

10/20/2016

Child Protection - Reportable Conduct of Staff, Volunteers & Others

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Reportable Conduct – Source of Obligation	<p>The <i>Ombudsman Act 1974 (NSW)</i> requires CSO Armidale to investigate and report to the NSW Ombudsman allegations of employee misconduct or conviction relating to:</p> <ul style="list-style-type: none"> • Any sexual offence or misconduct, committed against, with or in the presence of a child (including child pornography offences or an offence involving child abuse material); • Any assault, ill-treatment or neglect of a child; • Any behaviour that causes psychological harm to a child.
Reportable Conduct & Mandatory Reporting	<p>The Reportable Conduct obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> (refer to Child Protection – Mandatory Reporting of Abuse & Neglect).</p> <p>Whilst the Mandatory Reporting obligation applies where there is "significant risk of harm" to a child, the requirement to report to the NSW Ombudsman applies where an allegation is made against a staff member or any person engaged by the organisation to provide services to children, including volunteers.</p> <p>The Reportable Conduct threshold is much wider than the Mandatory Reporting threshold and any matter involving a staff member that requires Mandatory Reporting must also be reported to the Ombudsman under this policy.</p>
Internal Reporting of Allegations of Staff Misconduct	<p>Any allegation of staff misconduct must be immediately reported to the Principal, or the CSO Child Protection Officer should the allegation involve the Principal.</p>
Reporting to CSO Armidale	<p>All allegations of child abuse or maltreatment, whether they involve Reportable Conduct or not, must be reported to the CSO Child Protection Officer within 24 hours of receiving the allegation.</p> <p>Notification is to be made by faxing the Initial Child Protection Information Details and Exemption Notification Form via Confidential Fax to 6771 2501.</p>
What Conduct is Not Reportable Conduct?	<p>The Ombudsman Act makes it clear that Reportable Conduct <u>does not</u> extend to:</p> <ul style="list-style-type: none"> • Conduct that is reasonable for the purpose of discipline, management or care of children, having regard to age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards; • The use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; <p>Some examples of conduct that would not constitute reportable conduct include touching a child to get their attention, guide them or comfort them, a organisation teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental.</p>
Internal Investigation of Allegations of Misconduct	<p>Once an allegation of misconduct has been made (which does not require reporting to the Department of Family and Community Services under the Mandatory Reporting obligations) an internal investigation, led by the CSO will be conducted in such a manner as the particular circumstances demand.</p> <p>It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance to do so is given by the Department of Family and Community Services or the police, as this may compromise their investigations.</p> <p>When conducting an internal investigation principles of procedural fairness must be followed as outlined in the Responding to Allegations of Reportable Conduct and Allegations of Misconduct Made Against Employees: Procedure document.</p> <p>The Ombudsman may intervene in an internal investigation or ask for further information during the course of the investigation.</p>
When & how are Reportable Matters to be reported to the Ombudsman?	<p>There are 2 stages of reporting. The Ombudsman must be notified:</p> <ul style="list-style-type: none"> • Of the Reportable Conduct or conviction within 30 days of CSO, Armidale becoming aware of the Reportable Conduct by lodging Part A of the notification form found here: Employment-related child protection notification and final advice forms; and • Of the findings of the investigation, as soon as possible once the internal investigation has been finalised by lodging Part B of the notification form found here: Employment-related child protection notification and final advice forms.
Impact on Working With Children Check	<p>Where the investigation has led to findings against the employee, depending upon the seriousness of the allegations, the CSO as employer will also need to notify the Office of the Children's Guardian in relation to Working With Children Checks.</p> <p>Refer to Child Protection – Working with Children Checks Policy.</p>
Workers Responsibility	<p>All workers are responsible to ensure:</p> <ul style="list-style-type: none"> • Reports of staff misconduct are made as soon as possible to the Principal; • The Principal is notified of any convictions which relate to Reportable Conduct; • Co-operation in any internal investigation; • Confidentiality is maintained throughout the process; and • Records of all verbal and written communications are maintained and stored securely.
Implementation	<p>This policy is implemented through a combination of:</p> <ul style="list-style-type: none"> • Staff training; • Effective communication and incident notification procedures; • Effective record keeping procedures; and • Initiation of corrective actions where necessary.
Discipline for Breach of Policy	<p>Where a staff member breaches this policy the CSO as employer may take disciplinary action, including in the case of serious breaches, summary dismissal.</p>
Related Policies	<p>Child Protection - Code of Professional Conduct in the Protection of Children and Young People Child Protection Incident Management Overview Flow Chart Child Protection - Abuse, Grooming & Neglect Identification & Initial Notification Child Protection - Mandatory Reporting of Abuse & Neglect</p>

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Child Protection - Working With Children Checks
Child Protection - Working with Children Declarations (For WWC Exempt Persons)
Child Protection - Detecting, Reporting and Addressing Grooming Behaviours
Initial Child Protection Information Details and Exemption Notification Form

Key Reference

Child Protection in the Workplace - Responding to allegations against employees