

*Agreed for Union Representation
 part of Collective Agreement No. 1*

X. FAIR PROCEDURES FOR INVESTIGATING CHILD ABUSE ALLEGATIONS

X.1 Definitions

For the purposes of this clause:

"Child" means a person under the age of 18 years.

"Child abuse" means:

- (a) assault (including sexual assault) of a child, or
- (b) ill-treatment or neglect of a child, or
- (c) exposing or subjecting a child to behaviour that psychologically harms the child,

whether or not, in any case, with the consent of the child.

"Child abuse allegation" means an allegation of child abuse against an employee or an allegation of misconduct that may involve child abuse.

X.2 Natural Justice to employees in dealing with child abuse allegations

An employee, against whom a child abuse allegation has been made in the course of employment, is to be informed by his or her employer (or the person delegated by his or her employer to do so) of the child abuse allegation made against them and be given:

- (a) an opportunity to respond to the child abuse allegation; and
- (b) sufficient information to enable them to respond to the child abuse matters alleged against them. He or she must be given full details unless the Police or other government agency involved in the investigation of the matters alleged against the employee, have otherwise directed the employer not to do so.

Where an interview is required, the employee shall be advised in advance of the general purpose of any interview relevant to the child abuse allegation and the names and positions of persons who will be attending the interview; the right to be advised of an entitlement to be accompanied by a person of the employee's choice (a witness), and sufficient notice of the proposed meeting time to allow such witness to attend. Such witness may be a union representative.

X.3 Access to files

X.3.1 Such employee is to be informed by his or her employer of the location of any files which the employer holds relating to the employee, concerning a child abuse allegation made against the employee.

X.3.2 The employee may, subject to giving reasonable notice, have the right to inspect such files held by the employer.

X.3.3 The employer may restrict or withhold access to any such file, or part of a file, where the employer has reason to believe that the provision of access would either,

- (a) compromise or put at risk the welfare or safety of the child who is the alleged victim or subject of the child abuse allegation, or
- (b) contravene any statutory provision, or guideline or policy directive of a government authority or agency, in relation to the reporting or investigation, including Police criminal investigation, of any child abuse allegations, or
- (c) prevent the employer from conducting or completing the investigation or reporting of the details of a child abuse allegation against an employee, in compliance with any statutory deadline.

X.4 Additional documentation from employee

X.4.1 An employee against whom a child abuse allegation has been made may submit to his or her employer documentation, in response to the matters alleged against him or her...

X.4.2 The employer must place such documentation on the file held by the employer concerning the child abuse allegation made against the employee.

X.5 Confidentiality of documents and files

X.5.1 The employer must implement procedures to safeguard the confidentiality of any file held by the employer concerning any child abuse allegation made against an employee.