

Reportable Conduct (*ACT Reportable Conduct Scheme*)

Policy Statement

Under the ACT Reportable Conduct Scheme, it is required by law to file a report to the ACT Ombudsman should an organisation become aware of allegations that an employee has engaged in conduct that results in: ill-treatment of a child, neglect or psychological harm to a child, misconduct of a sexual nature, committing criminal offences where a child is the victim or is present, or uses inappropriate discipline. 'Employees' in the scheme will include volunteers and other persons engaged to provide services to children.

Policy Considerations

- Working with Vulnerable People (Background Checking) Act 2011
- Ombudsman Act 1989
- Children and Young People Act 2008
- Reportable Conduct and Information Sharing Legislation Amendment Act 2016

Procedure

An employer must:

- Notify the Ombudsman about any reportable conduct allegations or convictions involving an employee by submitting a section 17G Notification (as soon as possible, but no later than 30 days after the employer becomes aware of the conduct)
- Investigate any allegations of reportable conduct and provide a final report to the Ombudsman
- Report to other entities as required (i.e. ACT Policing, CYPS, Access Canberra, Teacher Quality Institute, Children's Education and Care Assurance, Human Rights Commission, Australian Health Practitioner Regulation Agency etc.)
- Adjust their policies and procedures to reflect their new responsibilities under the scheme and educate employees about these.

What is the difference between reportable conduct and mandatory reporting?

Reportable conduct covers a broader range of conduct compared to the types of child abuse which must be reported to Children and Youth Protection Services (CYPS). This means employers may become aware of an allegation or conviction that is reportable to the Ombudsman but is not conduct which must be mandatorily reported to CYPS.

Likewise, an employer may need to report conduct to CYPS, but if the alleged behaviour did not involve an employee (e.g. the allegation is against a parent or patient), there is no requirement to report to the ACT Ombudsman.

If employers suspect criminal conduct has occurred, they should report to police in the first instance.

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Reviewed by:	Sarah Maple	Approved by:	Courtney Tanner

Example:

Should you suspect a staff member has been involved in any form of poor conduct or become aware of an allegation (see policy statement) and you believe the conduct warrants reporting, or suspect criminal conduct, an employer must first contact the police. Following this, the conduct or allegation must be reported to Children and Youth Protective Services (See "Contact Details" Below). A Report of the allegation must then be submitted to the ACT Ombudsman within 30 days (See also "Contact Details" Below).

Order of Operations:

1. **Call Police.** If you suspect criminal misconduct has occurred, you must report the allegation to the police.
2. **Contact Child and Youth Protection Services (CYPS).** This department will investigate the claim. Report must be lodged within 24 hours.
3. **Contact ACT Ombudsman.** This must be carried out if the allegation is against an employee (see definition in "Policy Statement"). Report must be lodged within 30 days. The ACT Ombudsman will ensure the allegation and/or case is dealt with appropriately by acting as a third party.

Contact Details

ACT Ombudsman

Phone: [1300 362 072](tel:1300362072)

Email: act@ombudsman.gov.au

<http://www.ombudsman.act.gov.au/reportable-conduct-scheme>

Child and Youth Protection Services

Phone: [1300 556 729](tel:1300556729)

Email: childprotection@act.gov.au

<http://www.communityservices.act.gov.au/ocyfs/child-and-youth-protection-services>

Document Version Control

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27/08/2019	Document version history added
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