

Child Protection

Conduct that is Reportable to the Victorian Institute of Teaching Policy



Introduction

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

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

VIT Reporting, Mandatory Reporting & Reporting to the Commission

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 (Vic) (refer to the Lavalla Catholic College **Child Protection - Mandatory Reporting Policy**) and the Reportable Conduct obligation under the Child Wellbeing and Safety Act 2005 (Vic) (refer to the Lavalla Catholic College **Child Protection - Reportable Conduct of Staff, Volunteers and Others Policy**).

Internal Reporting of Allegations of Staff Misconduct

Any allegation of staff misconduct must be immediately reported to the Principal, or a member of the Leadership Team should the allegation involve the Principal.

Internal Investigation of Allegations of Misconduct

Once an allegation of misconduct has been made (which does not require reporting to Department of Health and Human Services (DHHS) Child Protection under the **Mandatory Reporting obligations**) an internal investigation, led by the Principal, or a member of the Leadership Team if the allegation relates to 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 DHHS Child Protection).

Reporting Obligation to the VIT

The College must notify the VIT if the College has taken action against a registered teaching 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 practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.

The College must immediately notify the VIT if the College becomes aware that a teacher:

- has been charged with or committed for trial for a sexual offence, (including grooming, encouragement and child pornography offences); or
- 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 penalties over a threshold level).

The College should also notify the 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 to the College to the VIT include (but are not limited to):

- disciplinary action taken by the College; or
- where a teacher resigns after being advised by the College that it is inquiring into allegations.

When to Notify the VIT

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

VIT Response

On receiving the notification, the VIT has the power to:

- ensure that it has obtained all relevant information from the College, 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; or
- summarily suspend the teacher on an interim basis pending an investigation, if the VIT forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and believes that suspension is necessary to protect children.

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.

Impact on Working with Children Check

Where an employee, Volunteer or Third Party Contractor has been charged with or found guilty of a serious sexual, violent or drug-related offence (including grooming and child pornography offences) (Category 1 or Category 2 offence in the Working with Children Act 2005) their Working with Children card will be revoked and they will not be able to work, or volunteer to work with children.

Allegations Against Staff

Where there is a reasonable belief, allegation, disclosure of child abuse or a child protection incident at the College that relates to a member of the College's teaching staff, non-teaching staff, Leadership Team, or a Volunteer, Third Party Contractor or External Education Provider, the College must notify the MSA Regional Director as soon as reasonably practicable, and in any event within 12 hours.

Related Policies and Procedures

- Child Protection Policy
- Child Protection – Code of Conduct
- Child Protection – The Obligation to Act to Protect
- Child Protection – The Obligation to Report a Sexual Offence Policy
- Child Protection – Mandatory Reporting Policy
- Child Protection – Grooming Policy
- Child Protection – Reportable Conduct of Staff, Volunteers and Others
- Child Protection – Record Keeping
- Staff and Student Professional Boundaries Policy
- Working With Children Checks Policy
- Pastoral Care Policy

Policy & Program Review

Lavalla Catholic College is committed to the continuous improvement of our Child Protection Program. The Program is regularly reviewed for overall effectiveness and to ensure compliance with all child protection related laws, regulations and standards.