



REPORTABLE CONDUCT POLICY

DRAFT

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DRAFT

1 AUTHORITY AND APPLICATION

Date of approval	[#Insert date of approval#]
Source of approval	
Start date	[#Insert date of Commencement#]
Date of review	Three years from approval or review/amendment approval
Date of amendments	[#Insert dates of Amendments#]
Replaces previous	Collaborative Care Policy - draft (aspects of) Taking Care Policy dated Dec 2005 (aspects of)

2 RELATED DOCUMENTS **[TO BE REVIEWED]**

These Guidelines should be considered in conjunction with the following related policies, procedures and Applicable Laws:

TCEC Policies and Procedures	<ul style="list-style-type: none"> • Child Safe Code of Conduct • Cybersafety • Disciplinary • Code of Conduct for Workers • ICT (Information and Communication Technology) - Workers • Performance Management • Policy Terms, Definitions and Interpretation • School Grievances • Work Health & Safety • Working With Vulnerable People
AoH Policies	<ul style="list-style-type: none"> • Children and Young Persons Protection Policy • Safe Communities – Protecting Children and Vulnerable People
Applicable Laws	<ul style="list-style-type: none"> • <i>Children, Young Persons and their Families Act 1997 (TAS)</i> • <i>Criminal Code Act 1924 (TAS)</i> • <i>Family Law Act 1975 (Cth)</i> • <i>Family Violence Act 2004 (TAS)</i> • <i>Police Offences Act 1935 (TAS)</i> • <i>Registration to Work with Vulnerable People Act 2013 (TAS)</i> • <i>Work Health & Safety Act 2012 (TAS)</i>

3 DEFINITIONS

The TCEC document “Policy Terms, Definitions and Interpretations” defines a number of terms used in this document and should be referred to in conjunction with this policy.

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

- **CET** is Catholic Education Tasmania; the totality of all Schools, Governance and School-support enterprises operating in the Archdiocese of Hobart
- **CTC** is the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart
- **Child-connected Work** is any Regulated Activity or other work authorised by the School and performed by a Worker in a School Environment 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 that maximises their opportunities to grow, learn and reach their potential
- **Governance** refers to the various authority structures, decision-making processes and lines of accountability and responsibility that pertain to any Catholic School or School-support enterprise operating in the Archdiocese of Hobart
- **Misconduct** refers to misbehaviour or wrongdoing or conduct that is against the TCEC Child Safe Code of Conduct or TCEC Code of Conduct for Workers
- **Other Person** is any adult in a School Environment or Workplace who is not a Worker
- **Probative Evidence** means evidence that establishes or contributes to proof
- **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 Allegation** means an allegation of Reportable Conduct against a Worker or an allegation of misconduct that may involve Reportable Conduct
- **Reportable Conduct** means:
 - any sexual offence, or sexual misconduct, committed against, with, or in the presence of a Child (including an offence involving Child abuse material or pornography), or
 - any assault, ill-treatment or neglect of a Child, or
 - any behaviour that causes psychological harm to a Child, whether or not, in any case, with the consent of the Child.

NB: Reportable conduct does not extend to conduct that is reasonable for the purposes of the discipline, management or care of Children having regard to the TCEC Protective Practices Guidelines and any relevant codes of conduct or 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** includes any Systemic School or College, Archdiocesan College or Congregational School or College
- **School Environment** is any physical or virtual place made available or authorised by a School for use by Children during or outside School hours, that 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 and School Events
- **Student** is a person enrolled at a School
- **TCEC** is the Tasmanian Catholic Education Commission, 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 TCEC that provides professional support, administrative services and guidance to all Schools
- **Worker** includes any person who carries out work or services in any capacity for Catholic Education Tasmania (CET) either as:
 - an employee
 - a volunteer
 - a priest or a member of a religious order
 - a contractor, subcontractor or consultant
 - an employee of a contractor, subcontractor or consultant
 - an employee of an employment agency or labour hire company
 - an apprentice or trainee
 - an external student gaining work experience or on work placement
- **Young Person** is a person who is 16 or 17 years old

4 PURPOSE

The aim of this Policy is to establish guidelines to manage allegations of Reportable Conduct.

5 POLICY

- (a) While Catholic Education Tasmania makes every effort to protect Children in its care, from time to time allegations of Reportable Conduct or Misconduct may be

made against a Worker or Other Person.

- (b) The overarching principle in responding to allegations is to ensure the safety, welfare and wellbeing of the Child who may have been involved in the alleged conduct or who may be at risk of harm if they have contact with the Worker who is alleged to have engaged in Reportable Conduct;
- (c) The TCEC requires all Governance and Schools to ensure that effective structures are in place to ensure that any allegations of Reportable Conduct are assessed and managed according to the principles of confidentiality, natural justice, procedural fairness and respect and support for the dignity of all involved.
- (d) Where Reportable Allegations involve conduct that may be a criminal offence (see Appendix 1), the TCEC requires Schools and Workplaces to notify Tasmania Police.
- (e) Where Reportable Allegations involve conduct that is not a clear-cut criminal offence:
 - (i) the Principal will consult with the TCEO Child Safe Officer to:
 - (A) determine if the allegation involves criminality or Child abuse/neglect/ill-treatment or is so serious in nature that it warrants external intervention; and notify Tasmania Police or the Child Safety Service accordingly; or
 - (B) undertake a risk assessment to determine what risk the Worker presents to the Child/Young Person and other Children/Young Persons and whether removal from the Workplace is appropriate; and
 - (C) communicate with the Child and their Parent/Guardian.
 - (ii) the TCEO Child Safe Officer will:
 - (A) inform the Director of the allegation; and
 - (B) organise an investigation to determine if the allegation is sustained or not substantiated.
- (f) At any point during the consultation/assessment/investigation phases, the matter may be turned over to Tasmania Police or the Child Safety Service if appropriate.

5.1 Procedural Fairness

- (a) The TCEC requires Schools, Governance and the TCEO to adhere to sound assessment/investigation practice that is underpinned by procedural fairness to ensure fair and reasonable decision making.
- (b) Procedural fairness requires the decision-maker to meet with the Worker and:
 - (i) in the case of allegations involving conduct that may be a criminal offence, inform them that Tasmania Police and/or the Child Safety Service have been informed and that they will be conducting an investigation; or
 - (ii) inform them of the allegations made against them,
 - (iii) give them a right to be heard,
 - (iv) not have a personal interest in the outcome,
 - (v) act only on the basis of well reasoned probative evidence,
 - (vi) make decisions in good faith and without bias, and
 - (vii) consider any person whose interests will be affected by the decision.

5.2 Privacy and Confidentiality

It is imperative to maintain the privacy of any person involved in an investigation and maintain the confidentiality of all matters arising from an investigation unless there is a legitimate purpose for sharing that information with other parties. Any breach of confidentiality should be documented and disclosed to the involved person.

5.3 Integrity

For processes to be accepted as appropriate and fair, it is imperative that they are applied consistently and with integrity, and all people involved in investigations are treated with respect. This includes recognising and managing actual, potential or perceived conflicts of interest.

5.4 Collaboration

The responsibility for responding to allegations of Reportable Conduct may extend beyond the role of the Principal and the TCEO to include collaboration with internal and external stakeholders including (but not limited to):

- Tasmania Police
- Child Safe Service
- Archdiocese of Hobart

5.5 Timeliness

It is well understood that investigations can cause stress, anxiety and worry for the subject of the investigation and anyone who may have been involved or discovered/witnessed the alleged conduct. It is therefore critically important that any assessment be completed in a timely manner.

6 COVERAGE

This Policy covers and applies to Schools, Governance, the TCEO and Workers.

7 REQUIREMENTS AND ACCOUNTABILITIES

- (a) Schools, Governance and the TCEO must communicate and implement this Policy within their area of responsibility.
- (b) Principals/Managers/Supervisors are required to:
 - (i) ensure effective systems and structures are in place to allow Children, Workers and Other Persons to report allegations; and
 - (ii) take steps to ensure that breaches of policy and/or procedure are acted upon in a timely and appropriate manner.
- (c) All Workers are required to comply with this Policy and associated Procedures.

8 BREACH OF POLICY

Consequences for a breach of this Policy may involve disciplinary action and/or termination of employment or services.

APPENDIX 1: REPORTABLE CRIMINAL CONDUCT

Reportable criminal offences include (but are not necessarily limited to):

- assault
- sexual intercourse with a Young Person under the age of 17 years
- permitting unlawful sexual intercourse with a Young Person
- maintaining a sexual relationship with a Young Person
- indecent act with a Young Person under the age of 17 years
- procuring unlawful sexual intercourse with a Young Person
- communications with intent to procure a Young Person to engage in an unlawful sexual act
- sexual intercourse with person with a mental impairment
- indecent assault
- aggravated sexual assault
- procuring sexual intercourse by threats, fraud or drugs
- involving a person under 18 years in production of Child exploitation material
- accessing/possession/dissemination/production of Child exploitation material
- indecency
- taking and using unauthorised images for offensive purposes
- publishing or distributing a Prohibited visual recording
- using a telecommunications network or carriage service to publish or distribute Prohibited material
- involving a person under 18 years in production of Child exploitation material
- accessing/possession/dissemination/production of Child exploitation material
- committing indecent or offensive acts in a public place