

# Reportable conduct policy – Child and vulnerable people protection

## Purpose

This document informs RIDBC employees of the standards of behaviour and other requirements that must be adhered to when working with children and vulnerable people. RIDBC will ensure children and vulnerable people in its care are safe and secure. This is consistent with our mission and values and complies with legislative obligations. This document will:

- Clarify the expectations of employees who work with children or vulnerable people.
- Outline how to provide a safe and supportive environment for children, vulnerable people and employees.
- Provide guidance in building and maintaining a contemporary workplace that is safe, respectful, professional and legally compliant.

This document is to be read in conjunction with RIDBC's **Code of Conduct and Ethics policy** and related procedures (see References).

## Exclusions

This document is not exhaustive and does not identify every potential scenario of concern in the workplace.

## Scope

The document applies to all employees engaged to work at, or provide services to, RIDBC.

'Employee' refers to:

- Paid staff whether employed on a permanent, temporary or casual basis.
- Volunteers, contractors, sub-contractors, consultants and students on practicum placements.

The policy also applies to all employees conducting business and/or activities on behalf of RIDBC. Adherence to this policy is required by RIDBC employees in all states and

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territories and applies to both national and international operations.

## Legal Framework

Employees must be familiar with and comply with child and vulnerable people protection legislation as it varies over time. The specific legislation that applies to an employee will depend on the state or territory in which the employee works. If an employee is in doubt as to which child protection legislation is applicable, they should seek advice from:

- Business Partner, People and Culture;
- The Quality and Risk Manager;
- Director of Services; or
- The Chief Executive.

Failure to comply with the child and vulnerable people protection responsibilities and the obligations required by legislation, or this document, will result in disciplinary action being taken, including:

- Immediate termination of employment;
- Termination of contractor agreement;
- Notification to external agencies; and/or
- Criminal charges.

If an employee becomes aware of a possible breach of this document or legislation by another employee they must report this to their Manager or to the Quality and Risk Manager. Failure to do so may result in disciplinary action.

## Responsibilities and Obligations

### Duty of Care

An employee must legally take reasonable care for their own safety and the safety of all others that they encounter as part of their engagement with RIDBC. These obligations arise from the specific role and responsibilities of the employee and may include (but are not limited to) the following:

- Providing adequate supervision.

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- Following procedures relating to a child and vulnerable person's safety, welfare and well-being (for example, reporting procedures).
- Demonstrating personal behaviours that promote the safety, welfare and well-being of children and vulnerable people.
- Providing medical assistance (if competent to do so) or seeking assistance from a medically trained person to aid a child or vulnerable person who is injured or becomes sick.
- Protecting a child or vulnerable person from known hazards that pose a risk of harm and which can be reasonably predicted.
- Taking appropriate action where a child or a vulnerable person's safety, welfare or well-being is at risk.

The standard of care required must consider various factors, such as a child or a vulnerable person's maturity, ability and circumstances. Duty of care applies during all activities and functions conducted or arranged by RIDBC where children or vulnerable people are in the care of employees. Employees must assess and manage the risk associated with any activity before going ahead.

Actual harm, or potential to cause significant harm to a child or a vulnerable person, caused by:

- a single serious failure to exercise appropriate duty of care; or
- repeated less serious failures to exercise appropriate duty of care,

may constitute misconduct, neglect or negligence and/or a breach of this policy.

Employees must not put themselves in a position that may create a risk of an allegation of a child or vulnerable person protection nature being made. For example, employees must not:

- be alone with a child or a vulnerable person, unless they are in the view of others and/or there is a reasonable requirement to do so.

## Professional conduct

Employees must act professionally and appropriately when dealing with children and vulnerable people and others. This includes using appropriate language and tone. Rude or insulting behaviour, including

- verbal aggression;
- abusive, threatening or derogatory language or conduct; or

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- intimidating words or actions

towards children or vulnerable people is unacceptable. It is also unacceptable to engage in such conduct towards others in their presence.

### Physical contact

Employees must not engage in inappropriate physical contact, or act in ways that may cause a child or a vulnerable person to reasonably fear that unjustified force will be used against them. Examples of inappropriate physical contact include (but are not limited to):

- Intentional and unjustified use of physical force.
- Throwing an object to gain a child or vulnerable person's attention in a hostile way.
- Restraining a child or vulnerable person (unless as part of an approved behaviour management plan).
- Pushing, pulling, shoving, grabbing, hitting, pinching, poking, shaking or throwing a child or vulnerable person.

Examples of conduct that involves the reasonable use of physical contact for exercising appropriate control over a child or vulnerable person include (but are not limited to):

- Disarming a child or vulnerable person who is at risk of harming themselves or another person.
- Separating children or vulnerable people who are fighting.
- Reasonable use of physical force for the protection of self or others.

### Discipline

When correcting or disciplining a child or vulnerable person, employees consider what is reasonable or appropriate for the situation and the child or vulnerable person's maturity, ability and circumstances. Discipline is excessive if it is inconsistent with a child or a vulnerable person's behaviour. Examples of ill-treatment include (but are not limited to):

- Locking a child or a vulnerable person in a confined space as punishment.
- Tying a child or vulnerable person to a chair.
- In a school context, keeping a child on detention during lunch without allowing them to eat or go to the toilet.

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### Medication, drugs, and other substances

For a child or vulnerable person, employees must not purchase, offer, supply, give, administer, condone or encourage the use of:

- Illegal drugs.
- Restricted substances.
- Prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy).
- Alcohol.
- Tobacco.

### Professional relationships and boundaries

Employees must act professionally and appropriately when dealing with children, vulnerable people and others. This includes maintaining appropriate professional boundaries.

- A single serious 'crossing of the boundaries' by an employee;
- repeated less serious breaches of professional conduct; or
- exercise of poor judgment

may constitute misconduct, sexual misconduct and/or a breach of this policy.

### Relationships

Employees must not behave in a way that could be perceived as inappropriate with a child, a group of children, or with a vulnerable person or people.

- Employees must not invite children or vulnerable people to join their personal electronic social networking site/s or accept invitations to join theirs.
- Employees must not socialise with children or vulnerable people or invite them to their home.
- Employees may only attend the homes of children and vulnerable people if they have an appropriate professional reason, and the consent of the parents/carers' and RIDBC Quality and Risk Manager.
- Employees may also attend the homes of children and vulnerable people for regular therapy-based home visits, as per an agreement with the parents/carers.

An employee who is unsure about the appropriateness of a relationship with a child or vulnerable person or their family, must disclose it to the Quality and Risk Manager, Head of Education, Director of Services or the Chief Executive of RIDBC.

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### Grooming

Employees must not engage in grooming behaviour. This involves a pattern of conduct that is consistent with preparing a child or vulnerable person for sexual activity. Examples of grooming behaviours include:

- Persuading a child or vulnerable person, or group of children or vulnerable people that they have a 'special' relationship, for example, by:
  - Spending inappropriate special time with them.
  - Inappropriately giving gifts.
  - Showing special favours to them but not others.
  - Inappropriately allowing the child or vulnerable person to overstep rules.
  - Asking the child or vulnerable person to keep this relationship to themselves.
- Testing boundaries, for example, by:
  - Undressing in front of a child or a vulnerable person.
  - Encouraging inappropriate physical contact (even where it is not overtly sexual).
  - Talking about sex.
  - 'Accidental' intimate touching.
- Inappropriately extending a relationship outside of work
- Inappropriate personal communication
  - Including emails.
  - Telephone calls.
  - Letters.
  - Text messages.
  - Social media.
  - Web forums of a sexual nature.

If there are reasons for an employee to communicate with children or vulnerable people or their families using electronic information and communication technology for reasons other than work purposes, it is important to discuss this with and gain the approval of the Quality and Risk Manager or the Chief Executive of RIDBC.

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### Sexually inappropriate behaviour

Employees must not make sexually explicit comments or engage in other sexually overt or implied behaviour towards or in the presence of children or vulnerable people. Such behaviour may constitute sexual misconduct. Examples of sexual behaviours include:

- Inappropriate conversations of a sexual nature.
- Unwarranted and inappropriate touching.
- Exposure of children or vulnerable people to sexual behaviour of others.
- Watching children or vulnerable people undress in circumstances where supervision is not required.

Employees must not have an intimate, romantic or sexual relationship with any child or vulnerable person who is under their care or supervision regardless of their age. It is irrelevant whether the relationship is consensual, non-consensual, known to or condoned by parents, guardians or caregivers.

Employees must not commit a sexual offence. This encompasses all criminal offences involving a sexual element that is committed against, with or in the presence of a child or vulnerable person.

Extreme care must be taken in any relationship between an employee and a former client, even if the client is currently over 18 years of age. A personal or sexual relationship with a former client may be considered sexual misconduct if it is considered that the employee used his/her position to develop and/or maintain an inappropriate personal or intimate relationship with the person when they were a client of RIDBC.

### Working with children checks (WWCC) and criminal checks

Employees required to have a WWCC and do not have a current clearance, or are barred from working with children, cannot continue to be engaged in child related work.

Consequently, their employment or engagement with RIDBC may be terminated.

Employees who work with vulnerable people are required to have a criminal check. If the result is unsatisfactory, they cannot continue to be engaged in working with vulnerable people. Consequently, their employment or engagement with RIDBC may be terminated.

The working with children check/criminal check must be current for the state or territory in which the employee is required to work.

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### Notification and reporting

To satisfy reporting and notification requirements under the law, including:

- Mandatory requirements under the relevant state or territory legislation.
- Reportable conduct requirements under any relevant state or territory legislation.
- Incident reporting requirements under NDIS practice standards.
- Incident reporting as per ACEQA requirements.
- Incident reporting as per NESAs requirements.

#### See **Mandatory Reporting Procedures**

In line with RIDBC's values, employees must notify RIDBC of certain matters of concern, including:

- If they are charged with or convicted of an offence relevant to working in child or vulnerable person-related employment.
- If they have had any reportable conduct allegation made against them.
- Any allegations or convictions of reportable conduct involving any other employee that they are aware of, or reasonably suspect.
- Any information or concerns about inappropriate behaviour by any employee.
- Reporting to their RIDBC Manager suspected risk of significant harm to a child or a vulnerable person.

RIDBC will determine if reporting or notification needs to be made to the relevant authority, and/or the Police.

### Confidentiality

Employees must maintain confidentiality in relation to any matters of a child or vulnerable person protection nature and only discuss the matter with those required to be notified or reported to. Where an employee is in doubt as to the requirements of confidentiality, they should seek advice from their Manager or the Quality and Risk Manager.

### Victimisation

Employees must not take detrimental action against a complainant or person who reports information as required by legislation and this document. Such action is unlawful, may be



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regarded as serious misconduct and may result in disciplinary action, including termination of employment.

### Recordkeeping

An employee must maintain appropriate records and data in relation to their professional practice in the care and protection of children and vulnerable people (see **Case notes standard** and **Management of client record policy**). Records may include:

- Case notes.
- Student/client files.
- Behaviour management plans.
- Individual service plans.

An employee must keep concurrent records of any disclosure, observations and discussions regarding a child or vulnerable person protection matter, including any alleged breach of this document. These records must be kept in a secure location as provided for by RIDBC.

### Investigations

Allegations of a child or vulnerable person protection nature against an employee will be investigated and dealt with in line with RIDBC Policy and Legislation.

## Definitions and abbreviations

Term	Definition
'Child' or 'children'	Any person under the age of 18 years.
Vulnerable person	Any person aged 18 years and above who is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.
WWCC	Working with Children Checks

## References

- Case notes standard (STD00005)
- Code of conduct and ethics policy (POL00009)
- Management of client record policy (POL00004)
- Incident management policy (POL00047)
- Working With Children Check procedure (PRD00003)