

An organisation covered by the Western Australian Reportable Conduct Scheme must have certain systems in place to prevent reportable conduct and to respond to reportable allegations and reportable convictions relating to their employees (including contractors and volunteers).

This self-assessment is designed to assist organisations to consider and improve their systems in order to comply with the requirements of the Reportable Conduct Scheme and to support the protection of children within their organisation.

The systems required under the Reportable Conduct Scheme are set out below, in addition to questions that the organisation may wish to consider in implementing each system.

System One – Preventing Reportable Conduct

System Two – Reporting to the organisation and to the Ombudsman

System Three – Notifying the Ombudsman

System Four – Investigating Reportable Conduct

System Five – Receipt, handling and disclosure of information

It is important to consider the nature of the organisation and the systems already in place when considering whether to implement a new system, in particular:

- Organisations may have already implemented systems in relation to preventing and responding to serious allegations including allegations of, and convictions for, child abuse. Where this is the case, this guidance can be used to assess whether these existing frameworks adequately address the requirements of the Reportable Conduct Scheme, rather than implement additional systems;
- Organisations will have different numbers of children under their care, supervision and authority with different levels of vulnerability. Therefore, the manner in which each organisation will need to adopt this guidance may vary; and

It is appropriate and reasonable for smaller organisations to consider the practicalities and resources required to implement these systems and to tailor their implementation approach to their specific circumstances.

### **System One - Preventing Reportable Conduct**

The head of the organisation must ensure that the organisation has in place a system for preventing reportable conduct by employees of the organisation in the course of their employment.

In implementing this system, organisations may wish to consider the following questions regarding their policies, procedures, and practices:

- Are there sufficiently robust pre-employment screening procedures?
- Is there a clearly communicated organisational commitment to child safety?
- Is there guidance about appropriate and inappropriate behaviour, such as a Code of Conduct?
- Are there clearly defined roles for people within the organisation?
- Is there ongoing monitoring of Working with Children Checks?
- Are there reviews of reportable conduct allegations and investigations to identify contributing factors and action to address these?
- Is there ongoing training and awareness raising about the Reportable Conduct Scheme and other child safety matters?

For further information on preventing reportable conduct, organisations may also wish to consider the [guidance materials](#) published by the Commissioner for Children and Young People on the National Principles for Child Safe Organisations.

### **System Two – Reporting to the organization and to the Ombudsman**

The head of the organisation must ensure that the organisation has in place a system for:

- enabling any person, including an employee of the organisation, to report to the head of the organisation a reportable allegation or reportable conviction involving an employee of the organisation;
- enabling any person, including an employee of the organisation, to report to the Ombudsman a reportable allegation or reportable conviction involving the head of the organisation.

In implementing this system, organisations may wish to consider the following questions regarding their policies, procedures, and practices:

- Is there clearly communicated guidance on the types of conduct covered by the Reportable Conduct Scheme?
- Is there clearly communicated guidance on the employees covered by the Reportable Conduct Scheme?
- Is there a point of contact for reportable conduct matters within the organisation?
- Are there reporting systems that enable employees to report reportable allegations or reportable convictions involving an employee of the organisation to the head of the organisation (or delegate)?
- Are there reporting systems that enable employees to report reportable allegations or reportable convictions involving the head of the organisation to the Ombudsman?

- Are there reporting systems that enable any other person (such as a member of the public) to report reportable allegations and reportable convictions involving an employee of the organisation to the head of the organisation (or delegate) or, if it involves the head of the organisation, the Ombudsman?
- Does the complaint management framework including a child friendly complaint system?
- Is there clarity that the Reportable Conduct Scheme is in addition to, not instead of, other reporting obligations?
- Do the systems allow for anonymous reporting and are anonymous reports responded to adequately?

For further information on the types of conduct covered by the Reportable Conduct Scheme, please refer to our information sheet [Identifying Reportable Conduct](#). For further information on the employees covered by the Scheme and the obligations of employees and other persons, please refer to our information sheet [About the Scheme](#).

### System Three – Notifying the Ombudsman

The head of the organisation must ensure that the organisation has in place a system for notifying the Ombudsman of a report to the head of the organisation of a reportable allegation or reportable conviction involving an employee of the relevant entity.

In implementing this system, organisations may wish to consider the following questions regarding their policies, procedures and practices:

- Does the system ensure the Ombudsman is notified of reportable allegations and reportable convictions involving an employee of the organisation within 7 working days of the head of the organisation becoming aware of the report?
- Does the system ensure other relevant bodies are notified of allegations of child abuse (where there is an obligation to do so), such as the Western Australia Police Force, the Department of Communities or other applicable regulatory bodies?
- Does the organisation's risk assessment methodology incorporate risks related to the handling of reportable conduct matters?

For further information on notification requirements, please refer to our information sheet [Responsibilities of the head of an organisation](#). For further information on the management of risks, please refer to our information sheet on [Risk management following a reportable allegation](#).

### System Four – Investigating Reportable Conduct

The head of the organisation must ensure that the organisation has in place a system for investigating a reportable allegation or reportable conviction relating to an employee of the organisation and taking appropriate action in response to a finding of reportable conduct.

In implementing this system, organisations may wish to consider the following questions regarding their policies, procedures, and practices:

- Are there defined responsibilities for decision-making in relation to investigations under the Reportable Conduct Scheme?
- Does the system enable the planning and undertaking of an investigation in relation to a reportable allegation or reportable conviction, including developing an investigation plan, appointing a suitable investigator, preparing a report and making findings?
- Are actual, potential and perceived conflicts of interest identified and appropriately managed?

- Are employees subject to allegations provided with procedural fairness and information on any review or appeal mechanisms?
- Are appropriate supports identified and put in place for people effected? This includes:
  - Children involved in an investigation;
  - Parents, carers or those with parental responsibility who have complained about an employee or whose child is involved in the investigation;
  - Employees who have had the allegations made against them; and
  - Staff who have been effected by the investigative process.
- Do they ensure appropriate action is taken after making a finding of reportable conduct? This includes:
  - In relation to the employee, in response to the finding;
  - Informing the child involved and their family of the outcomes, (as appropriate); and
  - To improve the identification, prevention or response to reportable allegations and reportable convictions involving employees of the organisation.

For further information on undertaking investigations under the Reportable Conduct Scheme, please refer to our information sheet on [Reportable Conduct Scheme Investigations](#).

### **System Five – Receipt, handling and disclosure of information**

The head of the organisation must ensure that the organisation has in place a system for the receipt, handling and disclosure of investigation information.

In implementing this system, organisations may wish to consider the following questions regarding their policies, procedures, and practices:

- Do they clearly communicate what information should be documented and ensure that investigation information is securely stored and only able to be accessed by relevant persons?
- Do they set out the circumstances where investigation information can be disclosed, noting the importance of maintaining confidentiality and only disclosing investigation information where it is appropriate and lawful to do so?

### **Where to get help**

Organisations covered by the Scheme should contact the Ombudsman for clarification and guidance, and to talk through any issues of concern.

- Telephone: (08) 9220 7471
- Email: [reportableconduct@ombudsman.wa.gov.au](mailto:reportableconduct@ombudsman.wa.gov.au)
- Website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

