

Reportable Conduct Procedure

Purpose

This procedure relates to the Reportable Conduct Policy and should be read in conjunction with this. It details the ECMS procedure for handling reportable allegations under the Victorian Reportable Conduct Scheme.

Procedure

1. Responding to an Emergency

If a child is at immediate risk of harm, staff must ensure their safety by:

- Separating the alleged victim and anyone else involved
- Administering first aid where applicable
- Calling triple zero (000) for urgent medical and/or Police assistance to respond to immediate health or safety concerns

2. Report an allegation

If a complaint has been received by a parent/guardian, community member, or child about a reportable conduct matter relating to an ECMS employee, the Nominated Supervisor/Centre Director will:

- Inform Area Manager of situation
- Contact ECMS Child Safety and Early Childhood Compliance on 1300 61 51 91 **within two hours of the event**
- In consultation with the ECMS Child Safety and Early Childhood Compliance determine if the circumstances meet the definition of reportable conduct (see definitions in Reportable Conduct Policy and the [ECMS Child Safety and Early Childhood Compliance: Reportable Matters Handbook](#) In consultation with the Child Safety and Early Childhood Compliance team, contact Victoria Police if there is any reportable allegation that may involve a criminal offence
- Complete relevant reportable matters template
- Submit the template to compliance@ecms.org.au

If a staff member believes that they have witnessed reportable conduct or misconduct that may involve reportable conduct of another ECMS employee (including volunteers) they must act.

Document Name: Reportable Conduct Policy	Next Review Date: February 2022	Dates reviewed: June, July 2020, March 2021, July 2021
Document Owner: Director ECE	File Location: Policies and Procedures on Thrive	Release date: July 2020 Page 1 of 7

Allegations about other ECMS employees (including volunteers) MUST be reported even if:

- They do not have direct contact with children as part of their work
- The conduct occurred **within or outside** the course of employment.

In these circumstances, staff are to:

- Inform Nominated Supervisor/ Centre Coordinator and Area Manager, (Line Manager for Support Services Staff) of situation
- Be aware of what constitutes reportable conduct (under the definitions above) and the [ECMS Child Safety and Early Childhood Compliance: Reportable Matters Handbook](#) and in line with mandatory reporting responsibilities from DET and Victorian Institute of Teaching (VIT)
- Contact Child Safety and Early Childhood Compliance on 1300 61 51 91 **within two hours of the event**
- In consultation with the Child Safety and Early Childhood Compliance, contact Victoria Police if there is any reportable allegation that may involve a criminal offence
- Complete relevant reportable matters template
- Submit the template to compliance@ecms.org.au

In either scenario above, the Child Safety and Early Childhood Compliance team will assess and prioritise and will notify the regulatory authority (DET) within 24 hours. They will also notify the ECMS Person's with Management and Control and the Director of People & Capability of any reportable allegations **immediately**.

Staff Redeployment and/or role reassignment – There may be circumstances in relation to a Reportable Conduct allegation that staff need to be temporarily redeployed and/or reassigned whilst an allegation is being investigated. The Senior Business Partner will liaise with the Area Manager if this is applicable.

Stand down of staff – there may be circumstances in relation to a Reportable Conduct allegation that staff need to be temporarily stood down whilst the allegation is being investigated. Should this be required, the Director of P&C will make a recommendation to the CEO. The authority to stand down an employee remains within the delegation of the CEO (or Head of the Organisation) ONLY. Dependent on the individual circumstances this may be immediate.

3. Investigation

Under the reportable conduct scheme, the Head of the Organisation (or delegate) must notify the Commission for Children and Young People (CCYP). After determining that reportable conduct has occurred the Director P&C will appoint an investigator.

The investigator may be an internal ECMS employee or it may be determined by the Director P&C that an independent investigator is warranted for an investigation.

The Director P&C will coordinate the following actions:

- Notify the CCYP of the reportable conduct **within 3 business days** of determining that the allegation meets the definition of reportable conduct
- The initial notification must contain the following summary information:
 - Name and date of birth of the Subject of the Allegation (SOA)

- Confirmation that a police report has been made
- ECMS' contact details (i.e., organisation's name, address, telephone number)
- The name of the CEO
- Initial advice on the nature of the allegation
- Determine whether Victoria Police are investigating any possible criminal behaviour connected with the reportable allegation
- Ensure that Victoria Police has granted permission for ECMS to investigate
- Coordinate and manage the investigation (or coordinate with an external investigator)
- If an external investigator is appointed, the CCYP must be supplied with the identity and contact details of the investigator
- Liaise with the Child Safety and Early Childhood Compliance team, Area Manager, and Director, Early Childhood Education in regards to the investigation processes, findings, and conclusions.

Where a reportable allegation is made against an ECMS employee in connection to conduct outside the workplace and unconnected with the discharge of their duties, the procedure is the same as in the standard case.

However, it is recognised that the investigation of the alleged conduct is likely to be difficult without ready access to the location, witnesses, or other information relating to the allegation. Nonetheless, ECMS is still bound to notify the Commission of the allegation, investigate the allegation and provide the Commission with a statement of its findings, reasoning, and actions.

If the investigation's lack of access to relevant information leads to ECMS making a 'not substantiated finding, then this should be highlighted when providing the Commission with the reasons informing ECMS' findings and its associated actions. Under such circumstances, it remains open to the Commission to conduct its own investigation or call upon a Regulator to do so.

4. Outcomes

Once an investigation is completed it is the Director P&C's responsibility to advise the relevant executive and CEO of the outcome and then update the CCYP. This continues to be required even if the SOA has resigned from their position.

The Area Manager, in discussion with the Director ECE, will inform the family of the outcome of the investigation and any follow-up recommendations.

The Area Manager will provide follow-up to the staff member and will ensure any relevant action plans or recommendations are actioned to address individual or service-based issues.

Should it be determined that the appropriate response to the allegation is summary dismissal, the Director of P&C will make a recommendation to the CEO. The authority to dismiss an employee remains within the delegation of the CEO (or Head of the Organisation) ONLY.

After the investigation and subsequent recommendations (if applicable), the CCYP will respond in writing to the family and the ECMS CEO.

Supports for ECMS Staff

ECMS is committed to ensuring that all employees have a safe workplace. In situations where teams are experiencing a reportable conduct matter, many options are available to assist to reduce workplace stress. These options are to be assessed on an individual basis and remain at the discretion of the Area Manager:

Options include:

- Access to Employee Assistance Program (EAP)
- Access to Critical Incident Debriefing (team and service level where applicable)
- Training and educational opportunities
- Staff rotation opportunities (where applicable)

The attached flow chart (see below) provides a visual representation of ECMS's reportable conduct process from allegation to findings and closure.

Sources

Sources and Further Reading

[Wrongs Act 1958](#)

[Crimes Act 1958](#)

[Working with Children Act 2005](#)

[Child Wellbeing and Safety Act 2005 \(Vic\)](#)

[Children Youth and Families Act 2005 \(Vic\)](#)

[Education and Care Services National Law Act 2010](#)

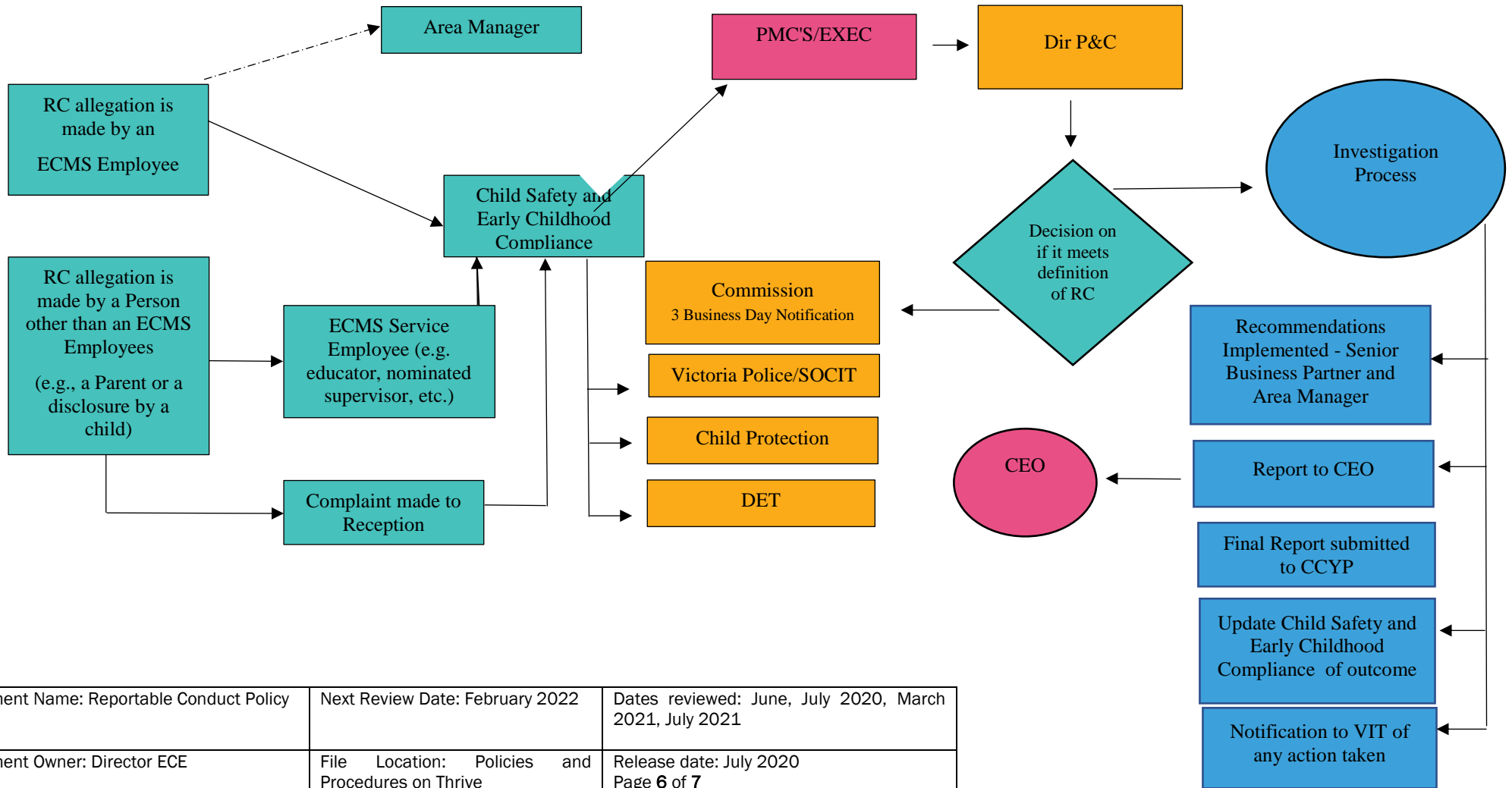
Early Childhood Management Services

Attachment 1 - Standard Case Flow Chart A - From Initial Allegation to Findings and Closure

STAGE 1 – ALLEGATION

Executive Line STAGE 2 - INITIAL NOTIFICATIONS

STAGE 3 INVESTIGATION



Document Name: Reportable Conduct Policy	Next Review Date: February 2022	Dates reviewed: June, July 2020, March 2021, July 2021
Document Owner: Director ECE	File Location: Policies and Procedures on Thrive	Release date: July 2020 Page 6 of 7

STAGE 4 FINDINGS AND CLOSURE

