

Responding to Allegations of Reportable Conduct Policy



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Purpose

The purpose of this policy is to establish the standards under which Outcare will meet the requirements of the Reportable Conduct Scheme (the Scheme) under the Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022 (the Act). The Reportable Conduct Scheme aims to ensure the safety and well-being of vulnerable individuals by establishing a mechanism for reporting and responding to allegations of reportable conduct involving employees, volunteers and contractors working with them.

Scope

This policy applies to employees, volunteers, Directors, consultants, and contractors of Outcare involved in the following programs, services and activities that are in scope for the Scheme:

- Providers of out of home care services: A person/provider who has entered into an agreement under the Children and Community Services Act 2004 (CCS Act) section 15 (1) for the provision of placement services.
- Providers of youth justice services:
 - a. A provider of a detention centre as defined in the Young Offenders Act of 1994 Section 3
 - b. A provider of community justice services funded by the department principally assisting in the administration of the Young Offenders Act 1994.
- **As from Jan 2024** Providers of disability services:
 - a. a) a service provider as defined in the *Disability Services Act 1993* Section 3
 - b. b) a registered provider of supports and services under the *National Disability Insurance Scheme Act 2013* (Commonwealth)
- **As from Jan 2024** Providers of accommodation and respite services for children
 - a. a provider of a homelessness service that provides overnight beds specifically for children as part of its primary activities and is funded by the department principally assisting in the administration of the CCS Act.
 - b. A provider of boarding facilities for students who are children.
 - c. An entity that provides overnight camps for children as part of its primary activity
 - d. A provider of any other accommodation or respite services for children.

Policy Statement

Outcare is committed to fully upholding The Ombudsmen and the West Australian Reportable Conduct Scheme (the Scheme) under the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022* (the Act). The primary objective of the Scheme is to support people to speak up about concerning behaviours, help prevent child abuse and improve systems and processes for preventing and dealing with complaints and reports of abuse by staff.

Additionally, Outcare will endeavour to minimise the risk to children in our care and develop a plan to continuously improve its work as a child-safe organisation.

Principles

- The safety and well-being of the child or young person is the paramount consideration at all times.
- From 1st of January 2023 the following allegations of reportable conduct will be notifiable under the Scheme:
 - Sexual offences (against, with, or in the presence of, a child);
 - Sexual misconduct (against, with, or in the presence of, a child); and
 - Physical assault (against, with, or in the presence of, a child)

From 1st of January 2024 the following allegations of reportable conduct will also be notifiable under the Scheme:

- Significant neglect of a child; and
- Any behaviour that causes significant emotional or psychological harm to a child
- From 1st of January 2023 any reportable convictions by a Outcare employee, volunteer or contractor will also be notifiable under the Scheme (see procedure for further definitions).

Policy Context and Related Legislation

This policy should be read in conjunction with other associated PeopleKind Group and Outcare policies and procedures and, in particular, the ***Responding to Allegations of Reportable Conduct Policy Procedures***.

This policy recognises the legal and moral obligations of PeopleKind Group and Outcare, and it has been framed around the following:

- Children and Community Services Act 2004 (WA) (as amended 2022)
- Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 (WA) (not amended)
- Disability Services Act 1993 (WA) (as amended 2023)
- National Disability Insurance Scheme Act 2013 (Cth) (as amended 2022)
- Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022(not amended)
- Privacy Act 1988 (Cth) (as amended 2022)
- Racial Discrimination Act 1975 (Cth) (as amended 2016)
- Working with Children (Criminal Record Checking) Act 2005 (WA) (as amended 2023);
- Young Offenders Act 1994 (WA) (as amended 2023);
- Commissioner for Children and Young People Western Australia, Child Safe Organisations Guidelines 2019
- United Nations Declaration on the Rights of the Child 1990
- Working with Children (Criminal Record Checking) Regulations 2005 (WA) (as amended 2021)

Responsibilities

- PeopleKind Group and Outcare are responsible for fully complying with upholding the Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022 and the Scheme.
- The Managing Director and Executives are responsible for complying with the spirit of this policy and ensuring that all employees of Outcare act in good faith and in accordance with this policy.
- Outcare will:
 - Prevent reportable conduct by employees in the course of their employment.
 - Enable people to report reportable allegations and convictions to the head of the organisation (see Procedure for further information).
 - Enable people to report reportable allegations and convictions involving the head of the organisation to the Ombudsman.
 - Investigate reportable allegations and convictions relating to employees and take appropriate action in response to a finding of reportable conduct.
 - Receive, handle and disclose investigation information.
- Managers are responsible for monitoring compliance with this policy and reviewing this policy to ensure that it is operating effectively.
- All employees are responsible for:
 - Acting in good faith and complying with the Code of Conduct, the Outcare culture, this policy; and
 - Acting ethically and with integrity, honesty, and transparency at all times.

Concise Summary of Key Changes Made in This Review of Document

This is the inaugural Responding to Allegations of Reportable Conduct Policy.

Monitoring, Review, and Evaluation

This policy will be reviewed every three years. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed immediately and amended accordingly. This process will include the following.

- Ad hoc review and evaluation of current practices
- Periodic self-assessment
- Internal Audits
- External Audits

PeopleKind Group and Outcare will record and monitor progress of any improvements identified and feed that into service planning and delivery processes.

Breaches of the Responding to Allegations of Reportable Conduct Policy

Any breaches of the Responding to Allegations of Reportable Conduct Policy could constitute a possible act of misconduct. Reference is accordingly made to PeopleKind Group Employee Discipline and Termination Policy which outlines the relevant processes that may be followed if misconduct is suspected.

