Child Protection Policy

Approved by the St Vincent de Paul Society NSW State Council on 11 July 2012

Version Control

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<tr>
<th>Contact names</th>
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<tr>
<td>Sarah Lentern</td>
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<td>2</td>
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1. POLICY

1.1 Policy Statement

St Vincent de Paul Society NSW (‘the Society’) is unequivocally committed to providing a safe and supportive environment that is free of violence and exploitation and one which fosters the child’s developmental needs, spirituality, self-respect and dignity. Our aim is to protect children and young people in our care while safeguarding the rights and dignity of employees, define and follow through on “reportable conduct” allegations and keep staff fully informed as to appropriate behaviours and professional conduct. (See Staff Code of Conduct, 2012.)

The Society follows the requirements of the Child Protection Legislation Amendment Act 2003 which took effect on 23 April 2004. This Act amended Part 3A Ombudsman Act 1974 and Part 7 Commission for Children and Young People Act 1998 (referred to in this document as ‘the Child Protection Legislation’). To this end, we have processes in place to ensure that all NSW Child Protection legislative requirements are met. As this policy is written to comply with NSW legislation, advice should be sought in situations where the Society’s works and clients cross state borders.

1.2 Statement of Principles

The Society’s approach to creating a safe environment includes procedures for responding to allegations and disclosure of abuse or neglect towards children and young people. Conduct reported by employees is based on the following principles:

a. All children and young people have a right to safety and freedom from abuse of any kind.

b. All adults working with children and young people have a responsibility to care for them, to promote their well-being and to protect them from any form of reportable conduct.

c. When any action is taken to prevent or respond to any type of reportable conduct, the welfare and well-being of the child or young person are the primary concerns.

d. The integrity of the family unit is respected but not to the detriment of the child or young person.

e. The dignity of persons involved in situations where reportable conduct is suspected or disclosed should be respected; they should be treated with sensitivity.
f. In the interests of justice, appropriate confidentiality should be maintained, with information that relates to suspected or disclosed abuse being provided only to those who have a right and need to be informed.

1.3 Related Policies

Work Health & Safety Policy

Privacy & Confidentiality Policy & Procedures

Code of Conduct

Conflict of Interest Policy

Youth and Young Adults Policy and Procedures
<LINK TO BE INSERTED>

1.4 Legislative Requirements

The policy and procedures of the Society will be implemented in accordance with the following legislation.

<table>
<thead>
<tr>
<th>Act</th>
<th>Key Issue</th>
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<tr>
<td>Ombudsman Act 1974</td>
<td>All government departments, public authorities and certain non-government agencies in NSW are required to respond to allegations against employees and to notify the Ombudsman of reportable allegations or convictions.</td>
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<tr>
<td>Commission for Children and Young People Act 1998</td>
<td>Employers are required to background check preferred applicants for child-related positions in their organisation and ensure all employees in child-related positions complete an ‘Applicant Declaration &amp; Consent’ or ‘Volunteer/Student Declaration’ declaring if he/she is a ‘prohibited person’. Additionally, employers must notify CCYP of relevant employment proceedings.</td>
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<tr>
<td>Children and Young Persons (Care and Protection) Act 1998</td>
<td>Mandated employees are required to report to the ‘Helpline’ of Community Services any children who they suspect to be at “risk of significant</td>
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1.5 Definitions

1.5.1 Risk of Significant Harm

Members of the community and mandatory reporters who suspect that a child or young person is at “risk of significant harm” (the statutory threshold) should report their concerns to the Human Services, Community Services (Community Services) (formerly DoCS). This new statutory threshold has replaced “risk of harm” in the Children and Young Persons (Care and Protection) Act 1998. The new threshold has come into place as a result of *Keep Them Safe: A shared approach to child wellbeing action plan*, 2009.

A child or young person is at current “risk of significant harm” if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent. The circumstances are defined on the Community Services website at: [http://www.community.nsw.gov.au/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters/when_must_i_make_a_report.html](http://www.community.nsw.gov.au/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters/when_must_i_make_a_report.html)

What is meant by ‘significant’ in the phrase ‘to a significant extent’ is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family’s consent.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person’s safety, welfare or well-being.

In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child’s birth. Significance can result from a single act or omission or an accumulation of these.

Community Services will *only* address cases where children and young people are at current risk of significant harm.

1.5.2 Mandatory reporters

NSW legislation defines mandatory reporters as those who deliver the following services to children as part of their paid or professional work:

- health care - doctors, nurses, dentists and other health workers
- welfare - psychologists, social workers and youth workers
- education - teachers
- children’s services - child care workers, family day carers and home based carers
• residential services - refuge workers, community housing providers
• law enforcement – police.

Any person with direct responsibility to provide the above mentioned services must report “risk of significant harm” to Community Services.

Managers, including both paid employees and volunteers, who supervise direct services involving children are also mandated to report.

Mandatory reporters are not obliged to report “risk of significant harm” to:

a. unborn children unless they are aware that there has been a previous prenatal report that has not been acted upon or
b. Young people (those aged 16-17 years).

Mandatory reporters must make a report to Community Services when they have current concerns about the safety, welfare and wellbeing of a child for any of the following reasons:

“at risk of significant harm” if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

(a) the child’s or young person’s basic physical or psychological needs are not being met or are at risk of not being met,
(b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
(b1) in the case of a child or young person who is required to attend school in accordance with the Education Act 1990, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
(c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
(d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
(e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
(f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Note. Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given” (Section 23, Children and Young Persons (Care and Protection) Act 1998 No 157).
1.5.3 Other Reporters

Volunteers are not mandatory reporters except in the case of volunteer managers (see 1.5.2).

Members and volunteers are encouraged to inform their President if they are concerned about the well-being of a child.

Any person may report to Community Services if they have current concerns about the safety, welfare and wellbeing of a child.

1.5.4 Disclosures

A disclosure that a child or young person is currently at risk of harm may take the following forms:

a. A child or young person tells an employee of the Society that they are at risk of harm;

b. Someone else tells an employee of the Society that a child or young person is at risk of harm; and/or

c. A child or young person tells an employee of the Society that they know someone who is at risk of harm.

1.5.5 Allegation

An allegation against an employee might involve behaviour that is reportable conduct or behaviour that is exempt from notification to the Ombudsman but is required to be investigated by the agency (*Ombudsman Act 1974*).

1.5.6 Child

Legislation around child protection provides different definitions of the word ‘child’.

*Ombudsman Act 1974*: ‘Child’ includes all children and young people up to the age of 18 years.

Children and Young Persons (Care and Protection) Act 1998: ‘Child’ includes all children under the age of 16 years.

Throughout this policy, the word ‘child’ refers to persons under the age of 16 years and the term ‘young person’ will apply to those aged between 16 and 18 years unless otherwise specified. This applies to children and young people who are members, volunteers, employees and clients.
1.5.7 Child related employment
This is defined by the Commission for Children and Young People Website at https://check.kids.nsw.gov.au/employer-guidelines.php#guideline-1 as any employment in a position which satisfies each of the following four criteria. In summary, it includes employment:

a. Being conducted in one of the following work settings:
   - Child care centres, pre-schools and kindergartens;
   - Schools or other educational institutions (not universities);
   - School buses;
   - Residential out of home care, boarding or home stay arrangements and respite care;
   - Refuges used by children;
   - Counselling or other support services for children including youth services, family support services and other welfare services;
   - Clubs, associations, movements, societies, institutions or other bodies having a significant child membership or involvement;
   - Overnight camps for children.

b. That primarily involves contact with children, where contact with children is an essential requirement of the role.

c. That involves direct face to face contact with children.

d. Where that contact is not directly supervised by a person having the capacity to direct the employee in the course of the employment:
   - There are periods of more than a few minutes when the employee is not in view of this officer or other delegated officer;
   - Supervision by a parent does not satisfy this criteria it must be someone with the ability to direct the person coming into contact with children;
   - The potential for direct unsupervised (by a colleague) contact.

All four criteria must be satisfied for the position to be child related.

1.5.8 Employee

An employee is a person who is employed by the agency, whether or not they are employed to work directly with children, as well as anyone from outside the agency who is engaged to provide services to children such as contractors, foster carers, volunteers, students on placement, instructors of religion (Ombudsman Act 1974).

An employee is any person who is engaged in employment. Under the Commission for Children and Young People Act 1998 employment is:
   - performance of work under a contract of employment; or
   - performance of work as a self-employed person; or
• performance of work as a contractor or subcontractor; or
• performance of work as a volunteer for an organisation; or
• undertaking practical training as part of an educational or vocational course; or
• performance of work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation; or
• foster carer; or
• providing a prescribed children’s service i.e. child care children’s service, home based children’s service or mobile children’s service care service; or
• work as a person involved in the control or management of a prescribed children’s service i.e. supervisors or managers of a child care centre, family day care service, home based care for children or mobile child care services.

1.5.9 Volunteer

A volunteer is a person undertaking unpaid work for the society. This includes members.

1.5.10 Exempt behaviours

Allegations against employees that are exempt from notification to the Ombudsman are:

a. Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards;

b. The use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or

c. Conduct of a class or kind exempted from being reportable conduct under section 25CA of the Ombudsman Act 1974 (or under the Working with Children Employer Guidelines under section 35 of the Commission for Children and Young People Act 1998).

1.5.11 Head of Agency

The Head of Agency is the Chief Executive Officer (CEO). This relates to the legislative requirement of the Ombudsman’s Act 1974, regarding allegations of reportable conduct.
1.5.12 Reportable conduct

Reportable conduct is:

- Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence); or
- Any assault, ill treatment or neglect of a child; or
- Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Note: The above definition is the same for the Ombudsman Act 1974 and the Commission for Children and Young People Act 1998.

A Serious Sex Offence is an offence involving sexual activity or acts of indecency or any sexual threat imposed on a child that was committed in NSW or elsewhere and is punishable by penal servitude of 12 months or more. It is also an offence if one is found to have attempted to commit or incited to commit any of the offences already described or any other offence prescribed by the regulations.

1.5.13 Internal investigation of an allegation

This involves a process where the Society:

- Gathers all relevant facts;
- Makes a finding that the allegation is:
  - Sustained
  - Not sustained-insufficient evidence
  - Not sustained-lack of evidence or
  - False-includes vexatious matters;
- Provides information to assist any relevant employment proceedings, as required.

1.5.14 Reportable allegation

An allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct must include:

- Identification of a person who is a current employee of the agency;
- An alleged offence or description of offending behaviour that meets the definition of reportable conduct; and
- A person who was a child at the time of the alleged offence or behaviour described.

1.5.15 Conviction of reportable conduct

This means any conviction of a person, in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction (Ombudsman Act 1974).

1.5.16 Prohibited Person

This is a person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence, as well as a Registrable Person under the Child Protection (Offenders Registration) Act 2000.

1.5.17 Registrable Person

This is a person found guilty of a registrable offence against children under the Child Protection (Offenders Registration) Act (NSW) 2000.

1.5 Key Responsibilities

1.5.1 St Vincent de Paul Society (NSW)

The Society at a State Council is responsible for:

- developing, disseminating and monitoring compliance of policies and processes;
- regularly reviewing policies and procedures;
- establishing and maintaining appropriate procedures for dealing with allegations of employee misconduct;
- establishing and maintaining appropriate recruitment, selection and background checking processes;
- providing developmental opportunities and support for employees;
- collaborating with other relevant agencies;
- supporting other organisations by providing prevention programs; and
- providing information about Child Protection policies to parents and the community.
1.5.2 Diocesan Central Councils

The Society at a Diocesan Central Council Level is responsible for:

- providing developmental opportunities and support for employees;
- implementing appropriate recruitment, selection and background checking processes;
- implementing State Council policies and procedures;
- collaborating with other relevant agencies;
- ensure that support is provided to other organisations by providing prevention programs; and
- ensure that information about Child Protection policies is provided to parents and the community.

1.5.3 Executive Officers

Executive Officers are responsible for:

- managing incidents in accordance with this policy and other relevant employer and statutory requirements and
- providing appropriate opportunities for all employees including casual employees and volunteers to become familiar with relevant Child Protection policies and procedures, along with their own relevant responsibilities;

1.5.4 Employees

Employees as defined in this policy are responsible for:

- participating in training initiatives designed to assist the recognition of abuse and neglect of children and young people, and the implementation of relevant policies and procedures;
- reporting to the employer internally and to community services as required any suspicion, on reasonable grounds, that a child or young person for whom the organisation is responsible, is at risk of harm;
- providing support, within the range of normal duties, to children and young people who have experienced abuse or neglect;
- maintaining appropriate confidentiality in relation to all incidents or allegations of reportable conduct of a child or young person; and
- providing information that has been lawfully requested to support child protection issues and procedures.

1.6 Risk Assessment

The St Vincent de Paul Society NSW is committed to providing a safe and healthy environment for children and young people. In accordance with the
Work Health and Safety Policy, 2012

Risk assessments should always consider children and young people. If applicable the Youth and Young Adults Policy and Procedures should be adhered to.

1.7 Reporting and Managing Incidents

The Society’s requirements for managing child related incidents where a child or young person is potentially at risk of significant harm are listed below.

Employees may become aware of a child related incident as a result of

- a disclosure or
- making their own observations that leads her/him to suspect a child or young person is at risk of harm (some indicators of risk of harm are: marked changes in behaviour; withdrawal; depression; attention to personal appearance; pregnancy; anorexia or over-eating; self-destructive behaviour such as drug dependency, suicide attempts or self-mutilation).

Section 2.1 also provides a simplified overview of the steps to follow in the case of a child related incident.

1.7.1 Children and young people who are at risk of harm

a. Mandatory Reporters are required to use the mandatory reporting guide and internal procedures (Section 2.1) to take the appropriate action in accordance with the reporting process.

b. Other reporters who suspect that a child or young person is at “risk of significant harm” must report their concerns to their President, manager or supervisor. Other reporters must provide a written record of their concerns, and action taken, to their President, manager or supervisor; and keep the information and documentation confidential. If they feel their concerns have not been adequately addressed or their President, manager or supervisor is not contactable, other reporters may report their concerns directly to Community Services.

c. Executive Officers are responsible for ensuring that records are kept by mandatory reporters and other reporters of actions taken as a result of using the mandatory reporting guide or other internal reports.

d. Employees involved in any report are expected to maintain the
confidentiality of such matters. It is therefore expected that such matters are not discussed unless for the purpose of legal compliance or seeking professional advice.

1.7.2 Managing Allegations of Reportable Conduct

Allegations of reportable conduct involving employees must be investigated and may need to be notified to the Commission for Children and Young People.

Allegations of reportable conduct involving staff members and persons engaged in the Society must be notified to the CEO of the State Council.

While the primary concern of the Society at all times is the safety and care of children and young people, the Society will take all reasonable steps to adhere to the principles of procedural fairness and natural justice so that the privacy and dignity of all involved may be considered and maintained.

Section 2.2 also provides an overview of Investigation Processes for Allegations of Reportable Conduct.

1.7.3 Supporting a Child or Young Person Who Has Disclosed

Children and young people generally disclose with great hesitation and often with feelings of fear and guilt. It is therefore important for the person engaged in the Society to remain calm and supportive in these situations. Active listening without probing is required.

The following three steps are expected:

Reassure the child or young person that:
- the child or young person did the right thing by telling you
- the child or young person is not in trouble
- you will tell someone who can help the child or young person
- the child or young person has a right to feel safe and protected.

Record
- immediately anything that you are told or that you observe
- the date, time, parties involved
- your signature.

Report the incident immediately or as soon as practicably possible to:
- Your President, manager or supervisor as required
- Relevant Executive Officer as required
- Community Services as required.
1.8 Support Available

The St Vincent de Paul Society NSW is committed to providing support to:

- any child(ren) who is (are) involved in the investigation of an allegation;
- any employee who has had an allegation made against them;
- parents or carers who have made an allegation against an employee;
- any other children or employees who are affected (for example, a witness to the alleged incident involving an employee); and
- any person who experiences a disclosure.

Relevant persons will be offered assistance through the Employee Assistance Program.

1.9 Declarations and Background Checking

The Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998 were enacted primarily to prohibit the employment in child-related employment of persons found guilty of committing certain serious sex offences whether that employment is paid or voluntary.

Under this legislation a child is defined as a person under 18 years of age.

1.9.1 Working with Children Check

The Working With Children Check is required for preferred applicants for paid child-related employment; foster carers; and ministers, priests, rabbis, muftis or other like religious leaders or spiritual officers of a religion entering into child-related employment.

Employees

All preferred applicants in paid child related employment will have a Working With Children Check as well some volunteers in high risk roles as defined by the Commission for Children and Young People Website.

- **Probity Form**: Applicants will be required to complete the WWCC Applicant Declaration and Consent form which will be provided in their contracts of employment. This will be done online at the following URL for printing and signing. Forms must be returned completed and signed. [https://check.kids.nsw.gov.au/background-check-consent.php](https://check.kids.nsw.gov.au/background-check-consent.php)
- **References**: 2 references will be requested per applicant.
- **Risk Assessment**: arising from anything disclosed by the probity check, having regard to all the circumstances of each matter.
1.9.2 Working with Children Volunteer and Student Declaration

When engaging students/volunteers in child related roles the Society will be required to do the following:

- **References:** 2 references will be request per applicant.
- **Risk Assessment:** arising from anything disclosed by the probity check, having regard to all the circumstances of each matter.

The Society has designated that the following shall always be considered as child related roles.

- Youth and Young Adults activities in each Diocese;
- All refuges and homeless shelters with children in attendance;
- All drop-in support centres providing assistance to families where children are in attendance;
- All child care centres;
- All conference work conducted in schools or in cooperation with schools;
- All disability services with children as clients; and
- Any other role that meets the definition of child related employment in Section 1.5.7.

1.9.3 Good Character Declaration

The **Good Character Declaration** is an internal document used as a probity check in non-child related roles to ensure that employees engaged to work with the disadvantaged in our community are suitable and not a risk to them or the reputation of the Society.

Good Character Declaration prompts the applicant (volunteer or paid employee) to reveal any criminal history, disciplinary proceedings or other matter that the Society may consider a risk by engaging them. It is an internal policy required at engagement to ensure the Society recruits suitable candidates.

1.9.4 Federal Criminal History Checks

Employees dealing with vulnerable people may also be required at the discretion of the relevant council to undergo **Federal Criminal History Checks** prior to starting in their position.

**Federal Criminal History Checks** reference all police jurisdictions in Australia and request the applicant’s criminal history records. This may include outstanding charges and criminal convictions/findings of guilt recorded against the applicant, that may be disclosed according to the laws of the relevant jurisdiction.
There are various reasons as to why this check is conducted:
- As part of our contractual obligation for government funding;
- To ensure Society people in critical positions of trust are appropriately screened;
- To ensure the Society engages suitable candidates to deal with its most vulnerable clients; and
- Because the Working With Children Check does not record all criminal history that may be relevant to that position.

1.9.5 Negative Working With Children Checks

The Society is required to notify the Commission for Children and Young People if it refuses someone child-related employment because of the outcome of the Working With Children Check.

The Catholic Commission for Employment Relations is the Society’s Employment Screening Agency. Once it confirms relevant records, it conducts an estimate of risk and provides this for the Society’s consideration. The Society will heavily rely on this estimate of risk, along with interview records, in deciding whether or not to employ a preferred applicant.

If the decision is made to not employ a preferred applicant based on the estimate of risk, then the Society is required to notify the NSW Commission for Children and Young People.

2 PROCEDURES

2.1 Risk of Significant Harm Reporting Process

This process provides an overview of the overarching procedures for the Society. More detailed processes should be developed at a workplace level to reflect the particular requirements of each workplace.

The Mandatory Reporter Guide is a vital tool to support this process and can be accessed online at: [http://www.keepthemsafe.nsw.gov.au/reporting_concerns/mandatory_reporter_guide](http://www.keepthemsafe.nsw.gov.au/reporting_concerns/mandatory_reporter_guide)

Step One: Potential risk of significant harm is identified.

Step Two: Potential risk is discussed with colleague or supervisor as appropriate.

Step Three: Relevant Executive Officer is consulted as appropriate.
Step Four: Report(s) made if necessary to Community Services, Police, Head of Agency (CE0).

Step Five: If no report is required it may be necessary to develop other strategies to support the child or young person.

Step Six: Support is offered/provided to persons involved.

Note – Where appropriate collaboration with other agencies may need to occur in accordance with Keep Them Safe legislation.

### 2.2 Investigation Processes

These protocols set out the general procedure which the Society will follow when responding to complaints made against those engaged in works of the Society in relation to their professional conduct.

For the purpose of these protocols, an employee is as defined in section 1.5.8 of this policy.

Professional conduct is conduct which takes place during the course of employment. Employees have a responsibility to meet high standards of professional and ethical behaviour required by the Society, other employees, to those who are served in the Society’s works and the wider community.

#### 2.2.1 Investigation and reporting

Child protection legislation imposes a more onerous standard and requires the Society to investigate allegations or convictions of “reportable conduct” or allegations of “misconduct which may involve reportable conduct” which are made against its employees.

#### 2.2.2 Stages in the conduct of an investigation of a complaint

The staged response by the Society to allegations of reportable conduct against employees is known as “relevant employment proceedings”. There are five phases in a proper response to allegations of reportable conduct involving employees.

**One: Identification of an allegation of “reportable conduct”**

A complaint may need to be clarified so that:

- a. It is clear as to whether an allegation of “reportable conduct” is actually being made and, if so, which kind,
- b. Investigators are clear about what they are investigating, and
- c. Persons subject of allegations are clear about what they need to respond to.
Details to be clarified might include:

a. The identity of the person making the allegation and (if different) the identity of the alleged victim,
b. The identity of the employee against whom the allegation is made,
c. When and where the alleged incident or incidents occurred, and
d. A description of the action and/or omissions which form the basis of the allegation against the employee.

Two: Investigative stage
During this time, an impartial investigator is appointed and proper enquiries are made of the child(ren) involved, the person subject of the allegation, and other witnesses, by way of interview and/or the collection of other relevant information.

Three: Determination of a “preliminary finding”
The Society will make a ‘preliminary finding’ as to whether, on the balance of probabilities, the allegation(s) of reportable conduct is (are) sustained, not sustained or false, or another of the outcomes listed. The Society will then set out proposed reporting to CCYP and any appropriate disciplinary action.

Four: Final finding
After there has been a reasonable opportunity for the employee to access the investigation file and respond to the preliminary finding, either confirmation of the preliminary finding as final or revisitation of the investigation will occur, as applicable.

Five: Reporting and disciplinary action
If applicable, after the completion of the preceding stages the matter will be reported by the Society to the Commission for Children and Young People for the purposes of employment screening. The Society is also responsible for implementing any appropriate disciplinary action.

2.2.3 The requirements of procedural fairness

During the conduct of “relevant employment proceedings”, the requirements of procedural fairness specify that an employee has:

A right to an impartial decision:

a. The investigators and other decision-makers should conduct all aspects of the process in an impartial and objective manner without prejudging the matters under consideration.
b. The employee should be given an unbiased hearing of his/her responses both to the matters alleged and to any proposed adverse finding or recommended disciplinary action.

A right to be heard:

a. Prior to being interviewed, employees should be advised of the allegation in as much detail as possible to enable them to respond, and should be provided with a summary of the employer’s current investigation process and/or a copy of this document.

b. Employees should be provided with reasonable notice regarding arrangements for any interview regarding the allegations, although an employee may waive the notice period and request the interview proceed at a mutually acceptable earlier time.

c. Employees should be advised of the names of the people who have been appointed by the employer to conduct the investigation. Any actual or perceived conflicts of interest should be addressed by an open and transparent process. If such concerns are not resolved, it may be advisable to appoint an alternative investigator.

d. During the investigation phase of the process, employees should be provided with sufficient information to enable a response to each allegation.

e. Employees should be provided with reasonable opportunities to respond to the allegations whether at interview and/or in writing.

f. Employees should be advised of and given an opportunity to comment upon any proposed adverse finding and on any proposed reported to CCYP and disciplinary action (“preliminary finding stage”). The employee’s comments should be considered prior to the final determination of the findings and disciplinary action.

g. Normally at the preliminary finding stage, but at any stage in the process, employees may access the investigation file, and shall be informed of this right.

h. Employees and parents have the right to complain to the Ombudsman if they are not satisfied with the agency’s response to their complaint about the outcome or the way the agency investigation was conducted.

2.2.4 Documentation and Record Keeping

- All documents relating to all allegations against employees are confidential.

- Information regarding notifications to the Ombudsman are kept indefinitely and are stored in a secure location separate to the employee’s file.

At employer level, the person responsible for the security of records for reportable conduct is the Chief Executive Officer. Relevant Executive Officers will have access to the records. These are persons who need to know about the allegation.