

Wyndham Community and Education Centre Inc Policy and Procedure

Policy name	Student Well Being and Duty of Care in VCAL & Youth Programs (includes procedures for under-18s) Policy and Procedure
Responsible person	Board, CEO and VCAL & Youth Manager
Staff involved	All staff and volunteers Child Safe Officer
Review dates	2021
Related documents	<p>Legislation: Education and Training Reform Act 2006 (Vic) and 2017 Education & Training Regulations (Vic), Children, Youth and Families Act 2005 (Vic), Child Wellbeing and Safety Act 2005, Crimes Act 1958 (Vic), Equal Opportunity Act 2010 (Vic), Working with Children Act 2005 (Vic), Occupational Health and Safety Act 2004 (Vic), Charter of Human Rights and Responsibilities Act 2006 (Vic), Disability Act 2006 (Vic), Disability Regulations 2007, Information Privacy Act 2000 (Vic), Health Records Act 2001 (Vic), Racial and Religious Tolerance Act 2001 (Vic), Disability Discrimination Act 1992 (Com), Disability Services Standards (DEWR) 2007 (Com), Racial Discrimination Act 1975 (Com), Human Rights and Equal Opportunity Commission Act 1986 (Com), Privacy Act 1988 (Com). Ministerial Order 706 Anaphylaxis Management in Schools, Ministerial Order 723 Structured Workplace Learning (Non School Providers), Ministerial Order 55 Structured Workplace Learning Arrangements (Schools), Ministerial Order 724 Work Experience Arrangements (Non-School Providers), Ministerial Order 382 Work Experience Arrangements (Schools), Ministerial Order 870 Child Safe Standards, Victorian Institute of Teaching Act (Vic) 2001</p> <p>Policies: OH&S Policy & Procedure, Child Safe Policy and Procedure, Access and Equity Policy & Procedure, National Police Check/ Working with Children Check/ VIT Registration Policy & Procedure, Staff Recruitment and Induction Policy & Procedure, Critical Incident and Emergency Management Policy & Procedure, Risk Management Policy & Procedure, Cyber Bullying Policy & Procedure, Harassment, Discrimination, Victimization and Bullying Policy & Procedure, Conflict Resolution Policy & Procedure, Accident & First Aid Policy & Procedure, Health Policy & Procedure, Asthma Management Policy & Procedure, Anaphylaxis Management Policy & Procedure, Professional Development Policy & Procedure, Marketing, Advertising and Promotions Policy and Procedure, VCAL Selection, Enrolment, Induction, Delivery Policy & Procedure, Privacy Policy & Procedure, VCAL Discipline Policy & Procedure, Mandatory Reporting Policy & Procedure, Sun Smart Policy & Procedure, VCAL Attendance Policy & Procedure, Excursions Policy and Procedure, Complaints and Appeals Policy & Procedure, Volunteer Policy & Procedure, Computers, Internet & Email Policy & Procedure, Decision Making Responsibilities for VCAL & Youth Policy & Procedure, Data Breach Policy & Procedure, Procedure for Dealing with Visitors to Wyndham CEC Venues, VCAL Suspension & Expulsion Policy & Procedure, Staff Recruitment & Induction Policy and Procedure.</p>

This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 30/1/20 and supersedes all previous versions.

Version: 2020v1

Document number: 376

Page 1 of 12

G:\2020\2020 Compliance_P&P_AQTF\Policies\VCAL\VCAL Student Wellbeing and Duty of Care 2020v1.doc

Wyndham Community and Education Centre Inc Policy and Procedure

Other: Wyndham CEC Insurances, Mission, Vision & Values Statement, VCAL Guidelines Managing Behaviour, Minimum Standards for Registration as a non-school senior secondary provider, VRQA VET Guidelines, VCAL Teacher Package, VCAL Student Package, VCAL Student Handbook, Structured Workplace Learning and Work Experience Arrangements for non-school Providers, Structured Workplace Learning and Work Experience Arrangements (Schools), Victorian Government School Arrangement Form for School Community Work; Student Code of Conduct, Staff Code of Conduct, VCAL Support Services Directory, Working with under-18s register, Medication Administration Log, Medication Authority Form, Statutory Declaration for Informal Relative Carers, Permission to Leave the Premises Form, Incident Report Form and Incident Register, Accident, Injury & Illness Report Form, Risk Plan, Emergency Management Plan, Bush-fire at risk register, VCAL Yard Duty Roster, VCAL Attendance Rolls, CVCAL Contracts, VETiS Contracts, VCAL Medical Register, Guide to Making a Report to Child Protection or Child FIRST - <http://providers.dhhs.vic.gov.au/child-protection>
Childsafe standards resources - <https://dhhs.vic.gov.au/publications/child-safe-standards>
Commission for Children and Young People (CCYP) information sheets - <https://ccyp.vic.gov.au/child-safety/>
Reportable Conduct Scheme - <https://ccyp.vic.gov.au/reportable-conduct-scheme/> ; Consent to Share Information form.

Policy context and purpose

Wyndham Community and Education Centre Inc. (Wyndham CEC) is committed to providing a safe, caring and supportive learning environment for all students. Wyndham CEC values the diversity of its community and applies its vision, values and policies across the whole of its organisational practices and programs.

Duty of care is a common law concept that refers to the responsibility of staff in child-connected programs to provide adequate levels of safety and protection against harm.

Wyndham CEC has a zero tolerance to child abuse and is committed to child safe standards and principles.

Wyndham CEC acknowledges that it owes a duty of care to students and will take reasonable steps to protect students and clients from risks of injury that could have been reasonably foreseen

From 1st July 2017, an additional duty of care will exist for any organisation in Victoria that exercises care, supervision or authority over children, including organisations such as Wyndham CEC. This duty of care will establish a presumption of liability, such that these organisation will need to prove that they took “reasonable precautions” to prevent child abuse, if they are to successfully defend a legal claim. The new duty does not change existing duties that Wyndham CEC and teachers already have, but instead

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Wyndham Community and Education Centre Inc

Policy and Procedure

reinforces the importance of ensuring that organisations, such as Wyndham CEC, take reasonable precautions to minimise the risk of child abuse.

Wyndham CEC also acknowledges that it owes a duty to take reasonable care that any student or client (or other persons) on the premises will not be injured or damaged by reason of the state of the premises or of things done or omitted to be done in relation to the state of the premises.

Policy

Wyndham CEC is a community based Learn Local provider and registered non-school senior secondary education provider of the Victorian Certificate of Applied Learning (VCAL) and Vocational Education and Training courses (VET).

Wyndham CEC is committed to ensuring that the Minimum Standards for Registration to provide a senior secondary program are met.

This policy and procedure outlines the responsibilities of Wyndham CEC in relation to students enrolled in Wyndham CEC's VCAL & Youth programs, including procedures for under-18s enrolled in training programs or activities at Wyndham CEC.

Wyndham CEC supports the principles and practices of equal opportunity and human rights and undertakes to ensure that programs are accessible to all eligible members of the community and are responsive to individual needs.

Wyndham CEC is committed to providing an inclusive environment and to enhancing the opportunities for participation in programs and services on offer regardless of culture, age, religion, gender, political affiliation, ability or disability and, which is free from discrimination, harassment and racism.

Wyndham CEC acknowledges that student safety and well being are the responsibility of **all staff** working within the organisation.

Helping students to learn effectively and to develop positive attitudes and behaviours to learning are goals shared by staff at Wyndham CEC. Emphasis is placed on meeting student's individual learning needs and tailoring programs to meet those needs.

Wyndham CEC works in partnership with several entities including schools, networks and youth services to ensure appropriate support services are available and accessible to students and their families while students are enrolled in a course at Wyndham CEC.

Underlying this policy is the premise that students have the responsibility for their behaviour and that staff will work in partnership with students, parents and/or guardians to assist them to meet the requirements of enrolment in VCAL or Youth programs.

This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 30/1/20 and supersedes all previous versions.

Version: 2020v1

Document number: 376

Page 3 of 12

G:\2020\2020 Compliance_P&P_AQTF\Policies\VCAL\VCAL Student Wellbeing and Duty of Care 2020v1.doc

Wyndham Community and Education Centre Inc

Policy and Procedure

As part of duty of care arrangements to students, Wyndham CEC will take all reasonable steps to supervise students appropriately while they are engaged in programs at Wyndham CEC, either onsite or offsite including before and after scheduled programs.

Policy Principles

Wyndham CEC is committed to:

- zero tolerance of child abuse
- providing a safe, effective and inclusive learning environment
- ensuring appropriate supervision and duty of care
- improving student engagement and well being
- increasing learner connectedness with Wyndham CEC
- strengthening the cohesiveness and self esteem of youth undertaking programs
- improving levels of learning and motivation of young people
- improving attendance rates for young people
- providing information and support for young people
- employment of suitable and qualified staff
- implementing safety screening procedures when recruiting staff

Procedures

In order to achieve the above principles and maintain a safe environment for all students in a VCAL or Youth program, including students under-18, Wyndham CEC will implement the following procedures.

Wyndham CEC will:

- provide a safe and suitable environment for students that promotes a culture of student well-being
- employ only suitably qualified staff and follow safety screening procedures as per National Police Check/ Working with Children Check/ VIT Registration Policy & Procedure
- implement safety screening procedures as per *Staff Recruitment and Induction Policy & Procedure*
- provide adequate levels of supervision at lunchtime, at morning and afternoon break times, and on excursions or camps
- ensure 'duty of care' to students while on the premises, including before and after scheduled programs or during after-hours activities
- notify-parents/guardians of excursions including transport arrangements
- work with students with a disability and their families to ensure appropriate supervision and levels of duty of care
- liaise closely with parents and families of students under-18 to ensure adequate levels of safety and duty of care

This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc on 30/1/20 and supersedes all previous versions.

Version: 2020v1

Document number: 376

Page 4 of 12

G:\2020\2020 Compliance_P&P_AQTF\Policies\VCAL\VCAL Student Wellbeing and Duty of Care 2020v1.doc

Wyndham Community and Education Centre Inc Policy and Procedure

- implement strategies to prevent bullying, guided by Wyndham CEC's *Cyberbullying and Harrassment, Discrimination, Victimisation and Bullying* policies and procedures
- ensure appropriate levels of staff are trained to administer First Aid and ensure medical assistance is provided to ill or injured students. See Medication section of this policy and procedure on page 7
- ensure strong links with the community and relevant support agencies and networks to access services for students if required
- ensure that no scheduled classes occur for more than 8 hours a day or outside the hours of 8:00 am and 10:00 pm on any day
- ensure that a Memorandum of Understanding is in place for any student undertaking training with another organisation (if applicable)
- ensure that a signed contract with a school is in place for any students in Community VCAL or Vocational Education and Training in Schools (VETiS)
- ensure that all staff meet all requirements within the *Child Safe Policy & Procedure (including statement of Commitment)* and *Mandatory Reporting Policy & Procedure*
- ensure that all staff are aware of their roles and responsibilities in protecting the safety and wellbeing children and young people and are able to:
 - o understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person
 - o identify indicators that a child or young person has been, is being, or is at risk of being abused
 - o make a report about a child or young person who has been, is being or is at risk of being abused.

Hours of operation

Wyndham CEC VCAL classes and day time youth programs commence at 9 AM and finish at 3:30 PM Monday to Friday. Students will be supervised from 8:30 am. Any students under-18 arriving before 8:30 AM, must be dropped off by parents/ guardians and report to the VCAL & Youth Manager where they will be supervised.

A staff member will be on duty at Wyndham CEC's exit gate from 3:30 PM to 3:45 PM Monday to Friday, after classes finish. Any students under-18 being picked up after 3:45 PM, must report to the VCAL & Youth Manager where they will be supervised until a parent/ guardian personally collects them.

During all scheduled class and break times, staff follow a yard duty roster, Monday to Friday.

Students undertaking any VCAL & Youth after school programs are supervised by Wyndham CEC staff.

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Wyndham Community and Education Centre Inc

Policy and Procedure

Visitors to Wyndham CEC

For all external visitors to Wyndham CEC, VCAL & Youth staff must follow the *Procedure for Dealing with Visitors to Wyndham CEC Venues*

Responsibilities of all students in VCAL & Youth programs:

In order to foster learning and social behaviours that are consistent with the values of the organisation, students must abide by the *Student Code of Conduct*, the *VCAL/ Youth Student Contract* they sign at enrolment, behaviour guidelines as set out in Wyndham CEC's VCAL student handbook and Wyndham CEC policies and procedures received in the student package.

Student Support Services:

Wyndham CEC has support structures and programs in place which address the identified needs of students in its VCAL courses and youth programs. This includes a *Support Services Directory* that includes referral mechanisms to external agencies such as alternative programs and/or support agencies. Wyndham CEC works closely with youth related agencies and agencies responsible for case-managing young people to ensure the needs of students requiring support services are met.

For students aged under-18, referral to support services may involve liaising with parents and / or guardians as required prior to making a referral.

Wyndham CEC VCAL & youth staff and teachers are required to report any areas of concern to the VCAL & Youth Manager as they arise. All VCAL/ Youth teachers have a section in the class roll for documenting notes on a student that they are potentially concerned about. The class roll including the notes are returned to the VCAL Admin office each day. The VCAL & Youth Manager will follow up with students and teacher concerns as they arise.

All staff are advised to limit advice or counsel to students to areas within their own professional competence and expertise. They must ensure that any advice they give is correct and in line with Wyndham CEC codes, policies and procedures. Staff must avoid giving advice in areas unrelated to their professional role and must instead report any concerns to the VCAL & Youth Manager in the first instance for follow up. The VCAL & Youth Manager will brief the CEO as required.

Attendance:

Students enrolled in a VCAL course are required to attend all scheduled time-tabled classes and excursions/activities in order to maximise their learning opportunities and ensure satisfactory completion of all coursework and assessment within the VCAL course. Wyndham CEC expects minimum attendance of 80% to all scheduled timetabled

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Wyndham Community and Education Centre Inc Policy and Procedure

classes but is committed to working with students, families and support workers towards increasing attendance rates to 90% - 100% during the course of student re-engagement in a program at Wyndham CEC. Student attendance will be monitored throughout the year. Wyndham CEC has an *Attendance Policy and Procedure* which outlines the steps and strategies for monitoring attendance and dealing with student absences and lateness. This procedure also has details of all methods of contact including contact numbers if a student is going to be absent or late.

Responsibilities of all staff in VCAL & Youth programs:

- Staff must be aware of their responsibilities of duty of care to students including their responsibilities around mandatory reporting and child safe standards. Staff are provided with these policies and procedures annually and all are available on SharePoint.
- Staff are provided with ongoing professional development to enhance their knowledge and skills. An annual PD Plan for the Training Services Unit outlines minimum scheduled PD for staff over the year. Wyndham CEC has a detailed *Professional Development Policy and Procedure* which outlines processes for PD at Wyndham CEC.
- All staff at Wyndham CEC must have a working with children check and / or VIT Registration. Wyndham CEC's *National Criminal History Check, Working with Children Check and VIT Registration Policy and Procedure* outline how Wyndham CEC ensures this as well as processes for documenting these records and ensuring all staff have current and valid checks. Wyndham CEC has a register of staff and volunteers (if any) working with students under-18.
- Wyndham CEC ensures that all staff working in the Training Services Unit have appropriate qualifications to deliver and assess accredited curriculum at Wyndham CEC. Wyndham CEC's *Staff Recruitment Policy and Procedure* and HR recruitment process outline the steps for ensuring this. A copy of Teacher qualifications are kept on file.
- Wyndham CEC has a thorough *Staff Recruitment and Induction Policy & Procedure* in place to ensure staff understand their responsibilities and are appropriately inducted.
- Staff are responsible for supervision of students and must monitor student behaviour in and outside the classroom to ensure the safety of all and promote a successful learning environment. VCAL staff must follow the *VCAL Guidelines Managing Behaviour* and the *VCAL Discipline Policy and Procedure*.

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Version: 2020v1

Document number: 376

Page 7 of 12

G:\2020\2020 Compliance_P&P_AQTF\Policies\VCAL\VCAL Student Wellbeing and Duty of Care 2020v1.doc

Wyndham Community and Education Centre Inc Policy and Procedure

- Staff are expected to adhere to the *Staff Code of Conduct* and at all times demonstrate highly ethical and professional behaviour. Staff-student relationships should be positive but maintain clear professional boundaries that protect everyone from misunderstandings or violations of the professional relationship.
- A staff member may fail to maintain a professional boundary by acting or operating beyond the responsibility of their role or expertise. If students raise significant personal problems with a staff member they trust which is beyond the responsibility or expertise of the staff member, they must seek advice from the CEO, their Manager or Child Safe Officer (if appropriate), who can assist them with referral to a specialist.
- All policies and procedures outlined above are available on SharePoint, Wyndham CEC's content management system, via log-in and password.

Procedures for students under-18

Supervision:

Legal duty of care requires Wyndham CEC staff to take all reasonable measures to ensure the safety of any student under their care. Students are supervised at all times in classrooms, lunch and break times, and on excursions. All teachers have a yard duty timetable and are expected to supervise students at their allotted time. Teachers are expected to be on time for yard duty and remain there for the whole time allocated. It is the responsibility of the teacher on yard duty to inform all students when the break is finished and direct them back to their scheduled classes.

A staff member will be on duty from 8:30am and at Wyndham CEC's exit gate from 3:30 PM to 3:45 PM.

Students under 18 are able to leave the premises at lunchtime if a parent / guardian has signed a *Permission to Leave the Premises* Form.

See section on hours of operation on page 4 above for more details.

Consent from parent/guardian:

Wyndham CEC requires signed consent from a parent / guardian for the following:

- to enrol a student under-18 in a Wyndham CEC program
- to attend an excursion
- to participate in community activities and programs that help develop connectedness with Wyndham CEC
- to leave the premises and not return for their scheduled timetabled class
- to take and use photos of students (see *Wyndham CEC Marketing, Advertising and Promotions Policy and Procedure*)

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Wyndham Community and Education Centre Inc Policy and Procedure

- to consent to share information with organisations or professionals to help provide support for the students

Students under-18 who cannot obtain consent from a parent or legal guardian will be required to provide a *Statutory Declaration for Informal Relative Carers* that will give the required consent to attend an excursion or activity.

Parents/guardians will be notified if a student under-18 leaves the premises without authorisation.

Attendance:

The *VCAL Attendance Policy and Procedure* referred to above will be followed for all VCAL students including students aged under-18. However, students under-18 must provide a note from a parent / guardian on return after an absence and a note or a phone call, text or email must explain an absence for any student under-18.

Students under-18 are required to bring a note signed by a parent/guardian with an explanation if leaving early for the day. Parents and students are asked to make appointments out of scheduled time-tabled hours.

Student Support Services:

Student support services are outlined on page 5 above.

For students aged under-18, referral to support services may involve liaising with parents and / or guardians prior to making a referral.

Wyndham CEC requests written consent to speak to organisations and professionals to help provide the best support for the young person. The information will be used by Wyndham CEC for this primary purpose (and any other directly related purposes) and will only be disclosed to the organisation/s and or professional/s that have been nominated.

Medication:

Wyndham CEC recognises that there may be times when staff need to administer medication to a student in an emergency if requested by a parent / guardian when the student under-18 is unable to self-administer.

Wyndham CEC has a senior first aid officer and several first aid trained staff. Wyndham CEC can arrange staff to administer medication to students under-18 if required and if consent is provided by the parent/legal guardian.

Wyndham Community and Education Centre Inc Policy and Procedure

Wyndham CEC's duty of care is to administer the correct dose of medication according to written instructions received by the parent/guardian. These instructions must contain directions for storage and administration.

Wyndham CEC will ensure that medication is stored securely, away from the classroom and away from the first aid kit in a place accessible by the staff member responsible for administration of it.

Medication must be in the original bottle or packaging and must be clearly labelled with the name of the student, time and dosage to be administered.

The expiry date of the medication must be visible.

Wyndham CEC will ensure that privacy of the student is maintained in relation to medication and illness.

Wyndham CEC may need to seek clarification from the student's medical practitioner and will seek permission to do so if the need should arise.

Wyndham CEC does not administer non-prescribed medicines such as paracetamol or analgesics to students and does not keep them on the premises.

For students with asthma, anaphylaxis or allergies, Wyndham CEC follows the relevant Anaphylaxis or Asthma policies and procedures. For other illnesses or medical emergencies, Wyndham CEC follows the *Accident & First Aid Policy and Procedure* and the *Health Policy and Procedure*.

In the event of medication needing to be administered to a student under-18, a record must be kept in the *Medication Administration Log* kept in the VCAL & Youth Manager's Office or VCAL Administration office.

Teachers of students requiring medication must be informed by the VCAL & Youth Manager or her delegate of this and the student must be released from class to obtain the medication from the VCAL & Youth Manager's Office or VCAL Administration office.

In the unlikely event that Wyndham CEC staff become responsible for ongoing administration of medication to a student under-18, all instances of administration must be recorded on the *Medication Authority Form*. This form will be stored in the student's file and a copy in the CEO's office.

The CEO and the VCAL & Youth Manager both have a current copy of the *VCAL Medical Information and Contact List Register* for students in the VCAL program with medical conditions.

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Version: 2020v1

Document number: 376

Page 10 of 12

G:\2020\2020 Compliance_P&P_AQTF\Policies\VCAL\VCAL Student Wellbeing and Duty of Care 2020v1.doc

Wyndham Community and Education Centre Inc Policy and Procedure

Wyndham CEC is not responsible for interpreting or monitoring a medical condition or the effects of medication.

Sun Smart: Wyndham CEC has a Sun Smart Policy and Procedure which outlines good practices in relation to sun care for students, staff and clients of Wyndham CEC. The policy and procedure include reference to and guidelines for students aged under-18.

Mandatory Reporting and failure to disclose offences:

Protecting children is everyone's responsibility. Wyndham CEC takes its legal obligations and responsibilities seriously and all staff must be familiar with legislative requirements, including:

Teachers are **mandated reporters**. This means that they must report to the Child Protection Authority at the Department of Health & Human Services (DHHS) when they form a belief on reasonable grounds that a child or young person is at risk of significant harm.

Failure to disclose: Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police. This offence came into effect on 27 October 2014. The offence applies to all adults, not just professionals who work with children.

Failure to protect: People of authority in the organisation will commit an offence if they know of a substantial risk of child sexual abuse by someone in the organisation and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. The offence came into effect on July 1, 2015.

Grooming offences: A grooming offence is now in effect to target individuals who communicate with a child or their parents with the intent of committing child sexual abuse.

Wyndham CEC has a *Mandatory Reporting Policy and Procedure* and a *Child Safe Policy and Procedure (including statement of commitment)* that ensure all staff are clearly informed of their obligations under the legislation and understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse. Please ensure you are very familiar with these policies and procedure.

Wyndham CEC also has a Child Safety officer, Lesley Nallawalla who is a resource available for staff and students.

Reportable Conduct Scheme: On 1 July 2017, the *Reportable Conduct Scheme* commenced in Victoria. Allegations of child abuse or misconduct involving children

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Version: 2020v1

Document number: 376

Page 11 of 12

G:\2020\2020 Compliance_P&P_AQTF\Policies\VCAL\VCAL Student Wellbeing and Duty of Care 2020v1.doc

Wyndham Community and Education Centre Inc Policy and Procedure

(reportable conduct) made against employees, must be reported to the Commission for Children and Young People. This scheme does not override other legal obligations.

The CEO of Wyndham CEC will report any reportable allegations within 3 business days after becoming aware of them to the Commission for Children and Young People (CCYP). In addition, Wyndham CEC will comply with the requirement to provide further detailed information as required within the 30 day timeline and report the results of any investigation including any outcomes or findings at the conclusion of the investigation.

Any reportable allegations should be raised with the CEO by any staff or volunteers immediately, for investigation and reporting to the CCYP.

What is reportable conduct?

The Commission defines five types of ‘reportable conduct’:

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence 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.

For more information see <https://ccyp.vic.gov.au/reportable-conduct-scheme/> and see Commission for Children and Young People Information sheets 1 to 7 attached.