ACT Government

ACTPS Reportable Conduct Policy

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ISSUED BY:

WORKFORCE CAPABILITY AND GOVERANCE, CMTEDD

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Introduction

1. The ACT has passed legislation to implement a reportable conduct scheme in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The scheme is an employment-based child protection measure designed to ensure that allegations of abuse and certain criminal convictions are identified, reported and acted on appropriately.

2. Under the scheme, certain organisations that provide services for children, as well as all ACTPS Directorates, will need to notify the ACT Ombudsman of allegations that an employee has engaged in conduct that results in: ill treatment; neglect or psychological harm to a child; misconduct of a sexual nature; or the employee has committed criminal offences involving a child.

3. 'Employees' in the scheme include volunteers and other persons engaged to provide services to children. The ACT Ombudsman has powers to independently oversee, monitor and report on an organisation's investigation of allegations or convictions

4. This policy articulates the correct procedure ACTPS staff should adopt in dealing with allegations of reportable conduct.

Application

5. This policy is a whole-of-government strategy issued by the Head of Service under section 17(2)(a) of the *Public Sector Management Act 1994* (PSM Act) and binds all employees engaged under the PSM Act and all public sector employers within the meaning of section 152(1)(a) of the PSM Act.

6. For the purpose of this policy, any reference to the Head of Service is also taken to be a reference to a public sector employer within the meaning of section 152(1) of the PSM Act.

7. For the purpose of this policy, employees are defined as including executives, permanent officers, temporary employees, casual workers, and a public sector employer's staff member who is employed on either a permanent or temporary basis.

8. For the purpose of this policy, any necessary change is made to the terms of the policy so as to apply the policy to a public sector employer and their staff members.

9. Directorates may put in place their own policy and procedural documents which assist in implementing this policy.

Why is a Reportable Conduct Scheme being Introduced?

10. The new oversight role of the ACT Ombudsman provides assurance to the community that investigations into allegations of abuse by employees are independently reviewed. It will also support organisations to appropriately respond to and address these allegations.

11. The scheme mirrors the NSW system, which has proven to be an effective and successful model.

When does it Start?

12. The scheme commences on 1 July 2017.

How does it affect Me?

13. All ACT employees are covered by the scheme both in their professional and private lives. It does not replace any current mechanisms for reporting allegations of misconduct, including mandatory reporting obligations.

14. All ACT employees are expected to be aware of child safety issues, and are responsible for ensuring that any allegations of reportable conduct are referred to an appropriate Reportable Conduct Contact Officer.

Who in my Directorate is Responsible for Reporting to the Ombudsman?

15. Reportable Conduct Contact Officers have been appointed in each Directorate for the purposes of managing the implementation of, and ongoing responsibilities under, the scheme. If you are made aware of an allegation of reportable conduct you should contact the relevant Reportable Conduct Contact Officer in your Directorate. The current list of Reportable Conduct Contact Officers is located on the ACTPS Employment Portal.

Where do I go for more Information?

16. Further information about the scheme is available on the ACT Ombudsman.

17. You can also contact the ACT Ombudsman at act@ombudsman.gov.au or the relevant Reportable Conduct Contact Officer in your Directorate.

References

18. The relevant legislation, policy and employment arrangements underlying this operational guidance are:
    a. *Children and Young People Act 2008*
    b. *Ombudsman Act 1989*
    c. *Public Sector Management Act 1994*
    d. *Working With Vulnerable People (Background Checking) Act 2011*

Review

19. This policy is due for review where there are changes that affect the operation of the policy, i.e. changes to enterprise agreement provisions.

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Approval Authority

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On behalf of Kathy Leigh Head of Service
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WORKFORCE CAPABILITY AND GOVERNANCE, CMTEDD

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