



Safe Church Guideline for Reportable Conduct ACT

Last Updated: 01 July 2018

This guideline is to assist entities of the Uniting Church Synod of NSW and ACT with understanding how to identify and notify reportable conduct in the Australian Capital Territory.

1. What is a reportable conduct scheme?

The *Ombudsman Act 1989 (ACT)* establishes a reportable conduct scheme which is overseen by the ACT Ombudsman.

The scheme requires allegations and convictions that involve child abuse or child-related misconduct against employees of a designated entity, including a religious body, to be reported to the ACT Ombudsman.

2. How does the reportable conduct scheme relate to the Uniting Church?

- A child is anyone under 18 years old.
- A designated entity includes a religious body.
- Individuals engaged by the religious body to provide services (other than under a contract of employment) whether or not the services are provided to children are included under the scheme.
- The purpose of the scheme is to ensure that appropriate systems and processes are in place for:
 - Preventing reportable conduct from occurring;
 - Ensuring the Ombudsman is notified of reportable allegations and convictions; and
 - Handling investigations into reportable conduct.

3. What is reportable conduct?

Under the *Ombudsman Act 1989 (ACT)* section 17E, reportable conduct is defined as conduct that results in:

- Ill-treatment or neglect of a child;
- Exposing or subjecting a child to psychological harm or sexual misconduct; or
- Certain offences being committed for which a child is either present or a victim.

Reportable conduct includes conduct alleged to have occurred inside or outside the course of a person's employment or engagement with the Uniting Church.

4. What to do if you are or become aware of reportable conduct

What	Why	How
1. Immediately notify the General Secretary	All reportable allegations or convictions must be made known to the head of entity, the General Secretary, so that she can report to the ACT Ombudsman.	<p>Contact Rev. Jane Fry</p> <ul style="list-style-type: none"> Email: jane@nswact.uca.org.au Phone: <p>Mail: Addressed as "Confidential" to the General Secretary, Uniting Church Synod of NSW and ACT, PO Box A2178, Sydney South 1235.</p>
2. Support and assist	As head of entity, the General Secretary is required to investigate and provide findings to the ACT Ombudsman within 30 days of being made aware.	A minister, Safe Church Contact Person and/or Church Council representative responds to any requests for information from the Safe Church Unit and/or legal counsel.
3. Speak Out in confidence about anything relating to the protection of children.	We need to know about any issue relating to any child in our care. We have a duty to protect them and others.	<p>Speak out in confidence by:</p> <ol style="list-style-type: none"> Completing the form on the Safe Church website at Email jane@nswact.uca.org.au Email: SafeChurch@nswact.uca.org.au Inform your Safe Church Contact Person Call the Safe Church Unit: (02) 8267 4381

If you have any questions about how this scheme impacts the work you do please contact the Safe Church Unit:

- Email: SafeChurch@nswact.uca.org.au
- Phone: (02) 8267 4381

5. Key definitions

Ombudsman Act ACT sections 17D, 17E and 17EA	
Employee of a designated agency	<p>(a) means a person who is engaged—</p> <ol style="list-style-type: none"> under a contract of employment with the designated entity; or by the designated entity to provide services to children (other than under a contract of employment) (i.e. an out-of-home carer, or a volunteer); or by another entity (whether or not under a contract of employment) to provide services to children on behalf of the designated entity (i.e. subcontractor); and <p>(b) for a designated entity that, in accordance with the Children and Young People Act 2008, authorises an out-of-home carer to exercise</p>

	<p>daily care responsibility or long-term care responsibility for a child—includes an adult who stays for at least 21 days at premises provided by the authorised out-of-home carer for the child to live.</p> <p>(aa) for a designated entity that is a religious body – means –</p> <ul style="list-style-type: none"> (i) a minister of religion, a religious leader or an officer of the religious body; or (ii) a person who is engaged under a contract of employment with the religious body; or (iii) a person who is engaged by the religious body to provide services (other than under a contract of employment) whether or not the services are provided to children
Designated entity	<p>(1) For this division, an entity is a designated entity if—</p> <p>(a) it is 1 of the following:</p> <ul style="list-style-type: none"> (i) an administrative unit; (ii) a health service; (iii) a government school or a non-government school; (iv) an education and care service; (v) a childcare service; (vi) an approved kinship and foster care organisation; (vii) an approved residential care organisation; (viia) a religious body not otherwise included in this paragraph; (viii) any other entity prescribed by regulation; and <p>(b) it is not exempted by regulation.</p>
Head of a designated entity	<p>Means —</p> <ul style="list-style-type: none"> (a) for an administrative unit — the director-general of the administrative unit; or (b) for any other designated entity — <ul style="list-style-type: none"> (i) if a regulation prescribes the head of the entity — the prescribed head of the entity; or (ii) in any other case — the individual primarily in charge of the management of the entity.
Religious body	<p>Means a body –</p> <ul style="list-style-type: none"> (a) established for a religious purpose, that operates under the auspices or 1 or more religious denominations or faiths; and (b) that provides, or has provided, activities, facilities, programs or services that provide a means for people to have contact with children. <p>Examples of activities, programs or services (non-exhaustive): Religious services, altar servicing, art groups, bible study groups, choirs and music groups, church-run crèches, dance groups, faith-based children’s and youth groups, multi-faith networks, open days, prayer groups, religious community engagement and outreach, religious festivals and celebrations, sports teams, Sunday school, tutoring services, youth camps.</p>
Reportable allegation	<p>Means an express assertion that reportable conduct has happened.</p>
Reportable conduct	<p>Means conduct –</p> <ul style="list-style-type: none"> (a) engaged in by an employee of a designated entity, whether or not in the course of employment with the entity; and

	<p>(b) that results in any of the following, regardless of a child's consent:</p> <ul style="list-style-type: none"> (i) ill treatment or neglect of the child; (ii) exposing or subjecting the child to— <ul style="list-style-type: none"> (A) behaviour, or a circumstance, that psychologically harms the child; or (B) misconduct of a sexual nature that does not form part of an offence mentioned in subparagraph (iii) (i.e. engaging in contact with a child as a preliminary step to obtaining the child's compliance in sexual activities); (iii) an offence against any of the following provisions of the <i>Crimes Act 1900</i> for which the child is either present or a victim at the time of the conduct: <ul style="list-style-type: none"> (A) part 2 (Offences against the person); (B) part 3 (Sexual offences); (C) part 4 (Female genital mutilation); (D) part 5 (Sexual servitude); (iv) an offence against either of the following provisions of the Education and Care Service National Law (ACT): <ul style="list-style-type: none"> (A) section 166 (Offence to use inappropriate discipline); (B) section 167 (Offence relating to protection of children from harm and hazards).
<p>Reportable conviction</p>	<p>In relation to a person, means a conviction or finding of guilt—</p> <ul style="list-style-type: none"> (a) for an offence, under a territory law or a State or Commonwealth law, involving reportable conduct; and (b) entered against the person before or after the commencement of the Reportable Conduct and Information Sharing Legislation Amendment Act 2016, section 3.