

Reportable Conduct Scheme Policy and Procedure

Purpose

At the Huon Valley PCYC, we are committed to upholding the safety and wellbeing of all children and young people who attend our facility and programs. We are guided by and follow the National Reportable Conduct Scheme.

The Reportable Conduct Scheme is about creating a culture where organisations that engage with children and young people investigate concerns about their wellbeing in a thorough, transparent, safe and child-centred way.

It does this by requiring leaders of specific organisations to:

- report concerns of conduct related to child abuse involving a worker in their organisation to the Independent Regulator, and
- investigate these concerns (or engage an independent investigator to do so).

By 'worker', we mean volunteers too.

The Reportable Conduct Scheme is primarily about ensuring reportable conduct is investigated **properly**: the fact of reporting the conduct to the Independent Regulator doesn't automatically mean that investigation must reach a certain outcome.

The **Reportable Conduct Scheme** is complemented by the **Child and Youth Safe Standards**.

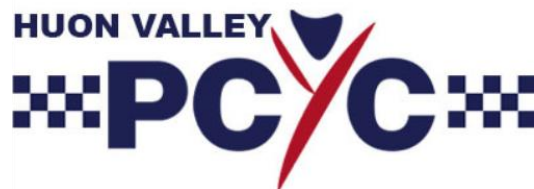
Scope

This policy applies to Leaders of the Huon Valley PCYC, including:

- The General Manager, Duty or Assistant Manager and Titled Board Members.

Please note: Whilst Leaders of the Huon Valley PCYC are required to follow this policy and procedure, all staff are encouraged to, and will be supported to, follow this policy and procedure should they chose to. Leaders of the Huon Valley PCYC, as defined above, are covered by the Reportable Conduct Scheme, and as such are legally required to report instances of reportable conduct to the Independent Regulator. However, the Independent Regulator can receive voluntary reports from anyone, including:

- People who aren't leaders of the organisation, and children and young people themselves. Any Huon Valley PCYC Staff, Volunteers, Committee Members, Internal and External Liaisons, Facility Users, Members, Contractors, Trainees, and Consultants.



What this policy applies to:

- All activities in the organisation which involve, result in, or relate to contact with children or young people.

Responsibilities

The Reportable Conduct Scheme requires senior leaders of the Huon Valley PCYC to report concerns of conduct related to child abuse involving a worker, or volunteer, of the Huon Valley PCYC, and conduct investigations.

Such leaders must report any reportable conduct once becoming aware of it, even if the alleged conduct is historical in nature.

Leaders will be required to conduct a reportable conduct investigation and must give to the Independent Regulator the investigation findings, reasons for findings and actions.

The Independent Regulator will provide advice and guidance to leaders on how to conduct a reportable conduct investigation.

What is reportable?

Grooming

Grooming means befriending and establishing an emotional connection with a child (and/ or the child's guardian, family or friend or a worker) for the purpose of establishing trust to normalise sexually harmful behaviour or engage in an unlawful act, criminal offence, or sexual misconduct against a child. Grooming occurs in a pattern of manipulative or controlling behaviours. These behaviours can take place in a range of settings. Examples of grooming behaviour include:

- isolating a child from their peers to spend time alone
- befriending a child in person and continuing to communicate with the child online
- giving gifts, money or alcohol to a child, parent, or friend to gain access to a child
- inappropriate touching of a child, including tickling and play fighting
- asking a child not to tell anyone about their behaviour.

For the purpose of:

- establishing trust to normalise sexually harmful behaviour or engage in an unlawful act, sexual offence or sexual misconduct against a child. Grooming behaviour can also be a sexual offence under section 125D of the Criminal Code Act 1924. If you are unsure if an allegation of grooming behaviour is a criminal offence, you should contact Tasmania Police.

Physical violence

Physical violence means:

- actual physical violence: the intentional or reckless application of physical force to a person without lawful justification or excuse; or
- apprehended physical violence: any act which intentionally or recklessly causes a person to apprehend immediate and unlawful violence to the person.

Examples of actual physical violence include hitting, punching, pushing, kicking and spitting.

Examples of apprehending physical violence include words or actions which indicate that physical violence will occur to the child in the future.

Relevant offence

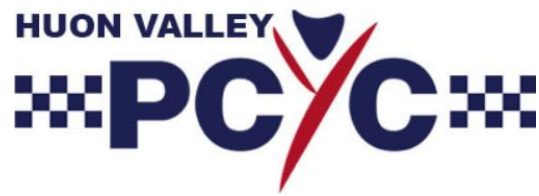
The definition of reportable conduct included in the Framework includes 'a relevant offence' because there are other types of conduct that need to be reported, but don't easily fit into the other categories. Under the Reportable Conduct Scheme, a relevant offence is:

- a sexual offence under the Criminal Code Act 1924
- failing to report the abuse of a child
- female genital mutilation
- inciting or attempts to commit crimes that are inciting or attempts to commit offences listed above
- accessories after the fact for crimes that are inciting or attempts to commit offences listed above

Sexual offences

Sexual offences include

- bestiality (given this often co-occurs with sexual abuse of people)
- penetrative sexual abuse of child or young person
- person permitting penetrative sexual abuse of child or young person on premises •
- persistent sexual abuse of child or young person
- indecent act with child or young person
- procuring child or young person for sexual abuse
- communications with intent to procure child or young person
- penetrative sexual abuse of person with mental impairment
- indecent assault
- procuring a person for penetrative sexual abuse by threats or fraud
- involving person under 18 years in production of child exploitation material
- production of child exploitation material
- distribution of child exploitation material
- possession of child exploitation material
- accessing child exploitation material
- incest
- indecency



- rape
- inciting or attempts to commit crimes that are inciting or attempts to commit offences listed above
- accessories after the fact for crimes that are inciting or attempts to commit offences listed above
- wilfully and obscenely expose one's person in public.

Sexual misconduct

This conduct may overlap with criminal conduct. When performed in a sexual manner or with a sexual intention, sexual misconduct includes:

- inappropriate behaviour
- physical contact
- voyeurism (which means watching someone or others)
- speech or other communication, including electronic communication.

Sexual misconduct is conduct that doesn't meet the acceptable standard of behaviour by a worker or volunteer and is committed in a sexual manner or with sexual intention. Sexual misconduct may occur in a variety of settings, including in person communication and online communication. Examples of sexual misconduct include inappropriate comments to a child about an area of their body in a sexual manner and inappropriate touching of a child. Another example would be intentionally showing a sexually explicit movie to a child for sexual gratification.

Significant emotional or psychological harm

Emotional or psychological harm means harm to a child's:

- wellbeing
- development
- or both.

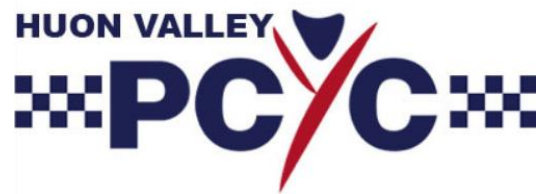
Significant means the harm is more than trivial. It is also important to know that something doesn't have to have a permanent impact or effect to be considered significant.

Examples of significant emotional or psychological harm include:

- direct and indirect exposure to domestic and family violence
- verbal abuse, such as telling a child they are worthless
- humiliating a child in front of their peers.

Significant neglect

Neglect of a child means the deliberate or reckless failure to meet one or more of that child's basic needs. Significant means the neglect is more than trivial or insignificant, but is not required to be deemed serious or to have a lasting permanent effect. There are several types of neglectful behaviour. These include



- supervisory neglect: for example, leaving a child in a hot car in summer time
- physical neglect: a child being extremely dirty and suffering a skin condition as a result of poor hygiene
- educational neglect: preventing a child from attending school for no valid reason
- emotional neglect: rejecting a child from a family, home, school or other situation for no valid reason

Procedure

1.) Report

Within three business days: Leaders must notify the Independent Regulator of reportable conduct in writing and provide:

- that a reportable conduct allegation has been made, or that a reportable conviction recorded against, a worker
- the worker's name and, if known, date of birth
- if the reportable allegation is suspected criminal behaviour, if Tasmania Police has been informed
- the name, address, and telephone number of the organisation
- the leader of the organisation's name.

2.) Investigate

As soon as possible: Leaders must start an investigation (or get an independent investigator to do so).

3.) Update

Within 30 days: Leaders must provide updated information to the Independent Regulator, including:

- all the information they have, at that point, about the allegation or conviction
- whether any actions have been taken (for example, placing a limit on a worker's contact with children)

- any written submissions the worker involved has asked to be taken into consideration.

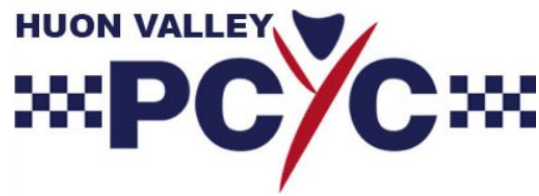
4.) Close Off

At the end of the investigation: Leaders must provide the following information to the Independent Regulator:

- findings of the investigation
- reasons for the findings
- details of any actions that have been taken as a result.

Definitions

Child/Children/Young Person: Person under the age of 18 years.



Relevant Legislations and Standards

- Reportable Conduct Scheme
- The United Nations Convention on the Rights of the Child.
- Children, Young Persons and Their Families Act 1997. Tasmania.
- Family Violence Act 2004.
- Safe and Supported: The National Framework for Protecting Australia’s Children 2021-2031
- Tasmanian Government CBOS Working with Vulnerable People Requirements.
- The National Principles for Child Safe Organisations.
- The National Standards for Out-of-Home Care.
- Charter of Rights for Tasmanian Children & Young People in Out-of-Home Care
- CCYP Strategic Framework 2022 & 2023

Version 01	Last Reviewed 01/07/24	Next Review 01/07/25
First Issued 01/07/2024		Approved By PRESIDENT