



## Practice Update

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### Information for employees and volunteers

- ACT Reportable Conduct Scheme
- Mandatory Reporting Obligations

## Information for persons engaged in Ministry

in the Seventh-day Adventist Church in the ACT

either as an employee or volunteer

an employee includes, a minister of religion, a religious leader or an officer of the religious body, a person under a contract of employment, a person engaged by the religious body to provide services, such as a volunteer or contractor (regardless of whether or not they provide services to children).

If all of the above conditions apply to you then please note;

- A. As of 1 July 2017, you are considered a **'employee'** under the ACT **Reportable Conduct** Scheme for the purpose of that Scheme.

Reportable conduct = we keep children safe by responding when allegations are raised about the conduct of persons who already work with our children.

Allegation raised → Investigate → if sustained → take action

This means:

1. You will need to understand what an allegation of reportable conduct is;

<What's Changed?>

<Reportable Conduct>

<Allegation Based>

2. You are expected to inform your church minister or Adsafe of any allegation of reportable conduct to which you may become aware;
3. As a 'employee' the scheme applies to you if you are the subject of an allegation of reportable conduct;
4. You need to know where to access more information about the process

<The Process>

<Possible Outcomes>

- B. A minister of Religion is a mandatory reporter but any person can make a voluntary report

Mandatory Reporting = we keep children safe by stopping people from harming them

This means you will need to understand both when and how to report.

<When to Report>

<How to Report>

Further Information

Reporting Obligations

<Useful links>

<Reporting summary>

## What's Changed?

The SDA Creating a Safe Place Policy established by Safe Place Services as a matter of policy always required allegations raised about the conduct of employees and volunteers to be investigated.

In ACT, the passing of the Ombudsman Act 1989 (ACT), created a Reportable Conduct Scheme that included churches who offered services for children.

While investigations into allegations raised will still occur the SDA church in ACT now is required by law to notify the ACT Ombudsman (OMBO) of the allegation, provide updates on the progress of the investigation and once a finding has been made provide the investigation report, findings and recommendations to the OMBO to be reviewed.

Further to this sustained findings in an investigation may be reported to the OMBO and effect a person's WWVP registration.

## Reportable Conduct

Alleged conduct against a child (person under 18)

Child could be any child including ones living outside the country or the "employee's" own children, not just children associated with the organisation.

Alleged conduct could be recent or historical including before the "employee" took on the role.

Organisations must report allegations or convictions concerning child abuse and child-related misconduct by an employee, including:

- a sexual or physical offences or convictions where a child is a victim or present
- sexual misconduct
- Ill-treatment of a child
- Neglect of a child
- psychological harm to a child
- inappropriate discipline or offences relating to protecting children from harm

The scheme covers the alleged conduct of employees against children in a context wider than their engaged context

## Allegation Based

The ACT Reportable conduct scheme is allegations based.

This means that when an allegation is raised it triggers an investigation. The organisation is not able to decide not to proceed with the investigation if the allegation as stated represents Reportable conduct. The allegations must be investigated and findings made based on the evidence gathered.

## The Process

### External Oversight

The scheme is controlled by the Ombudsman Act 1989 (ACT)

The ACT Ombudsman (OMBO) gives oversight to the process. This involves

1. Making a notification to the OMBO within 30 calendar days of becoming aware of an allegation.
2. Providing an updates to the OMBO as required.
3. Provide an Investigation Report to the OMBO on the conclusion of the investigation which includes the finding, any further action taken and any adjustments to policy guidelines or practices

### Principles used

1. The investigation will gather all available evidence and make a finding based on the relevant evidence only using the burden of proof 'on the balance of probabilities.
2. The investigation will use the principles of procedural fairness which includes:
  - a) the right to an unbiased decision maker
  - b) providing as much detail as possible about the allegations in writing
  - c) giving time to prepare a response
  - d) giving a right of reply before making a decision
3. Support will be provided during the investigation
4. Confidentiality will be asked of all parties participating in the investigation

### Investigation Process

The process involves:

1. Receipt of the allegation.
2. Assessment of the alleged conduct as being reportable conduct.
3. Assessment of risk to all parties and development of a risk management plan.
4. Interview with complainant, victim and witnesses.
5. Development of a written letter of allegation.
6. Meeting with the Person Subject of Allegation (PSOA).
7. PSOA prepares response.
8. Interview with PSOA to hear response.
9. Interview with any further witnesses as needed.
10. Preparation of Investigation report, Letter of Preliminary findings and recommendations.
11. Send letter of Preliminary findings to the PSOA and seek any further response.
12. Review further response if given and make final findings.
13. Present letter of Final findings to the PSOA.
14. Take any required action and implement recommendations

## Possible Outcomes

### No findings sustained

If there are no sustained findings no further action will be taken

### Sustained findings

If there are sustained findings the church may take action including:

1. requiring further training,
2. letters of warning, and
3. standing down from roles in the church, and
4. sharing relevant findings with other child protection agencies using s 863CA of the *Children and Young People Act 2008*. This may including Access Canberra for the purpose of reassessing a Working With Vulnerable People (WWVP) registration.

A conditional or negative notice will mean the person must stand down from any child related roles.

## Mandatory Reporting

Ministers of Religion are mandatory reporters in the ACT. All other persons who have concerns may make a voluntary report.

### When to report

A mandatory reporter needs to report when there:

- are reasonable grounds to suspect a child may be
- being or have been sexually abused, or)
- experiencing or have experienced non-accidental physical injury (physical abuse).

Mandatory reporters are also voluntary reporters and as such can choose to report any other form of abuse or neglect.

**Voluntary reporting** allows **any person** who is concerned about a child or unborn child to make a report to if they believe or suspect a child is:

- being abused, or
- being neglected, or
- exposed to family violence, or
- at risk of abuse or neglect.

### How to report

If there is immediate danger

Reporting Child Sexual Abuse

Online Report: Access Canberra

Call police on 000

Call ACT Police on 131 444

[<Online Portal>](#)

## Where to get help or further information

### Adsafe

Adsafe has been set-up as a child and vulnerable person protection resource for the Seventh-day Adventist Church and its entities. Adsafe is here to provide advice to you if you have any concerns around these matters. Adsafe can be contacted using one of the following means:

Phone:           Australia   1800 220 468  
                      New Zealand   0800 442 458  
  
                      Internet    Adsafe.org.au  
  
                      email     info@adsafe.org.au

### Mandatory Reporting

Child and Youth Protection Services (CYPS)	<a href="#">&lt;website&gt;</a>
Child Protection Helpline	132 111
Voluntary Reporting	<a href="#">&lt;Voluntary Reports&gt;</a>
Mandatory Reporters	<a href="#">&lt;Who are mandated reporters?&gt;</a> <a href="#">&lt;What should be reported?&gt;</a> <a href="#">&lt;Before making a report&gt;</a>

### Reportable Conduct Scheme

ACT Ombudsman (OMBO)	<a href="#">&lt;Website&gt;</a> <a href="#">&lt;About the Scheme&gt;</a> <a href="#">&lt;Information for Employees&gt;</a> <a href="#">&lt;Process Flow Chart&gt;</a>
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## Overview of Reporting Requirements in ACT

Mandatory reporting	Reportable Conduct
<p>Reporting a belief on reasonable grounds that a child may have or is experiencing <b>sexual abuse</b> or <b>non-accidental physical injury</b> (physical abuse).</p> <p>Child includes young person and is anyone under 18 years of age</p>	<p>Allegations of Reportable Conduct – employment related child protection</p> <p>This is about reporting and investigating allegations about the conduct of workers</p>
<p><b>Legislation</b></p> <p><i>Children and Young People Act 2008 (ACT)</i></p> <p>Agency: Child and Youth Protection Services (CYPS)</p>	<p><b>Legislation</b></p> <p><i>Ombudsman Act 1989 (ACT)</i></p> <p>Agency: ACT Ombudsman (OMBO)</p>
<p><b>Reporting What?</b></p> <p><b>Mandatory:</b> belief that a child is</p> <ul style="list-style-type: none"> <li>• being or has been <b>sexually abused</b>, or</li> <li>• experiencing or has experienced <b>non-accidental physical injury</b> (physical abuse).</li> </ul> <p><b>Voluntary:</b> Belief that a child is</p> <ul style="list-style-type: none"> <li>• being abused, or</li> <li>• being neglected, or</li> <li>• exposed to family violence, or</li> <li>• at risk of abuse or neglect.</li> </ul>	<p><b>Reporting What?</b></p> <p>Organisations must report allegations or convictions concerning child abuse and child-related misconduct by an employee, including:</p> <ul style="list-style-type: none"> <li>• a sexual or physical offences or convictions where a child is a victim or present</li> <li>• sexual misconduct</li> <li>• Ill-treatment of a child</li> <li>• Neglect of a child</li> <li>• psychological harm to a child</li> <li>• inappropriate discipline or offences relating to protecting children from harm</li> </ul>
<p><b>Failure to protect</b></p> <p>Where there is substantial risk sexual abuse <b>will be</b> committed in the future, the <i>Crimes Act 1900</i> requires people in authority in religious organisations to <b>protect</b> the child from the abuse where possible. It requires any person in authority in a ‘relevant institution’ to take any necessary steps to prevent the sexual abuse from occurring when it is within their power to do so.</p>	<p>Is an <b>allegation based scheme</b></p> <p>Must report any alleged conduct of a current worker engaged by the church where the conduct:</p> <ul style="list-style-type: none"> <li>• was towards a child (under 18)</li> <li>• occurred anywhere in the world, and</li> <li>• occurred presently or historically</li> </ul>
<p><b>Essentially</b></p> <ul style="list-style-type: none"> <li>• Mandatory Reporter reports to CYPS and the church Adsafes Responsible Officer (ARO)</li> <li>• Voluntary report to the church ARO. ARO reports to CYPS.</li> <li>• If reported to CYPS, ARO will report also to Adsafes</li> <li>• CYPS will assess and may choose to intervene</li> <li>• CYPS have authority to intervene</li> </ul>	<p><b>Essentially</b></p> <ul style="list-style-type: none"> <li>• Alleged conduct is reported to the church Adsafes Responsible Officer (ARO) or Adsafes.</li> <li>• ARO reports to Adsafes.</li> <li>• Adsafes assesses allegation and may report to OMBO if investigation needed.</li> <li>• Adsafes organises an investigation and reports findings and actions taken to OMBO</li> <li>• If findings sustained church may take action.</li> </ul>