



## Practice Update

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### Information for employees and volunteers

#### WA Reportable Conduct Scheme

- New Scheme introduced

#### Mandatory Reporting

- Mandatory Reporters extended to include Ministers, Child Care Workers and Counsellors

## Information for Employees and Volunteers

In the Seventh-day Adventist Church and Seventh-day Adventist Schools

In Western Australia

Either as an employee or volunteer appointed to roles in the church or conference or as an employee, volunteer or contractor in a Seventh-day Adventist School

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

- A. As of **19 August 2022**, for Schools and **20 August 2023** for Religious Bodies, you are considered a 'employee' under the WA **Reportable Conduct** 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;

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2. You are expected to inform your Principal, Church Minister or Adsafe of any allegation of reportable conduct of which you may become aware;
3. As an '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

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- B. If you are a **minister, early childhood worker or school counsellor** as of 1 November 2022 you are a mandatory reporter. This is in addition to **teachers** and **boarding supervisors** who already are.

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.

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## 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 WA, the passing of the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022 on 19 August 2022*, established a Reportable Conduct Scheme for organisations that offer services to Children. This involves **Providers of education services** including schools (commencing on 19 August 2022) and **Religious Bodies** that provide a means for adults to have contact with children including local churches and the Western Australian Conference (commencing on 20 August 2023).

While investigations into allegations raised will still occur the SDA church in WA now is required by law to notify the Western Australian Ombudsman 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 Ombudsman to be reviewed.

For the first year of its operation the WA Reportable Conduct Scheme will apply to a group of organisations including education services. After 12 months the scheme will also apply to religious institutions.

## Reportable Conduct

Reportable Conduct is alleged conduct against a child (person under 18). It is alleged Conduct about an employee, volunteer or contractor who works with children all referred to as an "Employee".

Child could be any child including those 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.

Reportable Conduct is Allegations about the conduct of an employee including

- a sexual offence
- sexual misconduct
- physical assault committed against, with or in the presence of a child

and after 20 August 2023

- significant neglect of a child
- conduct that causes significant emotional or psychological harm to a child.

## Reportable Allegation

A Reportable Allegation is any information that leads a person to form the belief on reasonable grounds that an "employee" of the organisation has engaged in **reportable conduct** or conduct that may involve reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment.

## Reportable Conviction

A conviction for an offence that is part of Reportable Conduct

## Allegation Based

The WA 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 WA Ombudsman does have the discretion to not require an organisation to investigate Reportable Allegations if it has been addressed using other investigations.

## The Process

### External Oversight

The scheme is established by the Parliamentary Commissioner Amendment (Reportable Conduct) Act 2021

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

1. Making a notification to the OMBO within 7 business days of becoming aware of an allegation
2. Provide a written 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 to the Person Subject of Allegation (PSOA).
  - c) giving time to the PSOA to prepare a response
  - d) giving a right of reply to the PSOA before making a final decision
3. During the investigation support will be provided for persons being interviewed.
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. Opportunity for the PSOA to prepare a response.
8. Interview with PSOA to hear response.
9. Interview with any further witnesses as needed.
10. Preparation of the 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,
3. standing down from roles in the church, and
4. if employed, terminate employment.

Information about a sustained finding may be of interest to the WA Department of Communities who operate the WA Working With Children Check (WWCC). This information may trigger a risk assessment that may change the person's WWCC status.

A Working with Children Check Negative Notice will mean the person must stand down from any child related roles.

## Mandatory Reporting

Under recent amendments to the **Children and Community Services Act 2004 (WA)** (The Act), the following church workers are now Mandatory Reporters:

1. Ministers of Religion
2. Early Childhood Workers
3. School Counsellors

This is in addition to the original Mandatory Reporters in church work of:

4. School Teachers
5. Boarding Supervisors

### When to report

A mandatory reporter must report when they have a **belief** based on **reasonable grounds** that **child sexual abuse** has occurred or is occurring:

- this belief must be reported as soon as practicable
- the penalty for not reporting is a fine of \$6 000
- the abuse is to a child (0 – 17 years)

For further information on Indicators of abuse or neglect see **Indicators**

### Sexual Abuse

The legislation defines Child Sexual Abuse as sexual behaviour in circumstances where:

- the child is the subject of bribery, coercion, a threat, exploitation or violence; or
- the child has less power than another person involved in the behaviour; or
- there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour. (s124A)

## Optional Reporting of other abuses

While not mandated Western Australia encourages the reporting of other forms of abuse of a child. It is a SDA Church policy for all forms of child abuse to be reported whether the person holding the concern is a Mandatory Reporter or not. This can be reported to the Adsafes Responsible Officer in your church or church entity or directly with the Department of Communities.

## How to report

Mandatory Reporters **may first report** sexual abuse **by phone** by calling the Department of Communities, Child Protection and Family Support's (CPFS):

**Mandatory Reporting Service: 1800 708 704**

Mandatory Reporters **must also lodge a written report**. This can be done by either:

1. Using the Online Mandatory Reporting Web System (MRWeb) [<external link>](#)

or

2. Downloading and completing the template PDF form Mandatory Report Form

Once completed return by:

email: [mrs@dcp.wa.gov.au](mailto:mrs@dcp.wa.gov.au)

Post: PO Box 8146, Perth BC 6849 WA

FAX: +61 8 9223 1190

## Reporting concerns of other forms of abuse or neglect

- Other forms of abuse may include Physical, Emotional and Psychological abuse and neglect.

Reports can be made to:

Metropolitan area

Phone: 1800 273 889

email: [cpduty@cpfs.wa.gov.au](mailto:cpduty@cpfs.wa.gov.au)

Country Areas

Through a local District Office

## Optional Reporting

Any member of the public who has reasonable suspicion that a child is being abused or neglected is encouraged to report this suspicion to the CPFS.

You may seek advice from your local church ARO or Adsafe about your concern and how to make a report.

[<How to Report>](#)

## Ongoing care and support for victims of abuse

The Seventh-day Adventist Church has a duty of care to the children and young persons in its community who are at risk of harm or neglect.

A person making a report in conjunction with the church leaders should consider how the community can continue to respond to the needs of the child and their family. While it is a requirement for Mandatory Notifiers to report suspected abuse to the appropriate government agency, appropriately reporting this risk within the Church's child protection network would allow for coordinated community support for the child and their family. The wellbeing of each child in the church community is a responsibility that the community shares with the responsible government agencies.

To this end the Seventh-day Adventist Church has established a **protection team** that consists of the Adsafe Responsible Officer (ARO), the Adsafe Compliance Assistance at the **local church level** an Adsafe Responsible Officer at the **Local Conference** and a team of Case Workers at the Sydney offices of Adsafe.

Persons appointed to roles in the church who have concerns and need to make a report to the Department of Communities are encouraged to:

1. Appropriately seek advice from the leaders of the local church or
2. Appropriately seek advice from Adsafe.
3. Once the report has been made ensure that the protection team has been informed. This will allow early intervention support to be arranged for the child in conjunction with the approval of the relevant child protection agency.

## Where to get help or further information

### Adsafe

Adsafe has been set-up as a child and vulnerable adult protection resource for the Seventh-day Adventist Church and its entities. Adsafe is able 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

Department of Communities	<a href="#">&lt;website&gt;</a>
Mandatory Reporting Service	1800 708 704
Online Reporting	<a href="#">&lt;MRWeb&gt;</a>
Downloadable pdf form	<a href="#">&lt;Pdf form&gt;</a>
Mandatory Reporters	<a href="#">&lt;About mandatory reporting legislation&gt;</a> <a href="#">&lt;Making a mandatory report&gt;</a> <a href="#">&lt;What information is needed in a report?&gt;</a> <a href="#">&lt;What happens after the report is made?&gt;</a> <a href="#">&lt;Responding to a child who makes a disclosure&gt;</a> <a href="#">&lt;Confidentiality issues and Mandatory Reporting&gt;</a> <a href="#">&lt;Indicators of child sexual abuse&gt;</a>

## Overview of Reporting Requirements in WA

Mandatory reporting	Reportable Conduct
<p>The belief based on reasonable grounds that Child sexual abuse has occurred or is occurring</p> <p>This is about a child or young person being sexually abused by an individual</p>	<p>Allegations of Reportable Conduct – employment related child protection</p> <p>This is about reporting and investigating allegations about the conduct of “Employees”</p>
<p><b>Legislation</b></p> <p>Children and Community Services Act 2004 (WA)</p> <p>Agency: Department for Communities (DC)</p>	<p><b>Legislation</b></p> <p>Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022</p> <p>Agency: Western Australian Ombudsman</p>
<p><b>Reporting What?</b></p> <ul style="list-style-type: none"> <li>Child Sexual Abuse</li> </ul>	<p><b>Reporting What?</b></p> <p>Allegations about the conduct of “employees” including:</p> <ul style="list-style-type: none"> <li>a sexual offence</li> <li>sexual misconduct</li> <li>physical assault committed against, with or in the presence of a child</li> </ul> <p>and after 20 August 2023</p> <ul style="list-style-type: none"> <li>significant neglect of a child</li> <li>conduct that causes significant emotional or psychological harm to a child.</li> </ul>
<p><b>Relates to a suspicion that harm is or may be caused to a child (0-17 years)</b></p> <ul style="list-style-type: none"> <li>A person reports because they have reasonable grounds to suspect Sexual Abuse</li> <li>suspicion is formed about a child in the course of their engagement with the Child.</li> </ul>	<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>You may seek advice from your ARO or Adsafesafe about your concern.</li> <li>You may ring the <b>Mandatory Reporting Service: 1800 708 704</b> to verbally report the abuse</li> <li>You must provide a written report using either <b>MRWeb</b> or download the pdf form complete and submit</li> <li>If reported to DC, also notify the ARO or Adsafesafe to co-ordinate ongoing support if needed</li> <li>DC will assess and may choose to intervene</li> <li>DC have authority to intervene</li> </ul>	<p><b>Essentially</b></p> <ul style="list-style-type: none"> <li>Alleged conduct is reported to Adsafesafe Responsible Officer (ARO) or Adsafesafe.</li> <li>ARO reports to Adsafesafe.</li> <li>Adsafesafe assesses allegation and may report to OCG if investigation needed.</li> <li>Adsafesafe organises an investigation and reports findings and actions taken to OCG</li> <li>If findings sustained church may take action.</li> </ul>