



Allegations against employees

Employee Performance and Conduct Unit

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EPAC Child Protection Team's role

- ✓ Provide advice and training
- ✓ Investigate allegations
- ✓ Support all parties
- ✓ Report to the Ombudsman
- ✓ Report to the CCYP
- ✓ Take disciplinary action if required



The child protection legislation

- Ombudsman Act 1974 – Part 3A
Oversights, monitors and investigates
- Commission for Children and Young People Act 1998
Screens people who work with children
- Children and Young Person (Care and Protection) Act 1998
Assesses children who are ‘at risk of harm’



Who is an employee?

Anyone

- employed by DET whether or not they work directly with children
- engaged to provide services to children e.g. contractors, volunteers and students on placement



What is a reportable allegation?

A complaint which includes

- A child under 18 years at the time of the incident
- A current employee
- A description of behaviour that is reportable conduct

All allegations must be notified to the Ombudsman other than those exempt by a Class and Kind Agreement



What is a reportable conduct?

- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including child pornography)
- Any assault, ill-treat or neglect
- Any behaviour that causes psychological harm

Whether or not with consent



What is not reportable conduct?

- Conduct that is reasonable for management and discipline
- Physical force that is trivial or negligible



What is an investigation?

A process where an agency carries out an enquiry to

1. Gather all relevant facts
2. Make a decision whether the alleged behaviour occurred or not
3. Provide information to assist in a management decision



Types of investigations

Police

Criminality

DOCS

Child protection or 'risk of harm'

Employer

Risk assessment and management action

We are required to

- ✓ consult and cooperate with other agencies*
- ✓ make independent decision in relation to the employee*



Principles of investigation

Confidentiality

Procedural fairness

Transparency of process

Records

Care and support

Risk management



Levels of investigation

Investigations should be commensurate with

- the seriousness of the conduct
- the risks posed to the child, the employee and the agency



Our policies

- ★ The Code of Conduct
- ★ Protecting and Supporting Children and Young People
- ★ Responding to Allegations Against Employees in the Area of Child Protection ([Note Appendix 5](#))



Some issues to consider

If there is an allegation:

Who will investigate

What if the allegation involves you

Who needs to be told

Who will inform the parents/carers

Who will determine the outcome

What information will be given to staff and carers.



Guidelines for the Management of Conduct and Performance



The key changes

- ☑ Paramount consideration is given to the protection of children
- ☑ A new streamlined framework for dealing with conduct and performance
- ☑ There is one broad definition of ‘misconduct’



And.....

- ☑ Disciplinary charges have been removed
- ☑ Prescribed Officer process and internal oral hearings have been abolished
- ☑ Remedial as well as disciplinary action options are available
- ☑ Instant dismissal of 'prohibited persons' is permitted