

# REPORTING AND INVESTIGATING REPORTABLE CONDUCT PROCEDURE

## 1. Purpose

At The Derwent Sailing Squadron (the Squadron) we care about children and young people's safety and wellbeing. We have zero tolerance of child abuse and harm. We will treat seriously all allegations and safety concerns, in line with our policies and procedures, and in compliance with the [Child and Youth Safe Organisations Act 2023](#) (the Act).

The Squadron is committed to creating a culture where children and young people, families, workers, and members of the community are encouraged and supported to disclose or report concerns about conduct related to a child or young person involving a worker and investigating those concerns in a thorough, transparent, safe and child-centred way.

The [Reportable Conduct Scheme](#) was established through the Act and requires leaders of certain organisations to report and investigate concerns about conduct related to a child or young person involving a worker to the Independent Regulator.

The purpose of this procedure is to:

- ensure workers are aware of and comply with their responsibilities to respond to and report concerns about conduct related to a child or young person involving another worker,
- outline the process for workers, children, young people, families, and members of the community to report concerns about conduct related to a child or young person involving a worker,
- describe the process the Squadron will follow upon receiving a report.

## 2. Scope

The General Manager (or delegate) is responsible for notifying the Independent Regulator of reportable conduct involving a worker, and the conduct of investigation(s).

Workers include employees, volunteers, officers, contractors, consultants, board members, students and trainees.

Reportable conduct includes criminal and non-criminal behaviour including (but not limited to):

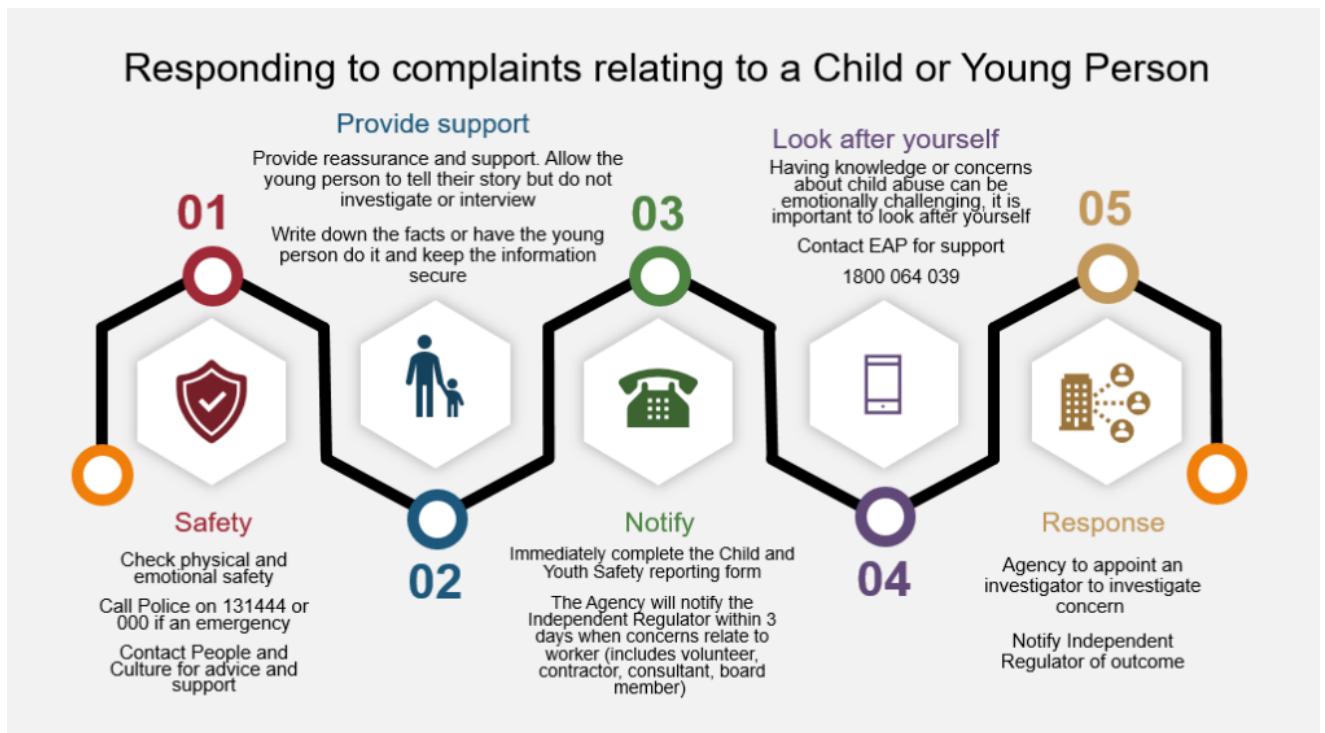
- significant neglect
- physical violence
- a sexual offence
- sexual misconduct
- Grooming
- causing significant emotional or psychological harm
- failing to report child abuse.

The Reportable Conduct Scheme covers conduct alleged to have occurred:

- at work
- outside of work
- before the worker was employed at the organisation
- before the Scheme commenced.

## 3. Process

**If a child or young person is at immediate risk, call 000 or contact the Strong Families, Safe Kids Advice and Referral Line on 1800 000 123.**



### Reporting Concerns

- Every worker has an obligation to report concerns about conduct related to a child or young person involving another worker, by completing the child and youth safety reporting form and sending it to [manager@dssinc.org.au](mailto:manager@dssinc.org.au). If a worker is uncomfortable about reporting this through the Squadron's process, they can report directly to the [Independent Regulator](#) or the [Strong Families Safe Kids](#) Advice and Referral Line on 1800 000 123. The Advice and Referral Line can also be used to report any concerns involving a child or young person, such as those that are observed, reasonably suspected or disclosed in a public or private setting.
- Any member of the community who has observed behaviour by a Squadron worker that causes concern should report it. This includes reports of physical violence, sexual misconduct, sexual offences, grooming or other reportable conduct committed against, or in the presence of, children and young people. Information for children, young people, families, and members of the community on how to report is available on the Squadron website.
- Workers have a responsibility to ensure that children and young people are safe. If the child or young person is in a situation involving another worker that places the child at immediate risk, then appropriate steps should be taken to ensure their safety. This may be as simple as removing the child from the situation and immediately contacting the General Manager. Alternatively, if a more serious matter, call the Police on 000.
- If a child or young person has disclosed the conduct to you directly, you must provide support and reassurance to them. Allow the young person to tell their story but don't interview or investigate. Ensure you record the facts and keep the information secure.
- People who make a report have a legal right to confidentiality. This means that the Squadron will not disclose the identity of the person making a report without their consent unless required under the information sharing rights under the Act or other legislation. Workers making a report must ensure that confidentiality is maintained as far as is practicable and information is shared only with people who need to know.

### Notifying the Independent Regulator

The General Manager (or delegate) is required by law to notify the Independent Regulator of concerns about conduct related to a child or young person involving a worker within three (3) business days after becoming aware of the concern.

Where there is doubt about whether the conduct is reportable conduct, the Independent Regulator will

still be notified.

The report will include:

- that a reportable allegation has been made, or that a reportable conviction recorded against a worker
- details of the worker/s (including any other names the person goes by, if known)
- details of the alleged victim/s
- details of the alleged conduct or conviction
- details of the initial risk assessment and immediate action to manage the safety and/or wellbeing risk for the alleged victim/s
- whether a report has been made to Tasmania Police, the Advice and Referral Line and/or the Working with Vulnerable People Registrar

After a report has been made, the General Manager will offer referrals to support services to the child(ren) involved in the matter, the worker who is the subject of the allegation and any other relevant parties.

Notification by the General Manager (or delegate) may also need to be made to the following external authorities:

- Tasmania Police – if it is suspected the allegation is a criminal offence.
- Registrar of the Registration to Work with Vulnerable People Act 2013 – if the worker of the alleged reportable conduct holds registration to work with vulnerable people.
- Strong Families, Safe Kids Advice and Referral Line – if an allegation relates to the child's living arrangements.

## Investigating Concerns

The Squadron seeks to adopt a trauma-informed approach which actively recognises the widespread impact of trauma on individuals and aims to minimise re-traumatisation. In the context of this procedure, a trauma-informed approach involves:

- Providing interpersonal and environmental settings that promote a sense of physical, emotional, and cultural safety,
- Ensuring there is choice in how individuals participate in the investigation process as appropriate and possible,
- Promoting trust by listening, being attentive and acknowledging what the individual is saying or displaying,
- Promoting empowerment, by adopting a collaborative approach, involving the individual throughout the process.

The [Universal Principle](#) will also be embedded into the investigation process. For example, before interviewing an Aboriginal or Torres Strait Islander child or young person, the investigator will offer them the opportunity to have a known member of an Aboriginal or Torres Strait Islander organisation present.

The General Manager (or delegate) must start an investigation as soon as possible. In the first instance, the Squadron will engage an independent investigator to investigate the concern on its behalf. The investigation may be conducted internally if deemed appropriate. Within 30 days of becoming aware of the reportable conduct, the General Manager (or delegate) must provide updated information to the Independent Regulator, including:

- information obtained about the allegation or conviction,
- whether any actions have been taken (for example placing a limit on a workers contact with children),
- any written submissions the worker involved has asked to be taken into consideration.

At the completion of an investigation, the General Manager (or delegate) must provide the following information to the Independent Regulator:

- a copy of the findings of the investigation and the reasons for those findings,
- details of any disciplinary or other action that the Squadron has taken, or proposes to take, in

- relation to the worker, and the reasons for that action, and
- if the Squadron does not propose to take any disciplinary or other action in relation to the worker, the reasons why no action is to be taken.

#### 4. The Independent Regulator

Under the Reportable Conduct Scheme, the Independent Regulator has the power to:

- monitor the Squadron's investigation into reportable conduct,
- request information or documents to enable it to monitor the Squadron's investigation into reportable conduct or for the purpose of conducting its own investigation,
- in exceptional circumstances, conduct its own investigation in relation to reportable conduct or the handling of an investigation by the Squadron
- enter premises without consent for the purpose of conducting its own investigation,
- interview a person, worker or a child or young person for the purpose of conducting its own investigation,
- issue a notice to produce information or documents within certain timeframes to monitor the Squadron's investigation into reportable conduct or for the purpose of conducting its own investigation,
- share reportable conduct information with organisations, Tasmanian and interstate police bodies, the Registrar of the Registration to Work with Vulnerable People Act 2013 and other regulators.

#### 5. Information Sharing

Heads of Agencies have specific information sharing rights under the Act, which overrides other laws such as the Personal Information Protection Act 2004. Heads of Agencies can share reportable conduct information with:

- the Independent Regulator
- the Police (in Tasmania, interstate police and federal police)
- an independent investigator that they have appointed to conduct a reportable conduct investigation
- leaders of other organisations that are required to comply with the Child and Youth Safe Organisations Framework
- an entity regulator
- the Integrity Commissioner
- a government minister.

Heads of Agencies can share reportable conduct information when they:

- need to comply with the Act, for example to report information to the Independent Regulator, or to conduct a reportable conduct investigation
- are complying with another law, for example reporting suspected child abuse to police
- are promoting the safety and wellbeing of children and young people, for example to tell the leader of another organisation that one of their workers is alleged to have abused a child or young person.

There are specific situations where information can be shared with others such as the child or young person concerned, their guardian, other workers, the person who disclosed the reportable conduct, contracted organisations and workers who are subject to reportable conduct investigations. These are described in the [Information Sheet](#).

#### 6. Care and Support of Yourself and Others

Being concerned or knowing about child abuse can be challenging. We encourage anyone affected by, or with concerns about child sexual abuse or other types of child abuse to access advice and support. This can assist you and support your wellbeing at work and in your personal life.

- Community support services - There are a wide range of organisations who provide support and advice to people about child safety. A comprehensive listing and contact information can be found [here](#).

## 7. Responsibility

Position	Responsibility
All workers	<ul style="list-style-type: none"> <li>Report any concerns about conduct related to a child or young person involving another worker whether observed, reasonably suspected or disclosed.</li> <li>Treat children and young people with respect and provide a working environment that is safe and free from harm, and fulfil their responsibilities as outlined in the Squadron’s Child and Youth Safety and Wellbeing Policy, and this procedure</li> </ul>
Managers	<ul style="list-style-type: none"> <li>Supervising and holding staff accountable for complying with this procedure.</li> <li>The effective implementation of this procedure, including raising awareness, provision of information, leading by example, participating in training and ongoing education and facilitating worker participation in training and ongoing education.</li> <li>Promoting a culture of reporting that recognises and responds to child abuse and harm, including reporting breaches of this procedure.</li> <li>Respecting privacy and confidentiality in reporting.</li> <li>Taking prompt and appropriate action reporting a reportable allegation or a reportable conviction.</li> </ul>
General Manager (or delegate)	<ul style="list-style-type: none"> <li>Providing advice and support to employees, workers and managers about the procedure.</li> <li>Ensuring induction training for all new workers includes advice, education and training on responsibilities for child and youth safety and reportable conduct.</li> <li>Ensuring training and education resources and opportunities are provided to all staff on regular basis.</li> <li>Ownership, regular review and updating of this procedure.</li> <li>Notify the Independent Regulator of reportable conduct involving a worker, and the conduct and outcome of investigation(s).</li> <li>Share specific information as required under the Child and Youth Safe Organisations Act 2023</li> </ul>

## 8. Definitions

Term	Definition
Child	A person under the age of 18 years.
Youth	A person between 16 years to 18 years.
Child harm	Includes all forms of physical, serious emotional, psychological and sexual abuse, neglect or harm and reportable conduct behaviour towards children and young people.
Independent Regulator	An independent regulatory body that oversees the Framework, and ensures organisations have the support, advice, and education they need to meet the Child and Youth Safe Standards.
Worker	A person who has attained the age of 18 years, who carries out work in any capacity for the Squadron. This includes as an employee, volunteer, instructor, contractor, subcontractor, consultant or board member.
Reportable Conduct	Emotional or psychological harm, significant neglect, physical violence, sexual offence, sexual misconduct, a relevant offence and

	grooming
Reportable conduct information	<p>Means information or documents relating to:</p> <ul style="list-style-type: none"> <li>• a reportable allegation or reportable conviction</li> <li>• a concern or belief that reportable conduct has been committed</li> <li>• the reportable conduct investigation</li> <li>• the findings, reasons for the findings, and the recommendations made, at the conclusion of that investigation</li> <li>• the action taken in response to those findings</li> </ul>

9. Supporting Information

[Child and Youth Safety and Wellbeing Policy](#)

[Information Sheet: The Reportable Conduct Scheme](#)

[Information Sheet: Reportable Conduct](#)

[Information Sheet: Information Sharing](#)

[Reporting Pathways](#)

[Support Services](#)

10. Related Legislation

[Child and Youth Safe Organisations Act 2023](#)

[Registration to Work with Vulnerable People Act 2013](#)

[Personal Information Protection Act 2004](#)

[Public Interest Disclosure Act 2002](#)

[Right to Information Act 2009](#)

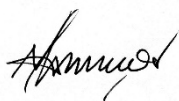
11. Reviewing this Procedure

This procedure will be reviewed every two years and we undertake to seek views, comments and suggestions from children, parents, carers, and workers involved in the Squadron and current Tasmanian Legislation.

**Approved by**

The Board

Signature:



Name: Nick Connor

Date: 25<sup>th</sup> July 2024

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