



Policy and Procedure

REPORTABLE CONDUCT SCHEME

1. POLICY

Victoria's *Reportable Conduct Scheme* (the scheme) is a commitment from the Victorian Government to make Victoria safer for all children. MASP has a high level of responsibility for children, and under the scheme is mandated to report any allegations of reportable conduct, including professional misconduct, to the Commission for Children and Young People (the Commission).

The scheme does not replace existing reporting requirements for the protection of children and wherever relevant, or as required by law, MASP will continue to:

- Conduct Working with Children Checks, Police Checks or other due diligence regarding the employment of staff;
- Report to Victoria police any criminal conduct by an employee that has been committed or suspected;
- Report to Child Protection if a child is in need of protection;
- Report to Government funding bodies, as part of any funding and service agreement obligations.

The scheme requires an organisation-wide approach and applies to the conduct of all employees aged 18 years or older, within or connected to the organisation, even if their work does not directly relate to children.

Definition of employee

Under the scheme an employee is defined as:

- An employee;
- Volunteers, including foster carers, kinship carers, and lead tenants;
- Contractors;
- Office holders.

Definition of reportable conduct

'Reportable conduct' is defined in the *Children Legislation Amendment (Reportable Conduct) Act 2017* to include offences and misconduct involving children, including:

- A sexual offence
 - Includes rape or sexual assault; grooming or encouraging a child to engage in sexual activity; child abuse material; sexual activity in the presence of a child
- Sexual misconduct
 - Includes crossing professional boundaries; sexually explicit comments; other sexual behaviour
- Physical violence
 - Includes hitting, kicking, punching, pushing, shoving, grabbing, use of object, inappropriate restraint, excessive force
- Significant emotional or psychological harm

- Includes exposure to violence or threats of violence; self-destructive behaviour; antisocial behaviour; persistent hostility or rejection; humiliation/belittling; scapegoating
- Significant neglect
- Includes clothing or food; medical care; shelter; supervision; provision of alcohol/drugs

The alleged reportable conduct or misconduct need not occur within the workplace.

An allegation may refer to reportable conduct or misconduct that is historical.

Reportable conduct outside of employment

Reportable conduct outside of employment is still notifiable under the scheme, and if an employee who is subject of a report resigns or is terminated, an investigation must still be conducted.

Definition of 'head of organisation'

In MASP's case, any references in the scheme to the 'head of organisation' is deemed to be the Chief Executive Officer (CEO).

2. PROCEDURE

Obligation to report

Any employee, volunteer, contractor or office holder, within or connected to MASP, who has a *reasonable belief* that reportable conduct has occurred, shall notify the CEO at the earliest opportunity.

The CEO shall notify the Commission when he has any information that has led a person to form a *reasonable belief* that an employee has committed reportable conduct.

Definition of 'reasonable belief'

Reasonable belief means that the person notifying the reportable conduct, or misconduct that may include reportable conduct, has done so acting as a reasonable person believing that the described facts exist. A reasonable belief does not mean that the conduct should first be 'proved' prior to reporting.

The CEO must still report another person's reasonable belief to the Commission, even if the CEO does not come to the same conclusion as the other person.

Procedure for reporting

Notification of reportable conduct may be made verbally or in writing to the CEO.

The CEO shall make detailed notes of the allegation and any conversations with the person reporting the conduct, and keep those notes in a secure place where they can be accessed if required later.

Within 3 *working days* of becoming aware of the allegation, the CEO must notify the Commission via the designated online portal and e-forms. The definition of a *working day* is Mon-Fri, which means that if a report is made on a Saturday, the CEO has until COB the following Wednesday to report.

The CEO will ensure that procedural fairness applies to the employee against whom allegations are made. The CEO must advise the employee of the specific details and give the employee an opportunity to respond to the allegations. The CEO will make detailed notes of any

conversations with the alleged perpetrator, and keep those notes in a secure place where they can be accessed if required later.

The CEO must investigate the allegations, subject to police clearance to be involved on criminal matters.

Within 30 *calendar days* of becoming aware of the allegation, the CEO must provide the Commission with detailed information, including details of the investigation and any findings or disciplinary actions taken.

If the CEO is made aware of a disclosure relating to another organisation, the CEO can make that disclosure to the Commission, and the Commission will alert the other entity and they will be required to report.

Protection for person notifying reportable conduct, or person who is subject of an allegation

The identities of the reporting person or alleged perpetrator will be treated, as far as reasonably practicable, with confidentiality by the CEO and others, except when required by law or the scheme to disclose the identity, or to assist police in criminal investigations.

With regard to allegations or investigations, MASP expects that its employees conduct themselves in a professional manner at all times. We must neither compromise safety in the workplace, nor the legal presumption of innocent-until-proven-guilty.

Approved by:
CEO

August 2017