



Child Safe Standards and Reportable Conduct Policy

Overview

Protecting children and young people and promoting their rights and safety is everyone's business. Everyone – all levels of governments, private and non-for profit organisations, communities, families and individuals – has a role to play to better safeguard children and young people in organisations, and in the broader community. Child-related organisations must have children and young people's safety and their rights at the foundation of their organisation's operation and purpose.

A. Child Safe Standards

The Child Safe Standards aim to be robust in promoting the safety of children and young people. The Royal Commission recommended that institutions uphold the rights of the child. Recommendations focus on preventing sexual abuse and making institutions safer for children and young people through the implementation of Child Safe Standards. The Child Safe Standards aim to drive cultural change in organisations so that protecting children and young people from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers. The ten Child Safe Standards are:

Standard 1: Child safety is embedded in institutional leadership, governance and culture

Standard 2: Children participate in decisions affecting them and are taken seriously

Standard 3: Families and communities are informed and involved

Standard 4: Equity is upheld and diverse needs are taken into account

Standard 5: People working with children are suitable and supported

Standard 6: Processes to respond to complaints of child sexual abuse are child focused

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

Standard 9: Implementation of the Child Safe Standards is continuously reviewed

Standard 10: Policies and procedures document how the institution is child safe.

What is a Child-Safe, Child-Friendly Organisation?

A Child-Safe, Child-Friendly Organisation is one that builds an organisational culture, adopts child focused strategies, and takes action to protect and promote the rights and safety of children and young people. The draft National Statement of Principles for Child Safe Organisations define a child safe organisation as one that "consciously and systematically:

- Creates an environment where children's safety and wellbeing is the centre of thoughts, values and actions.
- Places emphasis on genuine engagement with and valuing of children and young people
- Creates conditions that reduce the likelihood of harm to children and young people
- Creates conditions that increase the likelihood of identifying any harm
- Responds to any concerns, disclosures, allegations or suspicions of harm

At the core of any Child-Safe, Child-Friendly Organisation is a firm commitment to promoting the rights and well-being of children and young people and fostering a culture of genuine and meaningful participation that empowers children and young people to actively engage within their organisation and their communities.

The term 'Child Safe Organisation' focuses on the prevention of and response to child abuse. The term 'Child Friendly Organisation' is focused on the extent to which the organisation is accessible to children and young people, including by designing their services *with* children and young people.

The ACT Children and Young People's Commitment 2015-2025 provides guidance to the Canberra community about how we can best support their potential and work together to promote and protect their rights. The Commitment includes six key priorities, these being:

- Provide access to quality healthcare, learning and employment opportunities
- Implement policy that enables the conditions for children and young people to thrive
- Keep children and young people safe and protect them from harm
- Advocate the importance of the rights of children and young people
- Include children and young people in decision making, especially in areas that affect them, ensuring they are informed and have a voice
- Build strong families and communities that are inclusive and support and nurture children and young people.

The ACT also has an established ***Working with Vulnerable People (WWVP)*** scheme, which commenced in 2012 and has recently been reviewed. The WWVP Act 2011 requires those who work or volunteer with vulnerable people (including children and young people) to have a background check and be registered.

In July 2017, the ACT also introduced ***a Reportable Conduct Scheme*** to oversee how organisations prevent and respond to allegations of child abuse and misconduct. Broadly, 'reportable conduct' covers allegations or convictions of child abuse or misconduct toward children and young people by workers. The scheme does not replace mandatory reporting requirements.

Child Safe Standards intersect with the existing child safety schemes in the ACT as follows:

- Mandatory Reporting commenced in the ACT in 1997,
- Working with Vulnerable People (WWVP) checks were phased in from 2011, and
- Reportable Conduct scheme began operating in 2017.

As per the Education ACT 2004, the proprietors of our school are registered with Australian Charities and Not for profit Commission (ACNC). ACNC has a new governance standard which requires all registered charities to take all reasonable steps to join the National Redress Scheme for Institutional Child Sexual Abuse. This means former school staff members who are found to have committed child abuse should not continue to be memorialised or commemorated.

B . Reportable Conduct

Rationale:

Islamic School of Canberra (ISC) has the responsibility to ensure high standards of conduct are maintained by staff and students at all times, and that complaints are managed and resolved fairly, efficiently and promptly.

Aims:

To provide a harmonious, positive and productive school environment. To resolve complaints fairly, efficiently and promptly.

Implementation:

- ISC seeks to provide a positive, harmonious and productive environment.
- It is the principal's responsibility to provide a healthy and positive school environment that is free from discrimination and harassment. In doing so, the principal must ensure that all staff are aware of their rights and responsibilities.
- Where there is a complaint about the Administration, Management or Operation of the school, the complaint will be sent in writing to the principal. The principal investigates and deals with it in a timely manner.
- The principal is required to use local complaints resolution procedures, where appropriate, for resolving complaints in relation to issues that fall within the school's area of responsibility. All cases of serious misconduct- sexual offences, criminal charges, or other serious incidents must be reported to the authorities.
- It is incumbent upon the principal to act where unacceptable conduct is observed or brought to her/his attention.
- It is important that all complaints ensuing procedures and outcomes are fully documented.
- The principal may choose to respond to a complaint through an informal process in cases where the complaint is very minor, or the complainant wishes the matter to be dealt with informally or the complaint has arisen from lack of or unclear communication.
- Formal processes will be used when informal processes haven't been successful or a complainant seeks a formal process or the principal believes the complaint warrants formal investigation.
- The formal process involves:-
 1. The Principal meets with the individual/s.
 2. During the meeting minutes will be taken.
 3. Dismissing or accepting the complaint: Acceptance may involve further investigation by the principal, reconciliation or counselling, informing the individual/s involved in writing of the outcome, etc.
 4. Preparation of a detailed confidential report.
 5. Reporting to the relevant authorities if required.
 6. Monitoring/ reviewing/ evaluating the situation.

Employees: all employees under contract of employment with a designated entity are included in scope of the scheme. This includes employees that do not work directly with children. Volunteers, contractors or employees of an

organisation providing services on behalf of a designated entity, are also considered to be employees, but only if

they are engaged to provide services to children.

For a religious body, an employee includes:

- a minister of religion
- a religious leader or an officer of the religious body
- a person under a contract of employment
- a person engaged by the religious body to provide services, such as a volunteer or contractor (regardless of whether or not they provide services to children).

The scheme covers the conduct of employees whether or not the allegations or convictions arose in the course of employment with the organisation. For example, an organisation covered by the scheme can consider allegations about the conduct of an employee while the employee was volunteering in a personal capacity for another organisation.

Reportable Conduct Scheme: Holding employees accountable

The Reportable Conduct Scheme aims to improve child protection within organisations in the ACT. It oversees how organisations prevent and respond to allegations of child abuse and misconduct. Reportable Conduct for Organisations provides an overview of organisation responsibilities

The scheme requires certain organisations who work with children to:

- report allegations of child abuse and misconduct to the ACT Ombudsman
- develop policies and procedures to prevent and respond to child abuse.
- Notify the ACT Ombudsman of allegations within 30 days
- The head of the entity (principal) will complete the 17J final report and provide to the ACT Ombudsman
- In case allegations are against a teacher, TQI will be notified as well.

The scheme focuses on the behaviour of employees. Under the scheme, certain organisations that work with children are required to report to the ACT Ombudsman any reportable conduct involving an employee – this can also include certain volunteers and contractors. Reportable conduct covers allegations or convictions of child abuse or misconduct toward children. It includes allegations, offences or convictions relating to child abuse or misconduct, including:

- ill-treatment of a child (including emotional abuse and inappropriate use of force or physical restraint)
- neglect
- psychological harm
- misconduct of a sexual nature
- sexual or physical offences and convictions where a child is a victim or is present
- inappropriate discipline or offences relating to protecting children from harm in accordance with the *Education and Care Services National Law (ACT) Act 2011*.

The following organisations are covered by the scheme and required to report to the ACT Ombudsman:

- all ACT Government directorates
- health service providers
- out of home care, kinship and foster care providers
- residential care organisations
- government and non-government schools
- childcare services
- education and care service providers, such as after school care
- religious bodies.

What is the ACT Ombudsman's role?

The Ombudsman works with organisations under the scheme to build on existing misconduct procedures and reporting obligations. The Ombudsman will:

- monitor organisations' investigations
- provide guidance on best practice, including conducting investigations that are procedurally fair
- monitor the policies, practices and procedures of an organisation for the prevention of child abuse and child related misconduct and for dealing with reportable allegations about an employee.
- share information with police and key organisations to better protect children from abuse
- take complaints about the handling of reportable allegations and convictions reportable conduct
- consider investigating an allegation or conviction, or an organisation's response to an allegation or conviction, in limited circumstances

The Reportable Conduct Scheme does **not** interfere with reporting obligations to CYPS or the Police. If child abuse or neglect within a family is suspected, organisations will report to CYPS. If criminal conduct is suspected, organisations will report to the Police in the first instance.

What does an organisation need to do?

Organisations in the reportable conduct scheme:

- need to notify the Ombudsman about any reportable conduct allegations or convictions involving an employee by submitting a s 17G Notification as soon as possible, but no later than 30 days after the organisation becomes aware of the conduct
- are expected to investigate any allegations of reportable conduct and must provide a final report to the Ombudsman at the end of any investigation, including the results of the investigation and actions taken
- should report to other entities as required (for example, ACT Policing, CYPS, Access Canberra, Teacher Quality Institute, Children's Education and Care Assurance, Human Rights Commission etc.)
- may need to adjust or introduce policies and procedures to reflect their responsibilities under the scheme and educate employees about these.

ACT OMBUDSMAN'S REPORTABLE CONDUCT PROCESS

Check this link:

https://www.ombudsman.act.gov.au/data/assets/pdf_file/0021/114906/ACT-Ombudsmans-Reportable-Conduct-Process-Flow-Chart.pdf

How the ACT Ombudsman Responds to Notifications and Reports

The Ombudsman encourages employers to contact us as soon as possible after becoming aware of a reportable conduct allegation or conviction, either by telephone or email. The s 17G Notification must be filed within 30 days of an employer becoming aware of a reportable allegation. (See ombudsman.act.gov.au for more information: s 17G Notification and The ACT Ombudsman Practice Guide No. 5: Employer Responsibilities). The Ombudsman will provide employers with written confirmation that the s 17G Notification was received and request any further information that our office may require prior to a final report being provided.

Documentation to include with a notification

The employer must notify whether or not they propose to take any action relating to the employee based on the allegation or conviction and the reasons for these decisions. Normally, an initial risk analysis should be completed prior to filing an s 17G Notification. If that is the case, the risk analysis should be provided to the Ombudsman. Likewise, any investigation plans that have been drafted should be provided with the s 17G Notification.

If any relevant employees have been made aware of the allegations, and have made written submissions to the employer before an s 17G Notification is submitted, the employer must also provide these. These written submissions may include circumstances raised by the employee about the allegation or conviction which the employee has asked to be considered when deciding appropriate action.

Response by the Ombudsman to an investigation

Employer's investigation After an s 17G Notification is provided, employers will continue their response / investigation under the oversight of the Ombudsman. The Ombudsman will ask for updates as to the progress of an investigation and may confer with the people conducting the investigation about the nature, conduct or progress of the investigation. This may include requests for relevant documents and information to be provided to the Ombudsman. In some cases, the Ombudsman may decide to attend any interviews conducted by or on behalf of the employer.

The Ombudsman can monitor the progress of a response or investigation⁵ conducted by, or for an employer in response to a reportable allegation or conviction. In some circumstances the Ombudsman may share this information with ACT policing and other key organisations for health, safety and wellbeing of children.⁶ **Ombudsman investigation** The Ombudsman may, on its own initiative or in response to a complaint, choose to conduct an investigation⁷ into:

- any reportable conduct allegation or conviction against an employee of an employer considered under the scheme, or
- the response of the employer into a reportable conduct allegation or reportable conduct conviction.

This means that people can complain to the Ombudsman about a reportable conduct investigation and the Ombudsman may investigate those complaints. This investigation may occur regardless of whether the employer has notified the Ombudsman about the conduct. If the Ombudsman decides to conduct an investigation, the employer will receive written notice of the investigation. In some circumstances, the Ombudsman may require an employer to either not commence an investigation or to suspend an investigation while the Ombudsman investigation progresses.

When the Ombudsman concludes the investigation, or asks the entity to resume the investigation, the employer will receive written notice that the investigation has ended. The Ombudsman will prepare a report and may also make recommendations as appropriate to the employer or to any person or body as a result of the investigation.

What happens when an employer's investigation concludes?

Once the employer is satisfied that the investigation into the allegations against the employee has been concluded, they must, as soon as possible, provide the Ombudsman with a final report⁸ including:

- any report prepared by or for them relating to the investigation, as well as copies of all the statements and other documents that form the basis of that report
- any comments they may want to make about the report
- advice as to what action has been taken, or is proposed to be taken in relation to the reportable allegation or conviction under investigation.

After receiving this material, the Ombudsman may ask for more information either from the employer or the person who carried out the investigation for them. The employer will usually be part of any conversation held with an outside investigator acting on their behalf.

After considering the material provided by the employer, the Ombudsman will decide whether the reportable allegation, offence or conviction was properly investigated and if appropriate action was taken as a result of the investigation. Whether an investigation was procedurally fair will be part of these considerations. (See The ACT Ombudsman Practice Guide No. 9: How the ACT Ombudsman Assesses an Employer's Response/Investigation on our website.)

The Ombudsman will provide written acknowledgement to the employer that the matter is completed.

Reportable Conduct E-Learning Module

The e-learning module is designed to provide an easily accessible overview of the Scheme to support designated entities to properly respond to and investigate allegations of reportable conduct. This is essential to our oversight function and to support designated entities meet the requirements of the Scheme.

Providing an e-learning module allows entities to access the content from our information sessions at a time suitable to them and directly from our website.

The e-learning module will also help cater for any future inclusions to and/or expansions of the Scheme in being able to provide a readily accessible training package to a large audience.

We will continue to offer face to face sessions or online sessions on an ad hoc basis where there is a need, for example, to a larger entity, or a group of entities experiencing similar issues so we can tailor the content to meet their needs.

[Reportable Conduct E-Learning Module](#) (it takes about 30 minutes, but you can pause and resume as required).

For more information refer to following links:

- ✚ Provide Information about Child Abuse and Neglect
<https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services/provide-information-about-child-abuse-and-neglect>
- ✚ Children and Young People Act 2008 <https://www.legislation.act.gov.au/a/2008-19/>
- ✚ National Strategy to Prevent and Respond to Child Sexual Abuse
<https://www.childsafety.gov.au>
- ✚ <https://pmc.gov.au/domestic-policy/national-office-child-safety>
- ✚ <https://www.childabuseroyalcommission.gov.au/making-institutions-child-safe>
- ✚ <https://www.humanrights.gov.au/child-safe-organisations-project>
- ✚ https://www.humanrights.gov.au/sites/default/files/AHRC_National_Statement_Principles_Child_Safe_Orgs_Consultation_Draft_2017.pdf
- ✚ <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Issues%20Paper%203%20-%20Submission%20-%2036%20Australian%20Childrens%20Commissioners%20and%20Guardians.pdf>

References:

- Human Rights Commission Act 2005
- The Work With Vulnerable People Act 2011
- Ombudsman Act 1989
- Crimes Act 1900
- The *Ombudsman Amendment Act, July 2018* contact Office on (02) 5117 3650 or at act@ombudsman.gov.au.
- Reportable Conduct Act 2017
- Children and Young People Act 2008
- Education ACT 2004
- National Redress Scheme from https://www.nationalredress.gov.au/institutions/joined-scheme/act?gclid=EAIaIQobChMI9Ezdbw_QIVEhdgCh134QAVEAAYASAAEgIxx_D_BwE&gclid=aw.ds
- The Ombudsman Amendment Act, July 2018 contact Office on (02) 5117 3650 or at act@ombudsman.gov.au.

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Approved by Board member/director

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Signature



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