reportable Conduct matter from the RCS Team.

**Others or Other**

In this Policy, Others or Other refers to workers and volunteers supplied by labour hire agencies, companies and other providers (e.g. casual relief teachers, some student teachers – depending on arrangements), secondees and directors and office holders of companies performing services for MACS if they meet all of the following criteria:

- they are supplied to MACS by labour hire agencies, companies and other providers, or they are seconded to MACS
- they perform work in and as part of MACS and
- they are under the direction, supervision or control of MACS.

**Reasonable Belief**

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 reach a reasonable belief if they have:

- observed the conduct themselves
- heard directly from a child that the conduct occurred; or
- received information from another credible source that the conduct occurred (including another person who witnessed the Reportable Conduct or misconduct that may involve Reportable Conduct).

**Religious Ministry**

A reference in this Policy to those in religious ministry includes clergy (e.g. a Cardinal, Archbishop, Bishop, Priest, Chaplain, Religious Sister, Religious Brother, Deacon) or Seminarians, lay ecclesial ministers including pastoral associates, those engaged in chaplaincy and persons residing at the presbytery or on the grounds of the parish, agency or entity.

**Reportable Allegation**

Reportable Allegation means any information that leads a person to form a reasonable belief that a MACS Staff member or Other has committed 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**

Reportable Conduct is defined as:

- 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.

**Reportable Conduct Scheme**

The Reportable Conduct Scheme is a child protection scheme that requires certain Victorian organisations, including schools, to notify the Social Services Regulator if there is an allegation of Reportable Conduct made against one of its employees, contractors, or volunteers. The organisation is also required to investigate the allegation and report its findings and any action taken to the Social Services Regulator.

**Secondee**

People who are employed by a provider and are supplied to another organisation to work for a temporary secondment period.

**Subject of Allegations (SoA)**

A person about whom Reportable Allegations of Reportable Conduct or misconduct that may involve Reportable Conduct are made.

# 15. Related policies and documents

### Supporting documents

Reportable Conduct Procedures

### Related MACS policies and documents

Child Abuse Identification and Response Policy
Child Safety and Wellbeing Policy
Child Safety and Wellbeing Recordkeeping Procedures
Code of Conduct for MACS Staff
Code of Conduct – Parents
Complaints Handling Policy for MACS Schools
Information and Records Management Policy – MACS offices

# 16. Legislation and standards

*Child Wellbeing and Safety Act 2005* (Vic)
*Children, Youth and Families Act 2005* (Vic)
*Crimes Act 1958* (Vic)
*Education and Training Reform Act 2006* (Vic)
*Public Records Act 1973* (Vic)

# Policy information

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| **Responsible executive** | Director, People and Culture |
| **Policy owner** | General Manager, Reportable Conduct |
| **Approving authority** | MACS Board |
| **Assigned board committee** | Child Safety and Risk Management |
| **Approval date** | 5 August 2026 |
| **Risk rating** | Extreme |
| **Review by** | August 2028 |
| **Publication** | CEVN, School websites, Gabriel |
| **POLICY DATABASE INFORMATION** | |
| **Assigned framework** | Child Safety |
| **Supporting documents** | Reportable Conduct Procedures |
| **Superseded documents** | Reportable Conduct Policy – v1.0 – 2021<br>Reportable Conduct Policy – v2.0 – 2022<br>Reportable Conduct Policy – v3.0 – 2025 |