

Background

Under ACT legislation¹, Catholic Education, Archdiocese of Canberra and Goulburn (CECG) must report any allegations of reportable conduct by workers to the ACT Ombudsman. All allegations involving employees, and contractors or volunteers who provide services to children, must be reported. It doesn't matter whether the conduct happened to a student or another child – any reportable conduct at work or in a personal capacity must be reported.

The scheme is allegation based

The purpose of the legislation is to ensure that *allegations* of reportable conduct, and certain criminal convictions, are reported to the ACT Ombudsman. CECG must report credible allegations before they are investigated and then also report the outcome of the CECG investigation.

The Ombudsman may participate in an investigation but the fact an allegation is made does not automatically require the Ombudsman to act. For example, CECG may find during investigation that the conduct was reasonable in the circumstances, and will report that to the Ombudsman.

What is reportable conduct?

Reportable Conduct is any allegation, offence or conviction - whether or not it happens in the course of employment – that involves:

- a) ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, neglect and inappropriate, restrictive intervention)
- b) behaviour or circumstances that psychologically harm a child
- c) misconduct of a sexual nature that isn't part of a sexual offence (e.g. contact with a child to obtain the child's compliance in sexual activities, even if it isn't the crime of 'grooming')
- d) offences against the person, including physical offences and convictions, where a child is a victim or is present
- e) sexual offences and convictions where a child is a victim or is present
- f) female genital mutilation offences
- g) offences against the *Education and Care Services National Law Act 2011* (ACT) (inappropriate discipline or offences relating to protecting children from harm)

Volunteers and Reportable Conduct

An allegation regarding a volunteer who provides services to children on behalf of a CECG School may be reportable conduct.

Reporting Reportable Conduct

CECG workers must report reportable conduct to their School Principal, ELC Director, School-Aged Care Director or Head of Service Area. That person must advise the Child protection team in School and Family Services as soon as is practicable, and no later than 24 hours. The School and Family Services Team will assist with risk assessment and support further investigation and reporting. The full process outlined on page 2 and detailed in the CECG Reportable Conduct Policy (ACT).

Additional Resources

Additional information can be found at the ACT Ombudsman website:
ACT - <http://www.ombudsman.act.gov.au/reportable-conduct-scheme>.

¹ section 17EA of the *Ombudsman Act 1989* (ACT)

CECG Reportable Conduct Process in the ACT

	Stage of Process	Action
One	Incident	An employee, volunteer or contractor becomes aware of concerning conduct or a criminal conviction that might be reportable conduct.
Two	Report to manager and CECG	That person must report the alleged conduct to their Principal, ELC Director, School-Aged Care Director or Service Area Leader as soon as practicable – within 24 hours. An ELC Director or School-Aged Care Director will report the matter to their school Principal. The Principal or Service Area Leader must telephone the Child Protection team in CECG School and Family Services to notify them of the alleged reportable conduct.
Three	Workplace Risk Assessment	The Child Protection Team will assist the Principal or Service Area Leader to identify and response to any risks.
Four	Immediate Action	The Principal, ELC Director, School-Aged Care Director or Service Area Leader must implement any mitigation strategies identified in the risk assessment that are immediately necessary to reduce risk.
Five	Written Notification to CECG	If the risk assessment determines the alleged conduct meets the definition of Reportable Conduct, the Child Protection Team must complete the CECG Reportable Conduct form.
Six	Preliminary report to the Ombudsman	The Child Protection team send the Reportable Conduct form to the CECG Institute for Professional Standards and Safeguarding. The Institute for Professional Standards and Safeguarding must report to the Office of the Children’s Guardian that an allegation of reportable conduct has been received and CECG will investigate. This must occur within 30 days of Stage 2 occurring.
Seven	CECG Investigation	The Child Protection Team (or an appointed external investigator) will investigate the allegations. The investigator will report the outcome of the investigation and supporting evidence to the School and Family Services Leader. The report makes a recommendation to the Delegate (usually School and Family Services Leader), who determines whether there should be a finding whether Reportable Conduct occurred. The Head of School and Family Service provides the report and decision to the Institute for Professional Standards and Safeguarding. The Office of the Children’s Guardian may monitor, oversee or participate in the CECG investigation.
Eight	Report to the Ombudsman	The Institute for Professional Standards and Safeguarding must formally report the outcome of the investigation and the conclusion to the Ombudsman.
Nine	Corrective Action	If Reportable Conduct has occurred, the People and Culture team will assist the Principal, ELC Director, School-Aged Care Director or Service Area Leader to coordinate support for the people affected, to appropriately manage the worker involved, and to eliminate or reduce the risk of further Reportable Conduct. Where there is an employment sanction this must be determined by the People & Culture, Service Leader.