



Practice Update

Information for employees and volunteers

NSW Reportable Conduct Scheme

- Scheme extended to NSW Churches

Mandatory Reporting

- Mandatory Reporters extended to include Ministers and Volunteers providing services to Children

Information for persons engaged in Ministry

In the Seventh-day Adventist Church

In NSW

Either as an employee or volunteer

For persons required to hold a Working with Children Check

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

- A. As of 1 March 2020, you are considered a 'worker' under the NSW **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 'worker' 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>

<External Oversight>

<Principles used>

<Investigation process>

<Possible Outcomes>

- B. As of 1 March 2020 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

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 NSW, the passing of the Children's Guardian Act 2019, extended the existing Reportable Conduct Scheme to include churches who offered services for children.

While investigations into allegations raised will still occur the SDA church in NSW now is required by law to notify the Office of the Children's Guardian (OCG) 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 OCG to be reviewed.

Further to this sustained findings in an investigation may be reported to the OCG 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 worker's own children, not just children associated with the organisation.

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

Allegations about the conduct of workers including

- a sexual offence
- sexual misconduct
- an assault against a child
- Ill-treatment of a child
- Neglect of a child
- Behaviour that causes significant emotional or psychological harm to a child
- Failure to protect offence (s 43B, Crimes Act)
- Failure to report offence (s 216B, Crimes Act)

Allegation Based

The NSW 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 Children's Guardian Act 2019

The NSW Office of the Children's Guardian (OCG) gives oversight to the process. This involves

1. Making a notification to the OCG within 7 business days of becoming aware of an allegation
2. Providing an interim report to the OCG within 30 calendar days
3. Provide an Entity Report to the OCG 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.

If the sustained finding relates to:

- a sexual offence
- a sexual misconduct
- a **serious** physical assault

the church is required to notify the **WWCC directorate** at the Office of the Children's Guardian of the findings.

The **WWCC directorate** 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 WWCC bar** while a formal risk assessment is completed. This formal risk assessment may result in a **WWCC bar**.

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

Mandatory Reporting

Changes as of 1 March 2020

Persons in religious ministry or providing religion-based activities to children are now mandatory reporters

When to report

A mandatory reporter needs to report when there:

- are reasonable grounds to suspect harm and there
- is a Risk of Significant Harm to a child (0 – 15 years) or young person (16 or 17 years)
- that is a current risk
- that relates to
 - neglect including medical or educational
 - physical abuse
 - sexual abuse
 - exposure to domestic violence
 - emotional harm
- is likely to continue if there is no intervention

Helpful online assessment tool – Mandatory Reporters Guide (MRG)

The Department of Communities and Justice (DCJ) (*formally FACS, CS or DOCS*) has developed an online tool to assess whether the risk of harm is significant enough to make a report. This can be found at:

[<Mandatory Reporter Guide>](#)

How to report

On completion of the mandatory reporter guide the guide will indicate if a report is required. This is indicated by the statement:

Immediate Report to the Child Protection Helpline

by phone

Child Protection Helpline: 132 111

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

NSW Department of Communities and Justice (DCJ)	<website>
Child Protection Helpline	132 111
Members of the general public	<Should I report a child at risk>
Mandatory Reporters	<What to report and when> <What happens after I make a report> <Who are mandatory reporters?>

Reportable Conduct Scheme

Office of the Children’s Guardian (OCG)	<Website> <Employees and volunteers FAQ> <Religious groups FAQ> <How the scheme works> <Fact Sheets>
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Overview of Reporting Requirements in NSW

Mandatory reporting	Reportable Conduct
<p>Risk of Significant Harm (ROSH) to a child or young person</p> <p>This is about a child or young person being at current risk of significant harm by a person</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 and Young Persons (Care and Protection) Act 1998 (NSW)</p> <p>Agency: Department of Communities and Justice (DCJ)</p>	<p>Legislation</p> <p>Children’s Guardian Act 2019 (NSW)</p> <p>Agency: Office of the Children’s Guardian (OCG)</p>
<p>Reporting What?</p> <p>Risk of Significant Harm relating to:</p> <ul style="list-style-type: none"> • Neglect including medical and educational • Physical abuse • Sexual abuse • Domestic Violence • Emotional Harm 	<p>Reporting What?</p> <p>Allegations about the conduct of workers including:</p> <ul style="list-style-type: none"> • a sexual offence • sexual misconduct • an assault against a child • Ill-treatment of a child • Neglect of a child • Behaviour that causes significant emotional or psychological harm to a child • Failure to protect offence (s 43B, Crimes Act) • Failure to report offence (s 216B, Crimes Act)
<p>Relates to harm caused to children (0-15 years) and young people (16 and 17 years)</p> <ul style="list-style-type: none"> • That is significant to the child or young person • Is a current concern • Will continue if there is no intervention • A person reports because they have reasonable grounds to suspect harm 	<p>Is an allegation based scheme</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"> • was towards a child (under 18) • occurred anywhere in the world, and • occurred presently or historically
<p>Essentially</p> <ul style="list-style-type: none"> • You inform the Adsafes Responsible Officer (ARO) • ARO completes the Mandatory Reporters Guide (MRG) and follows direction from MRG • If reported to DCJ, ARO will report also to Adsafes • DCJ will assess and may choose to intervene • DCJ have authority to intervene 	<p>Essentially</p> <ul style="list-style-type: none"> • Alleged conduct is reported to Adsafes Responsible Officer (ARO) or Adsafes. • ARO reports to Adsafes. • Adsafes assesses allegation and may report to OCG if investigation needed. • Adsafes organises an investigation and reports findings and actions taken to OCG • If findings sustained church may take action.