

Education Directorate

To:	Minister for Education and Youth Affairs	Tracking No.: FILE2021/3215
Date:	29/06/2021	
From:	Executive Branch Manager People and Performance	
Subject:	Reportable Conduct – Internal Audit outcome	
Critical Date:	N/A	
Critical Reason:	N/A – For noting only	

- DG .../.../...
- DDG 01/07/21

Recommendations

That you:

1. Note the information contained in this brief.

Noted / Please Discuss

Yvette Berry MLA/...../.....

Minister's Office Feedback

Background

1. An Education Directorate Director-General initiated internal review and audit of the Reportable Conduct Scheme was recently undertaken. This was following an ACT Ombudsman report (17K report) on the Education Directorate's handling of an allegation of reportable conduct (July 2018) and School Audits (December 2019) compliance check findings on reportable conduct across twelve ACT Public Schools.

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2. The objective of the review was to provide assurance that the Reportable Conduct Scheme (the Scheme) is being complied with within the Education Directorate and to ensure recommendations made by the ACT Ombudsman's Office through their 17K report have been actioned appropriately. The audit found that all 17K report recommendations have been implemented and are complete.
3. A baseline survey was conducted across all ACT Public Schools in preparation for the review and to quantify reportable conduct activity within schools, including details on the training and support provided by the Directorate's People and Performance (P&P) branch in progressing and managing the Scheme.
4. A total of 14 recommendations were provided in the internal audit report which have been accepted by the P&P branch. Planning is underway to prioritise, resource and action the recommendations.

IssuesThe Scheme and 17k report

5. The Scheme is an employment-based child protection measure designed to ensure allegations and convictions against employees, related to abuse and misconduct against children, are identified and acted on appropriately.
6. The Scheme, through the provision of oversight, builds on the capacity of organisations in the ACT to respond appropriately and effectively to allegations of abuse, mistreatment or neglect of children in their care, and is to be a key feature of child-safe organisations.
7. The Scheme's primary purpose is to provide oversight investigations into employee conduct when a child's safety or wellbeing is at risk, providing an additional level of monitoring and enhancing public confidence in the outcomes of investigations.
8. In November 2018, the ACT Ombudsman imposed a (*ACT Ombudsman Act 1988*) 17K report on the Directorate. The report provided recommendations and actions for implementation to strengthen the governance of the scheme as it is applied within the Directorate. All of the recommendations and actions noted in this report have been completed and the ACT Ombudsman provided formal communication to the Directorate in January 2020 to confirm they were satisfied with the Directorate's response to the report and provided closure of the report.
9. The Education Directorate, as a 'designated entity' has the following key responsibilities under the Scheme:
 - notify the Ombudsman about any reportable conduct allegations or convictions involving an employee as soon as practical (legislated requirement to notify within 30 days of the Directorate becoming aware of an allegation),

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- undertake preliminary enquiries in to any / all allegations of reportable conduct and where appropriate, refer to the ACT Public Service Professional Standards Unit for full investigation,
- provide a final report to the Ombudsman on all enquiries / investigations,
- report to other designated entities as required, and
- develop and update policies and procedures reflecting these responsibilities in order to inform and support all staff.

Review and audit findings

10. Many positives were observed through the internal audit with respect to the Directorate's Reportable Conduct Scheme's framework, policies and procedures and initial training and implementation strategies by P&P. It was identified there is a need for more awareness of the Scheme within schools. For instance, 48 out of the 90 school sites surveyed had not made any notifications of reportable conduct allegations during the two-year test period.
11. Of noted concern and for immediate priority, there were 7 schools who had identified allegations of reportable conduct through the audit however not reported to P&P. These have been followed up and necessary action taken as required.
12. The review indicated that schools with principals/staff with more experience in recognising reportable conduct identified multiple cases (allegations) while schools with less experience had not made reports. It is an allegation-based scheme, and it would be expected that more reports should have been triggered during this period from the 48 schools who did not identify any allegations of reportable conduct.
13. Resources required to further develop the Scheme within the Directorate are being assessed as the Scheme matures. The focus of training and awareness needs to expand to better cover all school staff. For example, a need was identified through the survey for more case studies to be provided to assist in identifying reportable conduct and the processes that are to be followed to manage and address such cases.
14. The section within P&P that manages the Scheme manages employee misconduct matters and has recruited and trained a skilled team to support these functions for the Directorate. In addition, school survey responses identified strong support from P&P where allegations were identified/reported.

Financial Implications

15. N/A

Consultation

16. N/A

Work Health and Safety

17. N/A

Benefits/Sensitivities

18. N/A

Communications, media and engagement implications

19. N/A

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Attachments

N/A