1 AUTHORITY AND APPLICATION

<table>
<thead>
<tr>
<th>Date of approval</th>
<th>10 December 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of approval</td>
<td>Catholic Education Commission Tasmania</td>
</tr>
<tr>
<td>Start date</td>
<td>14 May 2020</td>
</tr>
<tr>
<td>Date of review</td>
<td>2022</td>
</tr>
<tr>
<td>Date of amendments</td>
<td>N/A</td>
</tr>
<tr>
<td>Previous policies replaced by this Policy</td>
<td>N/A</td>
</tr>
</tbody>
</table>

SIGNED:  
[Signature]

Chair of the CECT

DATE: 11 May 2020
2 RELATED LEGAL INSTRUMENTS

This policy should be considered in conjunction with the following legal instruments:

| CECT Policies and Procedures | ● Code of Conduct Policy  
● School Grievance Policy  
● Mandatory Reporting Policy  
● Workplace Behaviour Policy  
● Cyberbullying Policy |
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>AoH Policies</td>
<td>● Safe Communities: – Protecting Children and Vulnerable Adult Policy</td>
</tr>
<tr>
<td>Other</td>
<td>● Pontifical Commission for the Protection of Minors - Responding to Complaints of Abuse</td>
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</table>
| Applicable Laws               | All laws in connection with the carrying out of work or the Workplace including:  
● Children, Young Persons and their Families Act 1997 (TAS)  
● Criminal Code Act 1924 (TAS)  
● Family Law Act 1975 (Cth)  
● Family Violence Act 2004 (TAS)  
● Police Offences Act 1935 (TAS)  
● Registration to Work with Vulnerable People Act 2013 (TAS)  
● Work Health & Safety Act 2012 (TAS) |

3 POLICY STATEMENT

The aim of this policy is to ensure Catholic Education Tasmania (CET) workers are aware of what constitutes reportable conduct and understand how to respond to such conduct.

This policy compliments existing CET child safe policies and demonstrates the strong commitment of CET to the care, safety and wellbeing of children in our schools and workplaces.

4 DEFINITIONS

Please note for the purposes of this policy, any reference to:

● **Archdiocesan Schools** – Catholic schools and colleges owned by the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart.

● **Catholic Education Tasmania (CET)** covers Congregational schools operating in Tasmania and Catholic Education Commission Tasmania (CECT) controlled workplaces including the Tasmanian Catholic Education Office (TCEO), Archdiocesan Schools and adjunct business undertakings such as child care operations.
• **Congregation Schools** – schools operated by Catholic religious institutions i.e. Dominic College, St Francis Flexible Learning Centre and St Virgil’s College.

• **CTC** is the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart.

• **Child** – a child enrolled at a CET school or adjunct business undertaking.

• **Child-connected Work** is any regulated activity or other work conducted under the auspices of the CECT or of a Congregational school and performed by a worker in a CET workplace while children are present or reasonably expected to be present.

• **Child Safe** is a safety-oriented approach to providing for the care and protection of children in an environment and manner which maximises their opportunities to grow, learn and reach their potential.

• **Child Safety Notification** (previously CPAARS) is any information provided to the Child Safety Service that a child is at risk of abuse or neglect.

• **Director of Professional Standards** is appointed by the Archdiocese of Hobart to manage the Towards Healing Protocol, established by the Bishops’ Conference and Catholic Religious Australia, to deal with complaints of abuse against Church personnel within pastoral relationships and assists and supports the complainant through the process.

• **Executive Director** is the Director of Catholic Education, responsible for overall leadership and management of Catholic education in Tasmania.

• **Mandatory Report** is a Child Safety Notification made by a mandatory reporter.

• **Misconduct** refers to misbehaviour or wrongdoing or conduct that is against the CECT Code of Conduct.

• **Other Person** is any adult in a school environment or workplace who is not a worker.

• **Prohibited** action, activity etc means something forbidden by law.

• **Regulated Activity** is any activity or service which involves children as defined in *Registration to Work With Vulnerable People Regulations Act 2014 (TAS)*.

• **Reportable Conduct** means any:
  
  o sexual offence, or sexual misconduct, committed against, with, or in the presence of a child (including grooming, sending/uploading sexually explicit digital/social media posts, child pornography offences, whether or not the behaviour falls below the criminal offence threshold); and/or
  
  o unreasonable treatment of a child but not extending to conduct which is reasonable for the purposes of the discipline, management or care of children having regard to appropriate professional standards.

• **Reportable conviction** means a conviction (including a finding of guilt without the court proceeding to a conviction), in Tasmania or elsewhere, of an offence involving reportable conduct.
● **School** – the schools and colleges operated by the Archdiocese of Hobart and Congregation schools and colleges.

● **School Environment** is any physical or virtual place made available or authorised by a school for use by children during or outside school hours, includes:

(a) school grounds, including all campuses;
(b) online school environments, including email, intranet systems and social media platforms; and
(c) other locations provided by the school for a child’s use, including locations used for school activities, events and excursions.

● **CECT** is Catholic Education Commission Tasmania, an entity with delegated responsibility from the CTC for oversight of CET in accordance with its constitution.

● **TCEO** is the Tasmanian Catholic Education Office, the operational arm of the CECT that provides professional support, administrative services and guidance to all schools.

● **TCEO Child Safe Officer** is the person appointed by the Executive Director to assist the Director with child safety matters.

● **Worker** includes any person who carries out work or services in any capacity for Catholic Education Tasmania (CET) either as:

  o an employee
  o a volunteer
  o a priest or religious worker
  o a contractor, subcontractor or consultant
  o an employee of a contractor, subcontractor or consultant
  o an employee of an employment agency or labour hire company
  o an apprentice or trainee
  o an external person gaining work experience or on work placement.

● **Workplace** – any place where work is carried out on the behalf of CET and includes any place where a CET worker goes or is likely to be while at work. This includes offices, schools, construction sites, vehicles, water craft, aircraft and on-site / off-site events such as excursions.

5 **COVERAGE**

This policy covers all CET workplaces including the TCEO, Congregation schools, Archdiocesan schools and adjunct business undertakings. It applies to all CET workers including members of the CECT.
6 OBLIGATIONS AND ACCOUNTABILITIES

(a) CECT members, the TCEO leadership team, school principals and managers of CET workplaces must communicate and implement this policy within their area of responsibility.

(b) CECT members, the TCEO leadership team, school principals and managers of CET workplaces are required to:
   (i) ensure effective systems and structures are in place to allow members of their school community or workplace to report allegations of reportable conduct; and
   (ii) take steps to ensure any allegation of reportable conduct is dealt with in a timely and appropriate manner in accordance with this policy.

(c) CET workers are required to comply with this policy, associated procedures and:
   (i) ensure their conduct does not adversely affect the wellbeing of others;
   (ii) co-operate with instructions, support and promote child safety within school environments and CET workplaces;
   (iii) ensure their actions in raising or responding to reportable conduct matters are in good faith, and not frivolous, vexatious or malicious; and
   (iv) report any reportable conduct matter which comes to their attention.

7 GENERAL PRINCIPLES

(a) The Archdiocese of Hobart considers the safeguarding of children an integral part of the mission of the Church, one which is firmly rooted in the belief each individual has a unique worth created in the image and likeness of God.

(b) The Archdiocese of Hobart is committed to providing positive, caring and nurturing school environments to allow children to flourish without risk. Their welfare is paramount.

(c) As a Catholic education community, it is important we make every effort to stop abuse before it occurs. Any suspected reportable conduct must be acted upon immediately.

(d) The Archbishop of Hobart requires CECT members, the TCEO leadership team, school principals and managers of CET workplaces to respond to any allegation of reportable conduct in accordance with the following processes:

7.1 External Notification

(a) The overarching principle in responding to allegations of reportable conduct is to ensure the safety, welfare and wellbeing of the child in the first instance.

(b) Mandatory reporting processes must be followed whenever there is a belief or suspicion on reasonable grounds a child is suffering, has suffered or is likely to suffer abuse or neglect. For more information please refer to the CECT Mandatory Reporting Policy.

(c) This policy does not change mandatory reporting responsibilities.

(d) School principals and managers of CET workplaces must notify the TCEO Child Safe Officer as soon as possible after becoming aware of an allegation of reportable conduct and also advise of any actions taken. Where a school principal or a manager of a CET workplace has not made a prior external notification based on his/her initial assessment of the situation, the parties will jointly conduct an
assessments to consider to what extent:

(i) A child is in danger or has been subjected to unlawful behaviour. If so, Tasmania Police must be notified.

(ii) A child is suffering, has suffered or is likely to suffer abuse or neglect. If so, a mandatory report must be made, refer to CECT Mandatory Reporting Policy.

(iii) Professional misconduct may have occurred. If so, an internal investigation must be conducted (see below Clause 7.2 Internal Investigation).

(e) The TCEO Child Safe Officer must immediately notify the Executive Director of the allegation of reportable conduct, who in turn will notify the Archdiocese of Hobart’s Director of Professional Standards.

(f) Where an allegation of reportable conduct is made against the Executive Director or TCEO Child Safe Officer, the Director of Professional Standards must be notified directly.

(g) Disclosures to the Director of Professional Standards may be de-identified to protect the confidentiality and privacy of all parties involved.

7.2 Internal Investigation

(a) Where, a decision has been made by the TCEO Child Safe Officer to conduct an internal investigation, the relevant school principal or the manager of the relevant CET workplace and TCEO Child Safe Officer will jointly:

(i) undertake a risk assessment to determine the risk the worker presents to the child concerned or any other children. Where the worker is currently employed, consideration should be given to removal from the workplace while the investigation is undertaken;

(ii) develop an investigation communication strategy to communicate with the worker, the child and their parent/carer, staff and school community as appropriate; and

(iii) seek legal advice and consult with pastoral care wellbeing providers as needed and provide appropriate support to the parties involved.

(b) The TCEO Child Safe Officer will conduct the investigation or appoint a suitably experienced and skilled investigator to do so under his/her direction.

(b) The internal investigation will be based on the following principles:

(i) Procedural Fairness. Procedural fairness must be adhered to at every step to ensure decision-making is fair and reasonable. This involves decision-makers:

a) informing the worker of the allegations made against them,

b) giving the worker a right to be heard,

c) not having a personal interest in the outcome,

d) acting on the basis of facts and evidence,

e) providing consideration to any person whose interests will be affected by the decision, and

f) making decisions in good faith and without bias.
(i) **Pastoral Care.** Any allegation of reportable conduct is likely to cause stress, anxiety and worry for the parties involved and anyone who may have discovered/witnessed the alleged conduct. All people involved must be treated with respect and dignity and appropriate pastoral care must be offered to all parties.

(ii) **Timeliness.** The internal investigation should proceed as soon as possible after becoming aware of an allegation of reportable conduct.

(iii) **Privacy and Confidentiality.** The privacy of all parties involved and confidentiality of all matters arising from an internal investigation must be maintained unless there is a legitimate purpose for sharing pertinent information with other parties.

(iv) **Integrity.** All processes will be applied consistently and with integrity. Any actual, potential or perceived conflicts of interest must be identified and managed appropriately by the TCEO Child Safe Officer.

### 7.3 Investigation Responses

(a) Possible findings of an internal investigation and some related responses are listed in the table below:

<table>
<thead>
<tr>
<th>Finding</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>unlawful behaviour</td>
<td>immediately turn matter over to Tasmania Police</td>
</tr>
<tr>
<td>a child is suffering, has suffered or is likely to suffer abuse or neglect</td>
<td>immediately refer matter to the Child Safety Service by phoning 1300 737 639</td>
</tr>
<tr>
<td>misconduct as defined</td>
<td>disciplinary action taken as appropriate to the gravity of what has happened, while being consistent with the professional standards expected of, and any law which governs the person’s position</td>
</tr>
<tr>
<td>insufficient evidence to support the allegation</td>
<td>counselling provided to the people involved</td>
</tr>
<tr>
<td>evidence to suggest that the allegation was frivolous, vexatious or malicious</td>
<td>action taken as appropriate</td>
</tr>
</tbody>
</table>

**Note:** At any stage during the course of an internal investigation, if a belief or suspicion on reasonable grounds is formed that a child is suffering, has suffered or is likely to suffer abuse or neglect, then the matter must be reported to external authorities and the internal investigation must be suspended until such time as any external investigation has been concluded.

(b) The TCEO Child Safe Officer must ensure:

(i) the investigation and outcomes are documented;

(ii) a communication plan is created, setting out how the outcome will be shared with parties that have a need to know, including any relevant government organisations and/or professional bodies;

(iii) the outcomes and communication plan are discharged;
(iv) all records, including the report of the investigation, copies of statements and any other relevant documents are kept and stored securely in accordance with CECT records and recordkeeping protocols; and

(v) the most appropriate measures (having regard to what is reasonably practicable) to control and minimise the risk associated with the allegation are considered and taken into account in CET’s child safety risk management improvement processes.

8 BREACH OF POLICY

Breaches of this policy may involve disciplinary action and/or termination of employment or services of a worker. An unlawful finding may involve criminal proceedings.