

## Policy No. 7: Reportable Conduct

### POLICY MANUAL

<b>Policy No.</b>	<b>Reportable Conduct</b>
<b>Purpose</b>	The purpose of this Policy is to describe how the Council will comply with its obligations under the Reportable Conduct Scheme.
<b>Department</b>	Governance and Community Wellbeing
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<b>Next Review Date</b>	<b>August 2027</b>

### POLICY

#### **1. Definitions**

<i>Child</i>	A person who has not attained the age of 18 years.
<i>Conviction</i>	In relation to an offence, includes: <ol style="list-style-type: none"><li>a finding of guilt, or</li><li>the acceptance of a guilty plea, regardless of whether a conviction was recorded or where the offence occurred.</li></ol>
<i>Council Worker</i>	See 4.3.1 below, which adopts the meaning given at <a href="#">section 8</a> of the <i>Child and Youth Safe Organisations Act 2023</i> .
<i>Independent Regulator</i>	The independent oversight body – established in <a href="#">Part 2</a> of the <i>Child and Youth Safe Organisations Act 2023</i> – which exists to help organisations understand how to comply with Tasmania’s Child and Youth Safe Framework, provide guidance and advice and monitor compliance.
<i>Reportable Conduct</i>	See 4.3.2-4.3.3 below, which adopts the meaning given at <a href="#">section 7</a> of the <i>Child and Youth Safe Organisations Act 2023</i> . Further explanatory information and examples can be found <a href="#">here</a> at the website of the Office of the Independent Regulator.

<i>Reportable Conduct Scheme</i>	The obligations and requirements in relation to Reportable Conduct established in <i>Part 4</i> of the <i>Child and Youth Safe Organisations Act 2023</i> .
<i>Reportable Conviction</i>	A conviction for an offence that involves Reportable Conduct, regardless of when the conviction occurred.
<i>Youth</i>	A person who has attained the age of 16 years but has not attained the age of 18 years.

## **2. Objective**

This Policy outlines how the Council will comply with its obligations under the Reportable Conduct Scheme, including the:

- responsibilities of Council Workers;
- scope of conduct that is captured; and
- procedures that can be used to disclose and report conduct.

## **3. Scope**

This Policy applies to all Council Workers.

## **4. Policy**

### **4.1 Context**

The Reportable Conduct Scheme (the Scheme) is a set of obligations and requirements in relation to Reportable Conduct established in *Part 4* of the *Child and Youth Safe Organisations Act 2023*. The Scheme aims to govern how organisations respond to allegations of certain types of misconduct, by its workers, involving children. The Scheme imposes legal obligations on the General Manager to have systems in place to:

- a. prevent child abuse, and
- b. if child abuse is alleged – ensure allegations are reported and investigated.

When navigating this Policy, remain aware of the following:

- c. the Reportable Conduct Scheme does not displace other reporting requirements.
- d. the Reportable Conduct Scheme and this Policy do not determine criminal liability. Allegations may be referred to law enforcement, where appropriate, but Council Workers are entitled to the presumption of innocence and should not be treated as criminally liable unless and until such liability is established through appropriate legal channels.
- e. except for the disclosures and sharing required by the Reportable Conduct Scheme and this Policy, Council Workers must uphold the privacy and confidentiality of all involved parties.

## **4.2 Responsibilities**

### *4.2.1 Council Workers*

All Council Workers are responsible for:

- a. complying with the procedures outlined in this Policy;
- b. ensuring that children are respected and kept safe and free from harm in the Council environments and reporting processes;
- c. outside of the disclosures required by this Policy – respecting the privacy and confidentiality of people and information involved; and
- d. maintaining an awareness of their responsibilities under the Reportable Conduct Scheme.

### *4.2.2 Human Resources*

Human Resources is responsible for:

- a. ensuring training and resources for this Policy and the Reportable Conduct Scheme are provided to
  - i. new Council Workers during induction; and
  - ii. all Council Workers on a regular basis.
- b. ensuring the Council's Contact Officers are trained to support children in a child-centred way during a reporting process; and
- c. participating in any disciplinary processes related to this Policy or the Reportable Conduct Scheme.

### *4.2.3 Executive Management Team*

The Executive Management Team is responsible for:

- a. embedding and encouraging a culture that is aware of and promotes the Reportable Conduct Scheme; and
- b. supporting Council Workers in adhering to this Policy and the Reportable Conduct Scheme.

### *4.2.4 General Manager*

The General Manager is responsible for:

- a. reporting allegations of Reportable Conduct or Reportable Convictions to the Independent Regulator;
- b. investigating Reportable Conduct or Reportable Convictions; and
- c. providing updates to the Independent Regulator during and at the conclusion of investigations into Reportable Conduct or Reportable Convictions.

## **4.3 Who and What Should be Reported Under the Reportable Conduct Scheme?**

### *4.3.1 Who is a Council Worker?*

Council Workers include any person who is 18 or older and has been engaged by, or is part of, the Council in any of the following capacities, regardless of whether their role is connected to working with children:

- a. employee (full-time, part-time, casual);
- b. Councillor or any other elected official;
- c. committee member or office holder, whether elected, appointed or otherwise engaged;
- d. volunteer;

- e. contractor, subcontractor or consultant; and
- f. trainee, apprentice, intern, placement student or any other person engaged in work experience.

This definition is intentionally broad; so, for the purposes of this Policy, if you are unsure whether a person is considered a Council Worker, assume they are.

#### *4.3.2 Conduct and Convictions*

To understand when it is reasonable to suspect Reportable Conduct involving a child by a Council Worker, it is important to understand what behaviour constitutes Reportable Conduct.

Reportable conduct is broader than illegal conduct. It can include criminal and non-criminal behaviour, such as:

- a. significant neglect of a child;
- b. conduct that causes, or is likely to cause, significant emotional or psychological harm to a child;
- c. physical violence against a child;
- d. sexual misconduct against, with, or in the presence of a child;
- e. grooming of a child;
- f. failing to report child abuse; or
- g. other relevant offences identified at [section 7](#) of the *Child and Youth Safe Organisations Act 2023*.

Further resources to help understand what constitutes Reportable Conduct are available [here](#) at the website of the Office of the Independent Regulator.

A Reportable Conviction is a conviction for any offence that involves Reportable Conduct.

#### *4.3.3 Time and Place of Conduct or Convictions*

Reportable Conduct and Reportable Convictions could have occurred at any time, at any place, and do not need to have occurred during the Council Worker's Council duties. This is intentionally very broad and means the conduct or conviction may have occurred:

- a. in the past;
- b. before the Council Worker commenced with the Council; or
- c. outside the Council Worker's Council duties.

#### 4.4 Procedure

<b>STEP 1: LISTEN AND SUPPORT</b>	
Any Council Worker who receives a complaint or information about the safety of a child should listen, provide support and address any immediate safety concerns.	
<b>Who completes this step?</b>	Any Council Worker who receives a complaint or information related to child safety.
<b>When do they take this step?</b>	As soon as the Council Worker is approached or receives the relevant information.
<b>What happens during this step?</b>	<p>Ensure any impacted child is safe and supported.</p> <p>Specific actions at this step will be determined by the situation, but might include:</p> <ul style="list-style-type: none"> <li>• checking there is no immediate or ongoing risk to the child.</li> <li>• if there is an immediate risk or emergency –               <ul style="list-style-type: none"> <li>○ removing the child from the situation; or</li> <li>○ contacting the police.</li> </ul> </li> <li>• if the situation arises because a child has approached you and is sharing information with you –               <ul style="list-style-type: none"> <li>○ having a contact officer attend, if possible;</li> <li>○ providing the child with support;</li> <li>○ allowing the child to share their story; or</li> <li>○ not investigating or interviewing.</li> </ul> </li> </ul>
<b>STEP 2: DOCUMENT AND DISCLOSE THE REASONABLE SUSPICION</b>	
Any Council Worker who reasonably suspects Reportable Conduct or Reportable Convictions by another Council Worker must document and disclose the information to the General Manager or Independent Regulator.	
<b>Who completes this step?</b>	Any Council Worker who reasonably suspects Reportable Conduct by, or a Reportable Conviction of, another Council Worker.
<b>When do they take this step?</b>	Immediately after reasonable suspicion is formed and any actions at step 1 are complete.
<b>What happens during this step?</b>	<p>Document the information you have become aware of and disclose it to the General Manager or the Independent Regulator.</p> <ul style="list-style-type: none"> <li>• To disclose to the General Manager:               <ul style="list-style-type: none"> <li>• complete the Child Safety Reporting Form, and</li> <li>○ email the completed form and any relevant attachments to <a href="mailto:childsafety@mvc.tas.gov.au">childsafety@mvc.tas.gov.au</a>.</li> </ul> </li> <li>• If you are not comfortable disclosing internally within the Council, you can disclose directly to the <a href="#">Officer of the Independent Regulator</a>.</li> </ul>

### STEP 3: REPORT ALLEGATION TO THE INDEPENDENT REGULATOR

The General Manager or their delegate must, within three days of receiving reportable allegations, provide a written report to the Independent Regulator.

<b>Who completes this step?</b>	General Manager or their delegate.
<b>When do they take this step?</b>	Within three days of being made aware of alleged Reportable Conduct or a Reportable Conviction.
<b>What happens during this step?</b>	<p>Provide a written report of the allegation to the Independent Regulator. The report should include the following:</p> <ul style="list-style-type: none"><li>• the Council's name, address and phone number;</li><li>• the General Manager's name;</li><li>• that an allegation of Reportable Conduct or a Reportable Conviction has been made;</li><li>• the Council Worker's name and date of birth; and</li><li>• if applicable, whether Tasmania Police has been informed.</li></ul> <p>The Reportable Conduct Scheme does not displace existing reporting requirements; so, at this point, it may be necessary to report via other avenues, including:</p> <ul style="list-style-type: none"><li>• Tasmania Police;</li><li>• the Registrar of the <i>Working with Vulnerable People Act</i>;</li><li>• the Advice and Referral Line; or</li><li>• other bodies, such as administrators of regulated professions (eg. health, legal).</li></ul>

### STEP 4: BEGIN AN INVESTIGATION

As soon as possible after notifying the Independent Regulator of reportable allegations, the General Manager or their delegate must start an investigation into those allegations.

<b>Who completes this step?</b>	General Manager or their delegate.
<b>When do they take this step?</b>	As soon as possible after notifying the Independent Regulator of the alleged Reportable Conduct or Reportable Conviction.
<b>What happens during this step?</b>	<p>Start an investigation into the Reportable Conduct or Reportable Conviction. This investigation may be carried out internally or externally. Where possible:</p> <ul style="list-style-type: none"><li>• the Council will preference using an external independent investigator to avoid any potential or perceived conflicts of interest.</li><li>• the external independent investigator will be sourced from the Multi-Use Register – a panel of external independent investigators collated and maintained by the Local Government Association of Tasmania.</li></ul>

### STEP 5: PROVIDE UPDATE TO THE INDEPENDENT REGULATOR

Within 30 days of starting an investigation, the General Manager or their delegate must update the Independent Regulator.

<b>Who completes this step?</b>	General Manager or their delegate.
<b>When do they take this step?</b>	Within 30 days of beginning the investigation.
<b>What happens during this step?</b>	Provide the Independent Regulator with an update on the investigation. The update should include the following: <ul style="list-style-type: none"><li>• all the information the Council has collected about the Reportable Conduct or Reportable Conviction;</li><li>• what, if any, actions have been taken in response; and</li><li>• any written submissions the Council Worker has asked to be considered.</li></ul>

### STEP 6: PROVIDE REPORT TO THE INDEPENDENT REGULATOR

At the end of an investigation, the General Manager or their delegate must provide the Independent Regulator with an investigation report.

<b>Who completes this step?</b>	General Manager or their delegate.
<b>When do they take this step?</b>	At the end of the investigation.
<b>What happens during this step?</b>	Provide the Independent Regulator with an investigation report. The report should include the following: <ul style="list-style-type: none"><li>• investigation findings;</li><li>• reasons for those findings; and</li><li>• details of actions taken because of the findings.</li></ul>

### AFTERCARE

Council Workers should take care of their health by being proactive, monitoring how they feel, and making use of available supports.

<b>Who completes this step?</b>	Any Council Worker.
<b>When do they take this step?</b>	As and when required.
<b>What happens during this step?</b>	Take care of yourself. Dealing with this subject matter can be distressing and impact your physical and emotional health, even without your conscious awareness. It is important to be proactive and monitor how you are feeling. The Council provides a free and confidential Employee Assistance Program (EAP), which is available to employees and their immediate family members. This can be used for work-related or personal matters. Details for contacting the EAP are available on the intranet and in physical form in the Council Office and depot lunch rooms. Further support resources are listed at the bottom of <a href="#">this page</a> on the website of the Office of the Independent Regulator.

#### **4.5 Review**

This Policy will be reviewed at the earliest of the following events:

- a. when initiated by the Council's Volunteers and Child Safety Working Group; or
- b. two years has lapsed since the most recent review.

#### **5. Legislation and Related Standards**

*Local Government Act 1993*

*Child and Youth Safe Organisations Act 2023*

Meander Valley Council Policy No. 96: *Safeguarding Children and Young People*

Meander Valley Council Child Safety Reporting Form

Meander Valley Council Volunteers and Child Safety Working Group Terms of Reference

#### **6. Responsibility**

Responsibility for the operation of this Policy rests with the General Manager.