

Early Years organisation checklist for Reportable Conduct allegations



COMMISSION FOR CHILDREN
AND YOUNG PEOPLE



It is an offence to fail to notify and update the Commission about reportable allegations.

Notifying, investigating and reporting

Your organisation should already have systems in place to prevent reportable conduct occurring and support child safety through the implementation and compliance with **Child Safe Standards**. This should include a **Child Safe Policy**, a **Code of Conduct** that establishes clear expectations for appropriate behaviour with children that all staff, volunteers and contractors are aware of, and a **clearly articulated reporting process** underpinned by a culture that encourages and supports staff and volunteers to speak up when they are uncomfortable or concerned. An organisation that has these systems in place is more likely to reduce reportable conduct occurring. However, to ensure any instances of reportable conduct are responded to appropriately, please follow this checklist.

The investigation checklist below can be used to assist you in correctly following the notification, investigation and reporting process required of a Head of Organisation upon receiving an allegation of Reportable Conduct.

An allegation of reportable conduct has been made

NOTIFY

| | Yes | N/A | Comments/additional actions |
|---|-----|-----|-----------------------------|
| If the allegation is possibly criminal in nature, has Victoria Police been notified? | | | |
| Have you notified your relevant regulatory body (such as DET) and, if the allegation(s) concern a teacher, the Victorian Institute of Teaching ? | | | |
| If the allegation raises protective concerns about a child, has (DHHS)/Child Protection been notified? | | | |
| Has the Commission been notified of the allegation within 3 business days of the Head of Organisation learning of the allegation? | | | |
| If Victoria Police was notified, do you have clearance from police to begin a reportable conduct investigation? | | | |



Safety of children needs to be a priority. You must consider what action needs to be taken to keep children safe. To make sure risks to children are managed, you may need to take action during the investigation. Assess whether the SOA should be suspended, more closely supervised or prevented from having direct contact with children. Discuss this with Victoria Police if they are investigating.

INVESTIGATE

You must provide the Commission with an update on your investigation (including detailed information about the allegation, action taken or written submissions if any) within 30 calendar days of initial notification.

| | Yes | N/A | Comments/additional actions |
|---|-----|-----|-----------------------------|
| Have you appointed an independent investigator , whether internal or external? | | | |
| Have you checked that your appointed investigator has a Working With Children Check, appropriate investigator skills and experience (such as a Cert IV in Government Investigations) and skills and experience with interviewing children? | | | |
| Is the investigator free from any conflict of interest , or have steps been taken to mitigate any potential or perceived conflicts of interest? | | | |
| Have you provided the investigator with Terms of Reference that outline their powers, including whether they will be providing recommendations or making findings following the investigation? | | | |
| Has an Investigation Plan been completed? | | | |
| Have you considered the support needs of the alleged victim, witnesses, parents or carers, the SOA and the discloser, and considered what information to disclose to them? | | | |
| If the SOA is not yet aware of the allegations , have you discussed with the investigator when the best time will be to provide the letter of allegation to the SOA? The investigator may wish to wait until they have gathered all evidence before informing the SOA of the allegations. | | | |
| Has the investigator gathered all physical evidence, stored evidence securely, interviewed all relevant witnesses, conducted site inspections where applicable and consulted an expert in relation to the evidence where needed? | | | |
| If the SOA is not yet aware of the allegations, have you provided them with a letter of allegation and have they had a reasonable opportunity to respond in writing or by interview with the investigator? | | | |
| Has the investigator interviewed the subject of the allegation and the alleged victim? If not, have they documented the reasons the interview did not occur? | | | |

REPORT

| | Yes | N/A | Comments/additional actions |
|--|-----|-----|-----------------------------|
| Has the investigator provided the Head of Organisation with a report of their investigation that separately identifies each reportable allegation? | | | |
| If the decision maker is not the investigator, and they do not accept the investigator's recommendations, is there good reason to do so based on the evidence and has this been appropriately documented? | | | |
| Has the decision maker based their findings on the ' balance of probabilities ' standard of proof ? Have they considered whether it is more likely than not that reportable conduct did or did not occur? | | | |
| Has the decision maker determined whether each allegation of reportable conduct is substantiated, unsubstantiated (insufficient evidence), unsubstantiated (insufficient weight of evidence), unfounded or conduct that falls outside the scheme? | | | |

Notify the Commission of your findings, reasons for the findings and actions.

Review and enhance your Child Safe Policy, Code of Conduct and reporting systems. Identify and address any new risks that have arisen during the course of the reportable allegation(s) and the investigation.