

Reportable Conduct Policy

Section 1 - Background and Purpose

(1) La Trobe University (University) exercises a high degree of care, supervision and authority over children (i.e. persons under the age of 18) and is required to:

- a. report allegations of Reportable Conduct, including professional misconduct (herein referred to as Reportable Allegations); and
- b. provide details of Reportable Allegation investigations

to the Commission for Children and Young People.

(2) This Policy sets out the University's approach and commitment to managing appropriate responses to Reportable Allegations made against staff and others engaged by the University.

Section 2 - Scope

(3) This Policy applies to employees, and other persons engaged by the University such as:

- a. Employees;
- b. Honorary Appointments (such as Office Holders);
- c. Contractors (including sole traders); and
- d. Volunteers;

(4) Irrespective of whether that person's work is in connection with work that relates to children.

Section 3 - Policy Statement

(5) The University is committed to the protection, safety and wellbeing of children in its care, supervision and or authority.

(6) The safety of which is supported by the Victorian Child Safe Standards and Reportable Conduct Regime (the Scheme), introduced under the [Child Wellbeing and Safety Act 2005](#).

(7) This Policy and Procedure applies to all persons over the age of 18, who are employed or otherwise engaged by the University. Including but not limited to staff, honorary appointments, researchers, volunteers, students engaged by the University in a leadership role (such as student leaders, ambassadors and residential assistants), contractors (including sole traders and other third party service providers), officers, or office holders. Irrespective of whether or not:

- a. that person's work, activities or services relates to or otherwise involves children (being persons under the age of 18); and/or
- b. the reportable conduct or misconduct occurs within or outside of the University.

(8) This Policy supports University systems designed to prevent and respond to child abuse, and should be read in conjunction with the University's [Child Safety Policy](#).

Mandatory Reporting - Reportable Allegations

(9) All staff, and other individuals engaged by the University are required to notify the University's Child Safety Officer via compliance@latrobe.edu.au immediately after forming a suspicion/Reasonable Belief that a person employed or otherwise engaged by the University; has committed Reportable Conduct or misconduct that may involve Reportable Conduct. Immediately is defined as soon as reasonably practicable, within a period of 24 hours (or if after hours, the next business day).

(10) This is the case even if:

- a. that person does not have direct contact with children; and/or
- b. the conduct occurred outside of their work or other form of engagement with the University.

(11) Reportable Allegations may also be made by persons external to the University, in the manner described above.

(12) If however, a child is at immediate risk of abuse or danger the Police should be contacted without delay on 000; with subsequent notification to the University's Child Safety Officer via compliance@latrobe.edu.au.

Section 4 - Procedures

Part A - Obligations on the Head of the University

(13) Following receipt of a Reportable Allegation, the University Vice-Chancellor (or their appointed delegate) undertakes to:

Manage Immediate Risks

(14) Manage any immediate risks to children, which for allegations of suspected criminal misconduct, will involve reporting to Victoria Police.

Notify

(15) Ensure the Commission for Children and Young People (the Commission) is notified within 3 business days of becoming aware of the Reportable Allegation.

Investigate

(16) Engage an independent investigator (as appropriate) and initiate an investigation into the Reportable Allegation (subject to police clearance on criminal matters); and inform the Commission the details of the person undertaking the investigation;

Update

(17) Provide the Commission (within the prescribed period of 30 calendar days) detailed information about the Reportable Allegation and any action taken or proposed by the University;

Outcomes

(18) Notify the Commission of the investigation findings and any disciplinary action the University has taken (or the

reasons no action was taken).

Part B - Reportable Conduct Allegation Investigations

(19) Allegations of suspected criminal misconduct will be reported to Victoria Police as the first priority, who will maintain the primacy of an investigation.

(20) The University will work with Victoria Police and the Commission to ensure:

- a. allegations of criminal conduct are dealt with appropriately; and
- b. any internal workplace investigation, aimed at gathering and examining information to establish and make findings in relation to allegations of child abuse against an employee or other person engaged by the University, does not interfere with police investigations.

(21) Any investigation initiated by the University, may include recommendations about what disciplinary or other action should be taken (if any). The determination of which will be made by the University's Vice Chancellor, or their appointed delegate.

(22) In circumstances where the University is unable to investigate or otherwise engage an independent person or body to investigate a Reportable Allegation, the University will work with the Commission, to the greatest extent possible, to support the Commission's independent oversight and investigation into this matter.

Part C - Procedural Fairness

(23) Determinations made with respect to a Reportable Allegation are required to be made on the balance of probabilities, following principles of procedural fairness.

(24) In response to a Reportable Allegation, the University undertakes to:

- a. Obtain clearance from Victoria Police, if the allegation is criminal in nature, before initiating a workplace investigation; and
- b. Before any findings are made or disciplinary action taken:
 - i. Notify the subject of the allegation of details of any adverse information that is credible, relevant and significant. This need not be at the time the Commission is notified to ensure an investigation is not compromised; or at all, in circumstances the allegations is for example fictitious.
 - ii. Provide the subject of the allegation a reasonable opportunity to respond to that information.

(25) Any person that is the subject of an allegation may choose (but is not obliged) during the course of an investigation, to give information or documents that support their version of events; or prove/disprove any fact or issue being investigated.

(26) In circumstances where other allegations or concerns are identified the additional information will be considered by the Investigator, and may add or change the nature and or scope of the allegation.

(27) Interviews with witnesses, organisational management, other staff, the subject and/or victim of the allegation may be undertaken by: the Victoria Police; the University; an independent investigator engaged by the University; the Commission or other regulator; with expert opinion or advice (such as from a specialist medical practitioner or legal counsel) obtained during a workplace investigation, as deemed required.

Part D - Support Services

(28) The University recognises Reportable Conduct investigations can be stressful and demanding on all involved, and is committed to the welfare and support of staff and volunteers, with particular focus on any children who may be victim of alleged Reportable Conduct. Access to the University's Employment Assistance Service or other counselling services will be made available, as required, in support of persons making a Reportable Conduct report.

Part E - Contractor Obligations (excluding Sole Traders)

(29) If:

- a. the University receives a report about the behaviour of an employee, office holder, volunteer, agent or sub-contractor of a Contractor, had that person been an employee of the University; and
- b. the Contractor is not a natural person, and/or legally bound by the Reportable Conduct Scheme; and
- c. that behaviour may have involved Reportable Conduct;
- d. the University will provide that report to the Contractor and the Contractor must:
 - i. investigate or allow the Commission for Children and Young People to investigate the report, ensuring confidentiality of that report in accordance with requirements prescribed by law; and
 - ii. report the matter to the Victoria Police upon becoming aware of an allegation or report involving criminal conduct, with clearance to be obtained from Victoria Police prior to commencing or continuing an investigation; and
 - iii. within 30 days of notification of the report, provide to the University confirmation that an investigation has been undertaken, any disciplinary action taken by the Contractor against the employee, office holder, volunteer, agent or sub-contractor and broad outcomes of the investigation. Such information provided to the University must not contain any information which may identify any child and will be treated as confidential by the University.

(30) Following a report to the University under clause 29, the University may require that the employee, office holder, volunteer, agent or sub-contractor who is the subject of the report be removed from all University premises immediately and may not return to University premises until express written permission is given by the University. Such permission is at the sole discretion of the University.

Section 5 - Definitions

(31) For the purpose of this Policy and Procedure please refer to the [Reportable Conduct Policy - Definitions and Interpretative Notes](#).

Section 6 - Stakeholders

Responsibility for implementation – Risk Management Office Office.

Responsibility for monitoring implementation and compliance – Risk Management Office Office.

Status and Details

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| Responsible Policy Officer | Stacey Conlin Director, Risk Management |
| Author | Teresa Day Risk and Compliance Advisor |
| Enquiries Contact | Risk Management Office |