



Practice Update

Information for employees and volunteers

Victorian Reportable Conduct Scheme

Mandatory Reporting obligations

Information for persons engaged in Ministry

In the Seventh-day Adventist Church in Victoria

and who are over, 18 and

and employed or engaged by the church to provide services, including as a volunteer, Minister of religion, officer of a religious body, office holder or officer, whether or not the person provides services to children. (all referred to as a 'employee')

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

- A. As of 1 January 2018, you are considered a 'employee' under the Victorian **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>

<Reasonable Belief>

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. As a person in religious ministry you are a mandatory reporter

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

<Useful links>

Reporting Obligations

<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 Victoria, the passing of the *Child Wellbeing and Safety Act 2005*, 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 Victoria now is required by law to notify the Commission for Children and Young People (CCYP) 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 CCYP to be reviewed.

Further to this sustained findings in an investigation may be reported to the CCYP and effect a person's WWCC status.

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.

Allegations about the conduct of employees including

- a sexual offence committed against, with, or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct committed against, with, or in the presence of a child
- physical violence committed against, with, or in the presence of a child
- significant neglect of a child
- behaviour that causes significant emotional or psychological harm to a child

May also include misconduct that may involve reportable conduct

A Reasonable Belief

A reasonable belief is a belief based on facts that would lead a reasonable person to think that reportable conduct may have occurred.

A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it does not require certainty. For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves
 - heard from a child that the conduct occurred
 - received information from another source (including another person who witnessed the reportable conduct or misconduct).
- Reportable conduct is reported to the CCYP if a reasonable belief has been formed that the alleged conduct occurred.

The Process

External Oversight

The scheme is controlled by the Child Wellbeing and Safety Act 2005

The Commission for Children and Young People (CCYP) gives oversight to the process. This involves

1. Making a notification to the CCYP within 3 business days of becoming aware of an allegation
2. Providing an interim report to the CCYP within 30 calendar days
3. Provide an report to the CCYP 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 Subject of Allegation (SOA).
7. SOA prepares response.
8. Interview with SOA 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 SOA and seek any further response.
12. Review further response if given and make final findings.
13. Present letter of Final findings to the SOA.
14. Take any required action and implement recommendations

Possible Outcomes

No findings substantiated

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

Substantiated findings

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

1. requiring further training,
2. letters of warning, and
3. standing down from roles in the church.

In addition to any action that the church may take, if you are found to have committed reportable conduct, the CCYP may, in certain circumstances, refer the conduct to the Working with Children Check Unit for reassessment of your Working with Children Check. The referral can occur even if you do not hold a Working with Children Check card. If you are a registered teacher, the Victorian Institute of Teachers (VIT) will be notified of the findings of all reportable conduct allegations.

The Working with Children Check Unit will use the findings and the detail of the investigation to reassess risk relating to the working with children check status. This may result in an **Interim Negative Notice** while a formal risk assessment is completed. This formal risk assessment may result in a **Negative Notice**.

A **Negative Notice** will mean the person must stand down from any child related roles.

Mandatory Reporting

When to report

A mandatory reporter is required to report when:

- in the course of carrying out the duties of their office, position or employment
- they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

A mandatory reporter may choose, as can anyone, to report in relation to other types of significant harm.

- emotional or intellectual development
- physical development or health
- abandonment or parental incapacity.

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

Phone: Australia 1800 220 468
 New Zealand 0800 442 458

 Internet Adsafesafe.org.au

 email info@adsafesafe.org.au

How to report

To make a report, you should contact the child protection intake service covering the local government area (LGA) where the child normally resides. Telephone numbers to make a report during business hours (8.45am-5.00pm), Monday to Friday, are listed below.

- **North Division intake:** 1300 664 977
- **South Division intake:** 1300 655 795
- **East Division intake:** 1300 360 391
- **West Division intake** - metropolitan: 1300 664 977
- **West Division intake** - rural and regional: 1800 075 599

Where to get help or further information

Adsafe

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Mandatory Reporting

Department of Health and Human Services (DHHS)	<website>
After hours Child Protection Emergency Service	13 12 78
Mandatory Reporters	<Factsheet>

Reportable Conduct Scheme

- Commission for Children and Young People [<Website>](#)
- [<About the Reportable Conduct Scheme>](#)
- [<Why Victoria needs a RC scheme>](#)
- [<Our powers under the scheme>](#)
- [<What type of conduct is reportable>](#)
- [<Information Sheets>](#)



Overview of Reporting Requirements in Victoria

Mandatory reporting	Reportable Conduct
<p>Requirement of people in religious ministry to report a reasonable belief of child physical or sexual abuse to child protection authorities.</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>Legislation</p> <p>Children, Youth and Families Act 2005 (VIC)</p>	<p>Legislation</p> <p>Child Wellbeing and Safety Act 2005 (VIC)</p>
<p>Reporting What?</p> <p>In the course of carrying out their duties they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.</p>	<p>Reporting What?</p> <p>Reportable conduct is reported to the CCYP if a reasonable belief has been formed that the alleged conduct occurred.</p>
<p>When is a child in need of protection?</p> <p>A child may be in need of protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm. Significant harm may relate to:</p> <ul style="list-style-type: none"> • physical injury • sexual abuse • emotional or intellectual development • physical development or health • abandonment or parental incapacity. 	<p>Alleged conduct against a child (person under 18)</p> <p>Child could be any child including ones living outside the country or the “employee’s” own children, not just children associated with the organisation.</p> <p>Alleged conduct could be recent or historical including before the “employee” took on the role.</p> <p>Allegations about the conduct of employees including</p> <ul style="list-style-type: none"> • a sexual offence committed against, with, or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded • sexual misconduct committed against, with, or in the presence of a child • physical violence committed against, with, or in the presence of a child • significant neglect of a child • behaviour that causes significant emotional or psychological harm to a child
<p>Essentially</p> <ul style="list-style-type: none"> • You inform DHHS of your concern • Alternatively you inform the Adsafes Responsible Officer (ARO) in your organisation of your concern and seek advice. • ARO seeks advice from Adsafes and Adsafes reports on behalf of ARO • If reported to DHHS, ARO will report also to Adsafes • DHHS will assess and may choose to intervene • DHHS have authority to intervene 	<p>Essentially</p> <ul style="list-style-type: none"> • Alleged conduct is reported to the Adsafes Responsible Officer (ARO) or Adsafes. • ARO reports to Adsafes. • Adsafes assesses allegation and may report to CCYP if investigation needed. • Adsafes organises an investigation and reports findings and actions taken to CCYP. • If findings sustained church may take action.