

Reporting and Investigating Reportable Conduct

Procedure

1. Purpose

At NRE Tas we care about children and young people's safety and wellbeing. We have zero tolerance of child abuse and harm. We will treat seriously all allegations and safety concerns, in line with our policies and procedures, and in compliance with the [Child and Youth Safe Organisations Act 2023](#) (the Act).

NRE Tas is committed to creating a culture where children and young people, families, workers, and members of the community are encouraged and supported to disclose or report concerns about conduct related to a child or young person involving a worker and investigating those concerns in a thorough, transparent, safe and child-centred way.

The [Reportable Conduct Scheme](#) was established through the Act and requires leaders of certain organisations, including all Tasmanian Government agencies, to report and investigate concerns about conduct related to a child or young person involving a worker to the Independent Regulator.

The purpose of this procedure is to:

- ensure workers are aware of and comply with their responsibilities to respond to and report concerns about conduct related to a child or young person involving another worker,
- outline the process for workers, children, young people, families, and members of the community to report concerns about conduct related to a child or young person involving a worker,
- describe the process the department will follow upon receiving a report.

2. Scope

The Head of Agency (HoA) is responsible for notifying the Independent Regulator of reportable conduct (an allegation or conviction) involving a worker, and the conduct of investigation(s).

The HoA or delegate must report any reportable conduct once becoming aware of it, even if the alleged conduct or the conviction is historical in nature.

Workers include employees, volunteers, officers, contractors, consultants, board members, students and trainees.

Reportable conduct includes criminal and non-criminal behaviour including (but not limited to):

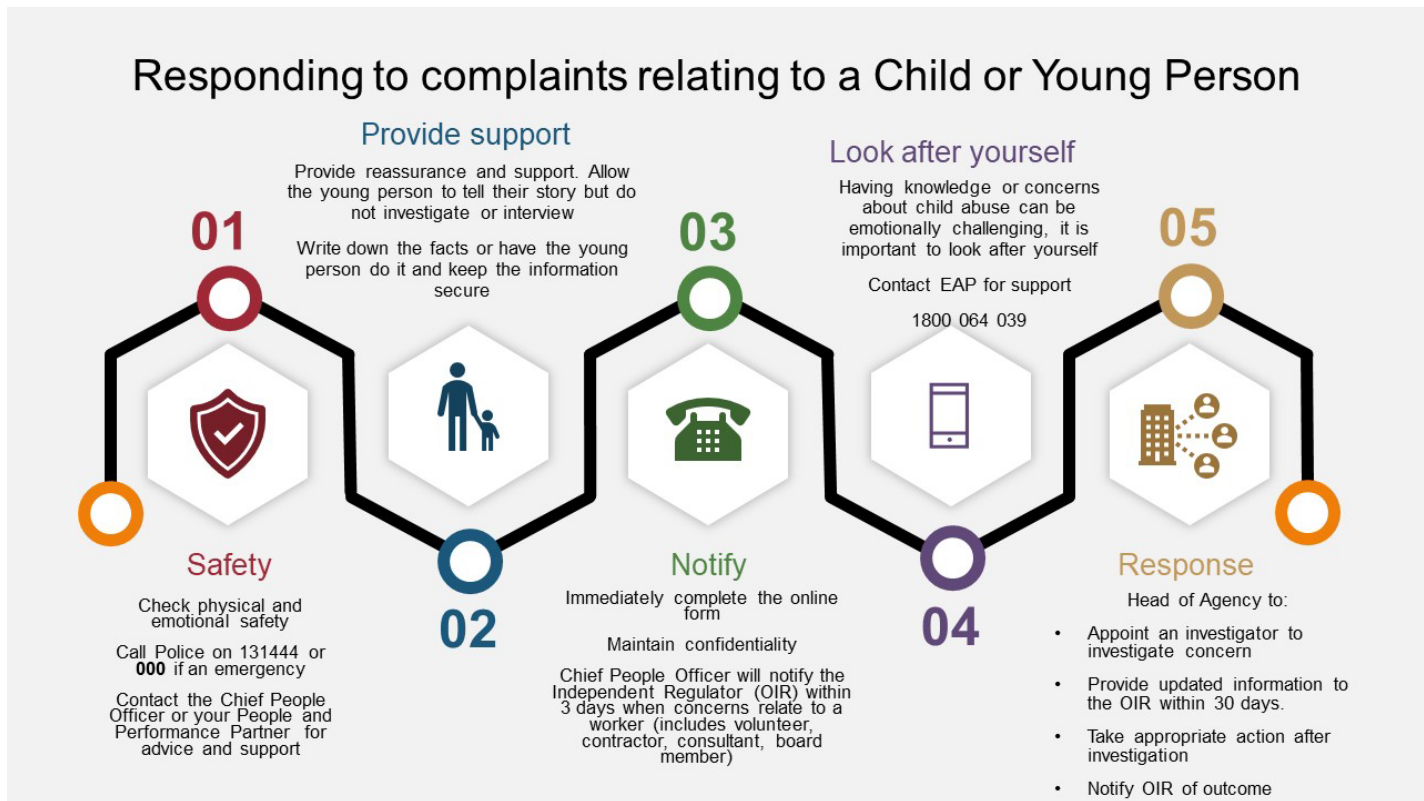
- significant neglect
- physical violence
- a sexual offence
- sexual misconduct
- grooming
- causing significant emotional or psychological harm
- a relevant offence, such as failing to report child abuse.

The Reportable Conduct Scheme covers conduct alleged (or found, through the recording of a conviction) to have occurred:

- at work
- outside of work
- before the worker was employed at the organisation
- before the Scheme commenced.

3. Process

If a child or young person is at immediate risk, call 000 or contact the Strong Families, Safe Kids Advice and Referral Line on 1 800 000 123.



1. Safety

Workers have a responsibility to ensure that children and young people are safe. If the child or young person is in a situation involving another worker that places the child at immediate risk,



then appropriate steps should be taken to ensure their safety. This may be as simple as removing the child from the situation and immediately contacting your manager, People and Performance Partner or the Chief People Officer. Alternatively, if it is a more serious matter, call Tasmania Police on 000.

2. Provide support

Provide support and reassurance to a child or young person disclosing the conduct. Listen and allow the young person to tell their story but don't interview or investigate. Ensure all facts are recorded and keep the information secure.

3. Notify

Every worker has an obligation to report concerns about conduct related to a child or young person involving another worker. This includes reports of physical violence, sexual misconduct, sexual offences, grooming or other reportable conduct committed against, or in the presence of, children and young people.

- To report concerns about conduct related to a child or young person involving another worker, complete the NRE Tas online [child and youth safety reporting form](#).
- Notification may also need to be made to the following external authorities:
 - Tasmania Police – if it is suspected the allegation is a criminal offence.
 - [Strong Families Safe Kids](#) Advice and Referral Line – for concerns for a child or young person's wellbeing or for advice.
 - Registrar of the *Registration to Work with Vulnerable People Act 2013* – if the worker of the alleged reportable conduct holds registration to work with vulnerable people.
- If a worker is uncomfortable about reporting through the department's process, they can report directly to the [Independent Regulator](#) or the Strong Families Safe Kids Advice and Referral Line on **1800 000 123**, or if they believe an offence has been committed, to Tasmania Police on **131444**.
- The Strong Families Safe Kids Advice and Referral Line can also be used to report any concerns involving a child or young person, such as those that are observed, reasonably suspected or disclosed in a public or private setting.
- Any member of the community who has observed behaviour by a NRE Tas worker that causes concern should report it. Information for children, young people, families, and members of the community on how to report is available at nre.tas.gov.au/ChildSafety
- Anyone who makes a report has a legal right to confidentiality. This means that the department will not disclose the identity of the person making a report without their consent unless required under the information sharing rights under the *Child and Youth Safe Organisations Act 2023* or other legislation.
- Workers making a report must ensure that confidentiality is maintained and information is shared only with people who need to know.
- Workers who report child safety concerns in good faith are protected from reprisal.
- The Head of Agency (or the Chief People Officer as delegate) is required by law to notify the Independent Regulator of concerns about conduct related to a child or young person involving a worker within three (3) business days after becoming aware of the concern.



- Where there is doubt about whether the conduct is reportable conduct, the Independent Regulator will still be notified.
- The report will include:
 - that a reportable allegation has been made, or that a reportable conviction recorded against a worker
 - details of the worker/s (including any other names the person goes by, if known)
 - details of the alleged victim/s
 - details of the alleged conduct or conviction
 - details of the initial risk assessment and immediate action to manage the safety and/or wellbeing risk for the alleged victim/s
 - whether a report has been made to Tasmania Police, the Advice and Referral Line and/or the Working with Vulnerable People Registrar
- After a report has been made, People and Culture will offer referrals to support services to the child(ren) involved in the matter, the worker who is the subject of the allegation and any other relevant parties.

4. Look after yourself

Being concerned or knowing about child abuse can be challenging. We encourage anyone affected by, or with concerns about child sexual abuse or other types of child abuse to access advice and support. This can assist and support your wellbeing at work and in your personal life.

Community support services

There are a wide range of organisations who provide support and advice to people about child safety. A comprehensive listing and contact information can be found [here](#).

Employee Assistance Program (EAP)

Confidential support is available through the EAP for all NRE Tas workers and impacted family members:

Positive Solutions

Call: 1800 064 039

Email: admin@positivesolutions.com.au

Website: <https://positivesolutions.com.au/employee-assistance-program>

5. Response

- The Head of Agency must start an investigation as soon as possible.
- Where conduct is suspected to be criminal, the Head of Agency must also notify Tasmania Police so they may conduct a criminal investigation. In circumstances where reportable conduct is also a criminal offence, concurrent investigations (by both the agency and Tasmania Police) will be running in relation to the same alleged incident. However, it is imperative that a police investigation is not compromised by an agency undertaking their investigation, and therefore the Head of Agency must work collaboratively with Tasmania Police on investigation approaches and information sharing.



- In the first instance, the department will engage an independent investigator to investigate the concern on its behalf. The investigation may be conducted internally if deemed appropriate.
- Within 30 days of becoming aware of the reportable conduct, the Head of Agency (or Chief People Officer as delegate) must provide updated information to the Independent Regulator, including:
 - information obtained about the allegation or conviction,
 - whether any actions have been taken (for example placing a limit on a workers contact with children),
 - any written submissions the worker involved has asked to be taken into consideration.
- We seek to adopt a trauma-informed approach which actively recognises the widespread impact of trauma on individuals and aims to minimise re-traumatisation. In the context of this procedure, a trauma-informed approach involves:
 - Providing interpersonal and environmental settings that promote a sense of physical, emotional, and cultural **safety**,
 - Promoting **empowerment** to access support services and by ensuring there is **choice** in how individuals participate in the investigation process as appropriate and possible,
 - Promoting **trust** by listening, being attentive and acknowledging what the individual is saying or displaying,
 - Adopting a **collaborative** approach, involving the individual throughout the process.
- The **Universal Principle** will also be embedded into the investigation process. For example, before interviewing an Aboriginal or Torres Strait Islander child or young person, the investigator will offer them the opportunity to have a member of an Aboriginal or Torres Strait Islander organisation present and will consult them on where and how the interview occurs.
- During the investigation we will uphold procedural fairness, including:
 - maintaining confidentiality,
 - managing any conflicts of interest,
 - informing the worker about the investigation process and progress,
 - providing the worker with a notice of the allegations and an opportunity to respond, in writing or through an interview
 - offering the option of a support person during interviews
 - explaining the potential consequences of findings.
- At the completion of an investigation, the Head of Agency must provide the following information to the Independent Regulator:
 - a copy of the findings of the investigation and the reasons for those findings,
 - details of any disciplinary or other action that the department has taken, or proposes to take, in relation to the worker, and the reasons for that action, and
 - if the department does not propose to take any disciplinary or other action in relation to the worker, the reasons why no action is to be taken.



- Disciplinary action could result in sanctions which may include termination of employment.
- NRE Tas has a focus on continuous improvement for a child safe culture. Any learnings from the investigation will be used to update relevant policies, procedures and practices in order to prevent child harm and improve child safety in the department.

4. Information sharing

Heads of Agencies have specific information sharing rights under the Act, which overrides other laws such as the *Personal Information Protection Act 2004*. Heads of Agencies can share reportable conduct information with:

- the Independent Regulator
- the Police (in Tasmania, interstate police and federal police)
- an independent investigator that they have appointed to conduct a reportable conduct investigation
- leaders of other organisations that are required to comply with the Child and Youth Safe Organisations Framework
- an entity regulator
- the Integrity Commissioner
- a government minister.

Heads of Agencies can share reportable conduct information when they:

- need to comply with the Act, for example to report information to the Independent Regulator, or to conduct a reportable conduct investigation
- are complying with another law, for example reporting suspected child abuse to police
- are promoting the safety and wellbeing of children and young people, for example to tell the leader of another organisation that one of their workers is alleged to have abused a child or young person.

There are specific situations where information can be shared with others such as the child or young person concerned, their guardian, other workers, the person who disclosed the reportable conduct, contracted organisations and workers who are subject to reportable conduct investigations. These are described in the [Information Sheet](#).

5. Responsibility

Position	Responsibility
All workers	<ul style="list-style-type: none"> • Report any concerns about conduct related to a child or young person involving another worker whether observed, reasonably suspected or disclosed. • Treat children and young people with respect and provide a working environment that is safe and free from harm, and fulfil their responsibilities as outlined in the department's Child and Youth Safety and Wellbeing Policy, and this procedure
Managers	<ul style="list-style-type: none"> • Supervising and holding staff accountable for complying with this procedure. • The effective implementation of this procedure, including raising awareness, provision of information, leading by example, participating in training and



	<p>ongoing education and facilitating worker participation in training and ongoing education.</p> <ul style="list-style-type: none"> • Promoting a culture of reporting that recognises and responds to child abuse and harm, including reporting breaches of this procedure. • Respecting privacy and confidentiality in reporting. • Taking prompt and appropriate action reporting a reportable allegation or a reportable conviction.
People and Culture	<ul style="list-style-type: none"> • Providing advice and support to employees, workers and managers about the procedure. • Ensuring induction training for all new workers includes advice, education and training on responsibilities for child and youth safety and reportable conduct. • Ensuring training and education resources and opportunities are provided to all staff on regular basis. • Ownership, regular review and updating of this procedure.
Head of Agency or Chief People Officer as delegate	<ul style="list-style-type: none"> • Notify the Independent Regulator of reportable conduct involving a worker.
Head of Agency	<ul style="list-style-type: none"> • Notify the Independent Regulator of the conduct and outcome of investigation(s). • Share specific information as required under the <i>Child and Youth Safe Organisations Act 2023</i>.

6. Definitions

Term	Definition
Child	A person under the age of 18 years
Youth	A person between 16 years to 18 years
Worker	A person who has attained the age of 18 years, who carries out work in any capacity for the department. This includes as an employee, volunteer, contractor, subcontractor, consultant, director, member of a management committee, student or trainee, office holder or officer
Reportable conduct	Emotional or psychological harm, significant neglect, physical violence, sexual offence, sexual misconduct, a relevant offence and grooming
Reportable conduct information	Means information or documents relating to: <ul style="list-style-type: none"> • a reportable allegation or reportable conviction • a concern or belief that reportable conduct has been committed • the reportable conduct investigation • the findings, reasons for the findings, and the recommendations made, at the conclusion of that investigation • the action taken in response to those findings



Independent investigator	An independent body or person that has appropriate qualification, training, or experience, to investigate reportable allegations for reportable convictions
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7. Supporting documents

[NRE Tas Child and Youth Safety and Wellbeing Policy](#)

[Information Sheet: The Reportable Conduct Scheme](#)

[Information Sheet: Reportable Conduct](#)

[Information Sheet: Information Sharing](#)

[Reporting Pathways](#)

[Support Services](#)

8. Related Legislation

[State Service Act 2000](#)

[Child and Youth Safe Organisations Act 2023](#)

[Registration to Work with Vulnerable People Act 2013](#)

[Employment Direction No 5 – Procedures for the investigation and determination of whether an employee has breached the Code of Conduct](#)

[Personal Information Protection Act 2004](#)

[Public Interest Disclosure Act 2002](#)

[Right to Information Act 2009](#)

9. Review

The procedure will be reviewed in three (3) years.

10. Approval

Approved by Executive Committee on 26 September 2024
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11. Version history

Date	Version	Action <i>(endorsed/ consultation/ formatting, update, minor change, change of Department/ Minister etc)</i>	Description/ comments
10 October 24	2.0	Endorsed	Minor changes to layout, inclusion of procedural fairness and



			protection from reprisal when reporting in good faith.
6 May 24	1.0	Approved	New procedure

12. Contact

For further information, please contact:

Section: Workplace Relations Branch

Email: workplacerelations@nre.tas.gov.au

