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Community Services Victori

DEPARTMENTAL INSTRUCTION

TITLE MANAGEMENT PROTOCOLS WHERE A STAFF MEMBER IS THE SUBJECT OF SERIOUS ALLEGATIONS

CONTACT

1. PURPOSE

1.1 The purpose of this Instruction is to outline a set of management responses or protocols that need to be followed in circumstances where a member of staff, especially one working in a client contact role is subject to serious allegations which are relevant to the work undertaken.

1.2 A management response is defined as that action that a senior officer must take when such person is in receipt of information that goes to:

- allegations of gross misbehaviour.
- acts of significant misconduct.
- physical or sexual abuse of another person.
- police investigations or charges or convictions that relate to criminal activity, aberrant behaviour, sexual matters, assault, deviancy and the like,

when such information would suggest to any reasonable person that the prompt movement or relocation or close supervision of the person subject of such allegations or charges or convictions away from a one-to-one client contact role is indicated.

2. FACTORS TO BE CONSIDERED IN DETERMINING A MANAGEMENT RESPONSE

2.1 The management response might be:

- assigning that person other duties as directed at a level commensurate with the classification.
- directing that person to perform specified work.
- the transfer albeit temporarily of that person to other duties or
- directing that person to take leave eg. flex leave, recreation leave.

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- 2.2 In reflecting upon the management response the subject senior officer must confer with another senior manager as soon as practicable after the allegation, Police investigation or charges come to notice.
- 2.3 The conferring is to determine the recommendation to be made to Divisional Management level. The recommendation would be whether or not to move or relocate the person or to work on the assignment of other duties or the taking of leave or to do nothing.
- 2.4 In circumstances where the Police are or should be involved the intention to advise the subject person must be brought to the attention of the investigating Police Officer or such officer's superior. If the Police convey the view that such an action will seriously prejudice their enquiries and that they absolutely and categorically oppose the action contemplated this is to be recorded in writing and the possible consequences of non movement brought to a senior Police Officer's attention. It should be clearly understood that the ultimate decision rests with CSV and not the Police.
- 2.5 After working through the above the subject senior officer must make a recommendation to Divisional management level at Head Office ie. DDG or GM, (Regional Services).
- 2.6 The considered response of the DDG or GM, Regional Services is to be discussed with the GM, Resources and the decision, whether it be relocation, assignment, transfer or a direction to take leave, is to be conveyed to the person concerned via the appropriate senior line manager. The person is to be given the opportunity, indeed encouraged, to move on a voluntary basis.
- 2.7 The relevant staff association is to be advised immediately by a Senior Head Office Manager of the circumstances of the action.

3. INFORMATION TO BE CONVEYED TO PERSON SUBJECT OF THE ALLEGATIONS

- 3.1 Subject to para 2.4 the nature of allegations are to be put to the person orally and then confirmed in writing if the person so wishes. Where there are allegations, the person is to be told of the general processes to be followed in testing their truth or otherwise.

4. RESPONSIBILITIES OF DEPARTMENTAL STAFF PRIVY TO ALLEGATIONS

- . Staff are to convey information only to those persons with an absolute need to know.
- . Confidentiality of information is to be kept at all times.
- . Allegations are to be seen for what they are.
- . Staff dealing with allegations are to understand that the allegations may be malicious, mischievous, or given in bad faith.
- . Staff aware of the allegations are not in any circumstances to share such information with others, whether in the work situation or not.

- Staff breaching confidentiality will be subject to internal discipline actions.

5. ENQUIRY PROCESS

5.1 The enquiry process is to be instituted immediately:

- Senior staff are to advise the Discipline Officer and take counsel from this person.
- Enquiries may be Police based or internal or both.
- Enquiries should proceed expeditiously.
- Outcomes of enquiries are to be awaited before further action is contemplated.

6. CONTEXT

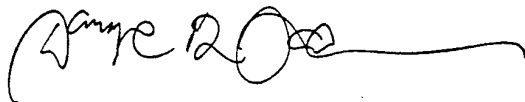
6.1 The above protocols are to be seen as a management response which is to be understood in the context of this Department's high duty of care to protect clients and those who are dependent or vulnerable.

6.2 At the time of writing a Bill was before the Parliament to amend, in part, the discipline provisions of the Public Service Act. If this Bill is enacted changes will be required to certain processes outlined herein. A separate Instruction will issue as necessary.

7. SUMMARY

7.1 The steps as outlined in this Instruction are summarised in the attachment.

7.2 Advice, counsel and assistance is available from the Director, Personnel or the Discipline Officer.



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