



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A

Procedure:

Protecting Children, Reporting Concerning Behaviour, and the Western Australian Reportable Conduct Scheme

Effective: 23 April 2024

Audience: Staff and Students

Policy Category: Governance

Policy Sub-category: Health, Safety
and Wellbeing

| | |
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| Key words: | Working with children; concerning behaviour, risk management; safety |
| Procedure Owner: | Chief People Officer |
| Responsible Officer: | Director People Services |
| Review Date: | April 2025 |

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1 PURPOSE

- 1.1** This Procedure establishes processes to ensure that the University meets its commitment to protect the safety and wellbeing of Children involved in University Activities in accordance with the *Policy: Protecting Children (the Policy)*, and with specific regard to the *Western Australian Reportable Conduct Scheme (the Scheme)*.

2 RELATED DOCUMENTS

- 2.1** This Procedure should be read in conjunction with the following policies:
- 2.1.1 *Staff Enterprise Agreement: 2018-2021*
 - 2.1.2 *Policy: Protecting Children*
 - 2.1.3 *Policy: Risk Management*
 - 2.1.4 *Procedure: Risk Management*
 - 2.1.5 *Procedure: Legislative Obligations – Working with Children Checks*
 - 2.1.6 *Policy: Privacy*
 - 2.1.7 *Policy: Critical Incident Management*
 - 2.1.8 *Policy: Managing Misconduct*
 - 2.1.9 *Employee Code of Conduct and Ethical Behaviour*
 - 2.1.10 *Code of Conduct: Students*
 - 2.1.11 *Policy: Sexual Assault and Sexual Harassment*
 - 2.1.12 *Procedure: Disclosing Sexual Assault and Sexual Harassment*
 - 2.1.13 *Procedure: Managing and Investigating Breaches of the Code of Conduct of Research*
 - 2.1.14 *Incident/Injury Report Form*

3 EXPECTED CONDUCT AND PROTOCOLS

- 3.1** The *Employee Code of Conduct and Ethical Behaviour* and *Code of Conduct: Students* set out expected behaviours that should be observed, including when dealing with Children or being involved in University Activities (as defined in Section 5.1 of *the Policy*).
- 3.2** When engaged in University Activities, the following Protocols should be followed:
- 3.2.1 Conduct interactions with Children in the presence of other adults where possible
 - 3.2.2 Only make contact with Children in an official capacity and as part of required duties
 - 3.2.3 Do not transport unaccompanied Children unless parental consent is provided
 - 3.2.4 Avoid unnecessary physical contact with Children
 - 3.2.5 Use technology appropriately, ensuring that any photography, audio recording or filming of a Child via any medium is authorised in writing by the parent or guardian
 - 3.2.6 Use only University email and telephone for communication and do not provide or reply via personal communication means or contact details
 - 3.2.7 If a Child reports concerning behaviour which has occurred at the University or elsewhere, the behaviour should be reported in accordance with Clause 10 of this Procedure
 - 3.2.8 Seek prior parental or guardian consent, and where appropriate, assent from the Child to participate in University Activities, including in instances where this involves engagement in any paid or unpaid work, and
 - 3.2.9 Select venues and spaces for University Activities that facilitate the personal safety and

access of Children.

4 RISK MANAGEMENT

- 4.1** A Risk Management Plan should be developed prior to undertaking University Activities to ensure that risks to Child safety and wellbeing are removed or minimised.
- 4.2** The Risk Management Plan should be approved by the Senior Officer (or delegate) and take into account the:
 - 4.2.1 age or age range of Children to whom the University Activity will involve, or will impact
 - 4.2.2 safety and accessibility of location or facilities
 - 4.2.3 nature of the University Activity
 - 4.2.4 suitability of Staff Members, Students and/or Affiliates to engage in a University Activity;
 - 4.2.5 equipment required for the University Activity and its suitability
 - 4.2.6 theft, loss or damage to personal property
 - 4.2.7 serving of food and/or alcohol
 - 4.2.8 potential for accidents and injury
 - 4.2.9 consent of parents or guardians to the participation of the Child in the University Activity
 - 4.2.10 medical or allergy requirements of the Child, and
 - 4.2.11 photography and/or filming of the University Activity, including on personal electronic devices.
- 4.3** People and Culture can provide initial assistance in developing each plan.
- 4.4** For research involving Children, the ethics approval process should identify the need for WWC Checks and/or National Police Certificates.

5 CHILDREN ON UNIVERSITY PREMISES

- 5.1** The University recognises that childcare responsibilities may impact on work and study, however, bringing a Child into the workplace or a class is not an alternative solution to more appropriate childcare arrangements or the use of the flexibilities available to staff. Staff Members and Students may request to bring a Child onto University premises on occasion where the request has been necessitated by unforeseen or unavoidable circumstances, such as an emergency.
- 5.2** Permission for Staff Members to bring Children into the University environment is at the discretion of the relevant manager or Supervisor, or in the case of a Student, is at the discretion of the lecturer, tutor or supervisor concerned. In each instance the Head of the School or delegate is also to be notified in writing. Wherever possible such permission should be sought prior to bringing the child into the work or study environment. Factors that will be taken into account when considering requests for Children to be brought onto the University premises include:
 - 5.2.1 Circumstances leading to the request
 - 5.2.2 Length of time involved

- 5.2.3 Age of Child
- 5.2.4 Frequency of attendance
- 5.2.5 Number of children
- 5.2.6 Potential for interference with others
- 5.2.7 Available space, and
- 5.2.8 Risk to the Child.

5.3 Children are not permitted in University areas where:

- 5.3.1 there are potential safety and health risks identified, such as in science or computer laboratories; kitchens or food preparation areas; clinical areas; chemical or dangerous goods storage areas; printer/copier rooms; or construction sites
- 5.3.2 examinations are being conducted, or
- 5.3.3 the Child has an infectious illness.

5.4 Staff Members or Students who are parents or carers of Children must ensure:

- 5.4.1 the safety of their Children on University premises; including ensuring that their Child is not exposed to any materials (including lecture content), which are inappropriate for Children, and
- 5.4.2 that their Children do not engage in activities that may pose a threat to their own health and safety or to the health or safety of others, cause disruption to University operations, or damage University property, and
- 5.4.3 that they supervise their Children at all times.

6 REPORTING AND RESPONDING TO CONCERNING BEHAVIOUR

6.1 When a Staff Member, Student or Affiliate considers that a Child is at risk of being harmed, such as when:

- 6.1.1 inappropriate behaviour toward a Child is witnessed or observed, and/or
- 6.1.2 there is a disclosure about behaviour or incidents, and/or
- 6.1.3 a Child's behaviours or appearance suggests that they may not be receiving proper care,
- 6.1.4 a report should be made using the [Incident Report Form](#).

6.2 If the situation requires an emergency response, such as when the Child is being harmed or is in imminent danger of being harmed, University Security or the Police should be contacted. The matter will be handled by activating the University's Policy and Procedure for Critical Incident Management.

6.3 If Child Abuse and/or Neglect is witnessed or suspected, the relevant child protection statutory authority should be contacted, and notification also be provided to the Chief People Officer. The matter will be handled by activating the University's *Critical Management Policy and Procedure*.

6.4 Where a Staff Member, Student or Affiliate considers that a Child is at risk of or has been affected by an experience of sexual harm, such as Sexual Assault or Sexual Harassment, the

Procedure: Disclosing Sexual Assault and Sexual Harassment should be followed.

- 6.5 For other concerning behaviours, a written or verbal report should be made to the Senior Officer. The Senior Officer will act immediately on all reports of concerning behaviour and ensure that the report is documented to include details of the events leading to the report, and any actions taken.
- 6.6 The Senior Officer will refer the report of concerning behaviour to the Chief People Officer, who will ensure that the Child is safe and supported, through relevant line managers, as appropriate.
- 6.7 Where a Staff Member may have been involved in the inappropriate behaviour, the matter will be managed as an Allegation of Misconduct and the terms of the *University of Notre Dame Staff Enterprise Agreement* and the *Policy: Managing Misconduct* will apply.
- 6.8 Where a student may have been involved in the inappropriate behaviour, the University may take action in accordance with Student Misconduct provisions in the *General Regulations*.

7 THE WESTERN AUSTRALIAN REPORTABLE CONDUCT SCHEME

- 7.1 The Scheme arises from Division 3B of the *Parliamentary Commissioners Act 1971* which requires Education Services providers such as the University to establish a system to prevent, report and notify the Ombudsman of specified types of conduct and convictions as well as to investigate and take action on such matters.
- 7.2 The Reportable Conduct matters are:
 - 7.2.1 Sexual offences
 - 7.2.2 Sexual misconduct
 - 7.2.3 Other prescribed offences
 - 7.2.4 Significant neglect of a child
 - 7.2.5 Any behaviour that causes significant emotional or psychological harm to a child.
- 7.3 The definition of “Employee” for the purposes of the scheme is broad and covers all Senior Officers, Officers, Staff Members, employees, volunteers, contractors, and Affiliates. Reporting is required whether the Reportable Conduct occurred historically, prior to, or outside of the employment, appointment, or engagement.
- 7.4 The emphasis of the Scheme is notifying around the need to address any potential current risk.
- 7.5 The Scheme requirements must be met as per the Policy and this procedure, but do not alter or prevent the requirements of other policy, reporting or legislative obligations. As outlined in section 8.2 – the emphasis is on timely and accurate reporting.
- 7.6 The Chief People Officer will provide advice and support to all “Employees” on the nature of the scheme and the reporting requirements and process as per the Policy.

8 PROCESS FOR REPORT UNDER THE WESTERN AUSTRALIAN REPORTABLE CONDUCT SCHEME

- 8.1 The “Employee” - Staff Member, Senior Officer, Officer, Student or Affiliate who has been made aware of any conviction or matter of concern involving a Child under the age of 18 is to

immediately forward the primary notification form or medium by which they became aware to the Chief People Officer (or notification delegate as advised from time to time) or complete a brief contemporaneous summary of the matter.

- 8.2** Reports may be made anonymously.
- 8.3** The emphasis is on the immediate reporting of the matter rather than the form of the notification, so the reporting obligation under this Procedure is held to be and could include but is not limited to the following existing forms, the:
 - 8.3.1 Incident / Accident Report form as per 6.1 above
 - 8.3.2 *Procedure: Disclosing Sexual Assault and Sexual Harassment*
 - 8.3.3 *Whistleblower Protection Policy and Procedure*
 - 8.3.4 *Policy: Managing Misconduct, and/or*
 - 8.3.5 A written document, email, or record of a verbal conversation.
- 8.4** In accordance with the Scheme, there must be a system to enable reporting regarding the conduct of the Head of the Organisation – the Vice Chancellor. In those instances reports are to be made direct to the Chief People Officer in confidence for forwarding to the Ombudsman.
- 8.5** Any Reportable Conduct involving the Chief People Officer are to be provided in confidence directly to the Head of the Organisation – the Vice Chancellor.
- 8.6** The Scheme also provides that if the reportable matter involves the “Head of the Organisation” or is dissatisfied with the way the matter has dealt with by the Head of the Organisation, a report can be made direct to the WA Ombudsman.
- 8.7** The Vice Chancellor must notify the Ombudsman of any reportable allegation or convictions made against their employees within seven (7) working days of becoming aware of the allegation or conviction.

9 FORWARDING OF THE REPORT TO THE WA OMBUDSMAN, AND INVESTIGATION ACTIONS ARISING

- 9.1** The Chief People Officer will cause an assessment against the requirements of the Scheme to be undertaken, with a report provided to the WA Ombudsman in accordance with its provisions, and the responsibilities of the Vice Chancellor as the Head of the Organisation.
- 9.2** The Chief People Officer will advise the Vice Chancellor on which existing investigative process, (such as misconduct) or otherwise should be applied to meet the requirements of the scheme.
- 9.3** Reporting obligations back to the Ombudsman and actions on any recommendations will be managed in a timely and expeditious manner.

10 RECORD KEEPING

- 10.1** All records are to be kept confidential in accordance with the *Policy: Privacy*.
- 10.2** A confidential file of all materials collected regarding the matter in accordance with the confidentiality obligations of the scheme will be kept by the Chief People Officer.

11 DEFINITIONS

11.1 For the purpose of this Procedure, the definitions outlined in the *Policy: Protecting Children* apply. In addition, the following definitions apply to this Procedure:

Child Abuse and/or Neglect can generally be defined as occurring when a child has been, is being, or is likely to be subjected to physical, emotional or sexual actions or inactions which have resulted in, or are likely to result in, significant harm or injury to the Child.

Concerning Behaviour means the actions or inactions of a person that cause or are perceived to cause, or could potentially cause, Harm to a child or Vulnerable Adult.




Harm means the detrimental impact on the physical, psychological, emotional or social safety, wellbeing and development of a Child or Vulnerable Adult.

Senior Officer means:

- a) in relation to Staff Members and Affiliates, the Chief People Officer (or delegate);
- b) in relation to Research activities, the PVC, Research (or delegate);
- c) in relation to Students, the relevant Executive Dean of the Faculty in which the Student is enrolled;
- d) in relation to Students involved in volunteering or community activities not forming a component of a course, the relevant Executive Director (or equivalent).

| Version | Date of approval | Approved by | Amendment |
|---------|------------------|-----------------|---------------------------------|
| 1 | 23 April 2024 | Vice Chancellor | Effective date – new procedure. |

12 PROCESS SUMMARY: WESTERN AUSTRALIAN REPORTABLE CONDUCT SCHEME

| <i>Process Step</i> | <i>Responsibility</i> |
|--|---|
| <p>Awareness of Reportable Conduct Matter Arises</p> <ul style="list-style-type: none"> • Become aware of potential Reportable Conduct or Conviction • Document Reportable Conduct or Conviction utilising a means at 8.2 above. • Forward to Chief People Officer (or delegate) for assessment immediately (and not later than 24 hours after being made aware) | <p>All “Employees” Staff, Students, Affiliates, volunteers, contractors</p> |
|  | |
| <p>Assessment / Further Information / Investigation of Potential Reportable Conduct matter & Notification</p> <ul style="list-style-type: none"> • Assessment of the matter according to the provisions of the Scheme • Provision of Reporting to the WA Ombudsman in the nature and form required and advised within seven days of the original awareness. | <p>Chief People Officer (or delegate)</p> <p>Advice and recommendations to the Vice Chancellor as required.</p> |
|  | |
| <p>Actioning Outcomes Required by the Scheme and advised by the Ombudsman.</p> <ul style="list-style-type: none"> • Investigation of the allegation or conviction • Notification to Police, Child Protection authorities as required. • Report Outcomes of the investigation to the Ombudsman • Follow up and other activities as required by the Scheme. • Comply and assist with any investigations undertaken directly by the Ombudsman. • Manage and assist with any recommendations made by the Ombudsman under the Scheme | <p>Chief People Officer (or delegate)</p> <p>Advice and recommendations to the Vice Chancellor as required.</p> |
|  | |
| <p>Preventive or improvement action and implementation of recommendations</p> <ul style="list-style-type: none"> • Matters of action required in process or policy and risk management addressed. | <p>Chief People Officer prepares report for Vice Chancellor and SMG</p> <p>Implementation responsibilities as directed.</p> |