

Reporting and Investigating Reportable Conduct Policy and Procedure

Purpose

The Child and Youth Safe Organisations Framework (the Framework) was established through the *Child and Youth Safe Organisations Act 2023 (the Act)*. The Framework includes the [Reportable Conduct Scheme](#) (the Scheme) that requires leaders of certain organisations to report, and investigate, concerns about conduct related to a child or young person involving a worker (referred to as reportable conduct) to the Independent Regulator. All Tasmanian Government agencies are required to comply with the Scheme.

The purpose of this policy is to:

- Ensure workers are aware of and comply with their responsibilities to respond to and report concerns about conduct related to a child or young person involving another worker.
- Outline the process for children, young people, families, and members of the public to report concerns about conduct related to a child or young person involving a worker.
- Explain the steps the department is required to take following a report.

Scope

This policy and procedure applies to the process for reporting and investigating a [worker](#) under the Scheme.

Policy statements

State Growth is committed to creating a culture where children, young people, families, workers and members of the public are encouraged and supported to disclose or report concerns about conduct related to a child or young person involving a worker and investigating those concerns in a thorough, transparent, safe and child-centred way.

The Head of Agency (or delegate) is responsible for notifying the Independent Regulator of reportable conduct involving a worker, and the conduct of investigation(s).

Reportable conduct includes criminal and non-criminal behaviour including (but not limited to):

- significant neglect
- physical violence
- a sexual offence
- sexual misconduct
- grooming
- causing significant emotional or psychological harm

- failing to report child abuse.

The Scheme covers conduct alleged to have occurred:

- at work
- outside of work
- before the worker was employed at the organisation
- before the Scheme commenced.

If a child or young person is at immediate risk, call 000 or contact the Strong Families, Safe Kids, Advice and Referral Line on 1800 000 123.

Shared responsibilities

This policy provides the following baseline principles to protect children and young people from harm and provide an environment where children and young people are safe and feel safe.

- All leaders and workers are expected to treat children and young people with respect and provide a working environment that is safe and free from harm and fulfil their responsibilities as outlined in the department's Child and Youth Safety and Wellbeing Policy.
- The department seeks to create an environment of trust, where accountability is encouraged, and reports are acted on in a timely manner using the trauma-informed principles of safety, trustworthiness, choice, collaboration, and empowerment.
- The department will be active in informing children, young people, families, workers and members of the public that we interact with, so they know what needs to be reported and can easily find out how to report and who to report concerns to.
- Workers must report any concerns about conduct related to a child or young person involving another worker whether observed, reasonably suspected or disclosed. All workers are required to make a genuine report and will be supported to do so.
- Children and young people must be taken seriously and listened to when they disclose to a worker that they have concerns about the conduct of another worker or adult.
- Children, young people, families, and members of the public must report concerns about conduct related to a child or young person involving a worker as soon as practicable.

Reporting and investigating reportable conduct

What is Reportable Conduct?

Reportable conduct includes a range of conduct committed against, or in the presence of, children and young people and is broader than suspected criminal behaviour alone.

Definitions outlining the behaviours listed in the Policy statements can be found in the Office of the Independent Regulator [Reportable Conduct information sheet](#).

Reporting concerns

- Workers must report concerns about conduct related to a child or young person involving another worker by:
 - Completing the online *reporting concerns or complaints about child or youth safety and wellbeing form* available on iconnect, or
 - Completing the paper-based *reporting concerns or complaints about child and youth safety and wellbeing form* and sending it to keepingchildrensafe@stategrowth.tas.gov.au.
- Workers have a primary responsibility to ensure that children and young people are safe. If the child or young person is in any immediate risk, then appropriate steps should be taken to ensure their safety. This may be as simple as removing the child from the situation and immediately contacting your manager or the Director People and Culture (or if a more serious matter, call the Police on 000)
- Information for children, young people, families and members of the public on how to report is outlined on the State Growth website, which is linked to business area's external websites and social media sites.
- If a department business area receives a report of concern about conduct related to a child or young person involving a worker, it must be sent to keepingchildrensafe@stategrowth.tas.gov.au.
- Workers and people who make a report have a legal right to confidentiality. This means that the department will not disclose the identity of the person making a report without their consent unless required under the information sharing rights or other legislation. Workers making a report must ensure that confidentiality is maintained as far as is practicable and information is shared only with people that need to know.

Strong Families, Safe Kids Advice and Referral Line

Reporting any concern about conduct related to a child or young person involving a worker is mandatory for workers. If a worker is uncomfortable about reporting this through the department's process, they can report directly to the Independent Regulator or the Strong Families Safe Kids Advice and Referral Line on 1800 000 123.

The Advice and Referral Line can also be used to report any concerns involving a child or young person, such as those that are observed, reasonably suspected or disclosed in a public or private setting.

Notifying the Independent Regulator

The Head of Agency (or delegate) is required by law to notify the Independent Regulator of concerns about conduct related to a child or young person involving a worker within three (3) business days after becoming aware of the concern.

Where there is doubt about whether the conduct is reportable conduct, the Independent Regulator will still be notified.

The report will include:

- that a reportable allegation has been made, or that a reportable conviction recorded against a worker
- the worker's name (including any other names the person goes by, if known) and, date of birth, if known

- if the notification relates to a reportable allegation (rather than a reportable conviction), whether Tasmania Police has been informed
- the name, address, and telephone number of the department
- the Head of Agency's name.

After a report has been made referrals to support services will be offered to the child(ren) involved in the matter, the worker who is the subject of the allegation and any other relevant parties. This will be done by the Director, People and Culture (or delegate).

Notification by the Head of Agency (or delegate) may also need to be made to the following external authorities:

- Tasmania Police – if suspect allegation is a criminal offence.
- Registrar of the *Registration to Work with Vulnerable People Act 2013* – if the worker of the alleged reportable conduct holds registration to work with vulnerable people.
- Strong Families, Safe Kids Advice and Referral Line – if an allegation relates to the child's living arrangements.

Investigating concerns

The department seeks to adopt a trauma-informed approach which actively recognises the widespread impact of trauma on individuals and aims to minimise re-traumatisation. In the context of this policy and procedure, a trauma-informed approach is outlined as follows.

- Providing interpersonal/environmental settings that promote a sense of physical, emotional, and cultural **safety**.
- Ensuring there is **choice** in how individuals participate in the investigation process that is appropriate and possible.
- Promoting **trust** by listening, being attentive and acknowledging what the individual is saying or displaying.
- Promoting **empowerment**, by adopting a **collaborative** approach, involving the individual throughout the process.

The [Universal Principle](#) will also be embedded into the investigation process. For example, before interviewing an Aboriginal or Torres Strait Islander child or young person, the investigator will offer them the opportunity to have a known member of an Aboriginal or Torres Strait Islander organisation present.

The Head of Agency (or delegate) must start an investigation as soon as possible. The investigation will either be conducted internally or the department may engage an independent investigator to investigate the concern on its behalf.

Within 30 days of becoming aware of the reportable conduct, the Head of Agency (or delegate) must provide updated information to the Independent Regulator, including:

- information obtained about the allegation or conviction
- whether any actions have been taken (for example placing a limit on a workers contact with children)
- any written submissions the worker involved has asked to be taken into consideration.

At the completion of an investigation, the Head of Agency (or delegate) must provide the following information to the Independent Regulator:

- a copy of the findings of the investigation and the reasons for those findings;
- details of any disciplinary or other action that the department has taken, or proposes to take, in relation to the worker, and the reasons for that action; and
- if the department does not propose to take any disciplinary or other action in relation to the worker, the reasons why no action is to be taken.

Powers of the Independent Regulator

Under the Reportable Conduct Scheme, the Independent Regulator has the power to:

- monitor the department's investigation into reportable conduct
- request information or documents to enable it to monitor the department's investigation into reportable conduct or for the purpose of conducting its own investigation
- in exceptional circumstances, conduct its own investigation in relation to reportable conduct or the handling of an investigation by the department
- enter premises without consent for the purpose of conducting its own investigation
- interview a person, worker or a child or young person for the purpose of conducting its own investigation
- issue a notice to produce information or documents within certain timeframes to monitor a department's investigation into reportable conduct or for the purpose of conducting its own investigation
- share reportable conduct information with organisations, Tasmanian and interstate police bodies, the Registrar of the *Registration to Work with Vulnerable People Act 2013* and other regulators.

Information sharing and record keeping

Information sharing

The Head of Agency has specific information sharing rights under the Framework which overrides other laws such as the *Personal Information Protection Act 2004* and these information sharing rights can be delegated to another worker in the department. Leaders can share reportable conduct information with:

- the Independent Regulator
- the Police (in Tasmania, interstate police and federal police)
- an independent investigator that they have appointed to conduct a reportable conduct investigation
- leaders of other organisations that are required to comply with the Framework
- an entity regulator
- the Integrity Commissioner
- a Government Minister.

Leaders can share reportable conduct information when:

- they need to comply with the Act, for example to report information to the Independent Regulator, or to conduct a reportable conduct investigation
- they are complying with another law, for example reporting suspected child abuse to police
- they are promoting the safety and wellbeing of children and young people, for example to tell the leader of another organisation that one of their workers is alleged to have abused a child or young person.

There are specific situations where information can be shared with others such as the child or young person concerned, their guardian, other workers, the person who disclosed the reportable conduct, contracted organisations and workers who are subject to reportable conduct investigations. These are described in the [Information Sharing explainer resource](#).

Record keeping

All information received will be kept and managed as per the retention and disposal schedule outlined in the [Office of the State Archivist Royal Commission Toolkit](#) and the *Personal Information Protection Act 2004*. The department will ensure that any personal information will not be used or disclosed, other than as required under the *Personal Information Protection Act 2004*, the information sharing rights under the Framework or as permitted to do so under another law.

Related legislation

[State Service Act 2000](#)

[Child and Youth Safe Organisations Act 2023](#)

[Registration to Work with Vulnerable People Act 2013](#)

[Employment Direction No 5 – Procedures for the investigation and determination of whether an employee has breached the Code of Conduct](#)

[Personal Information Protection Act 2004](#)

[Public Interest Disclosure Act 2002](#)

[Right to Information Act 2009](#)

Related policy documents and supporting resources

Child and Youth Safety and Wellbeing Policy

Child Related Professional Conduct Policy

Resolving Workplace Behaviour Issues Policy and Procedure

Risk and compliance

Non-compliance with this policy increases the risk of concerns about conduct related to a child or young person are not reported, investigated and acted upon and the department failing to comply with the Act, other relevant legislation and Tasmanian State Service directives.

Definitions

Child and young person	A person who has not obtained the age of 18 years
Deputy Regulator	Person appointed as the Deputy Regulator under <i>Child and Youth Safe Organisation Act 2023</i>
Employee	A permanent, fixed-term, casual employees appointed under section 37 or senior executive or equivalent specialist under section 31 of the <i>State Service Act 2000</i> .
Entity regulator	An entity regulator is an existing body that is responsible for regulating or funding an organisation or workers within an organisation.
Grooming	Befriending and establishing an emotional connection with a child (and/or the child's guardian, family, friend or a worker) for the purpose of establishing trust to normalise sexually harmful behaviours or engage in an unlawful act, criminal offence or sexual misconduct against a child
Head of Agency	Head of Agency within the meaning of the <i>State Services Act 2000</i>, or the delegate of the Head of Agency for the purpose of adhering to the <i>Child and Youth Safe Organisations Act 2023</i> State Growth delegates are: • Deputy Secretary Transport • Deputy Secretary Creative Industries, Sport and Visitor Economy • Director People and Culture • Director Legal and Secretariat
Independent investigator	An independent body or person that has appropriate qualification, training, or experience, to investigate reportable allegations for reportable convictions
Officer	A person appointed as a Head of Agency, holder of a prescribed office or senior executive under section 31 of the <i>State Service Act 2000</i>
Worker	A person who has attained the age of 18 years, who carries out work in any capacity for the department. This includes as an employee, volunteer, contractor, subcontractor, consultant, director, member of a management committee, office holder or officer. A worker must be a natural person who the department has engaged to provide services. It does not apply to corporate entities and doesn't extend to workers of those corporate entities.
Reportable conduct	Emotional or psychological harm, significant neglect, physical violence, sexual offence, sexual misconduct, grooming as outlined in Part 1 (7) of the <i>Child and Youth Safe Organisations Act 2023</i>

Reportable conduct information	Information or documents relating to: - a reportable allegation or reportable conviction - a concern or belief that reportable conduct has been committed - the reportable conduct investigation - the findings, reasons for the findings, and the recommendations made, at the conclusion of that investigation - the action taken in response to those findings
Reportable allegation	This is the term the Act uses to describe information that leads a person to form a reasonable suspicion that a worker has committed reportable conduct
Reportable conviction	A conviction for an offence that involves reportable conduct. It doesn't matter whether the conviction occurred a long time ago
Independent Regulator	Person appointed as the Independent Regulator under the <i>Child and Youth Safe Organisation Act 2023</i>
Universal principle	Applies to the 10 Child and Youth Safe Standards and says that organisations must provide an environment that ensures that the right to Cultural Safety of Aboriginal or Torres Strait Islander children is respected

Administration of this policy

Owner	People and Culture
Creator	Project Officer
Approver	Executive Committee
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