

REPORTABLE CONDUCT POLICY

1. Summary

- 1.1. This comprises the reportable conduct policy of St Mark Coptic Orthodox Church, of Australia Incorporated (**St Mark**).
- 1.2. The objective of the policy is:
 - a. to ensure, so far as is possible, the safety and wellbeing of children and have processes and procedures to report and investigate allegations of Reportable Conduct;
 - b. to ensure the Ombudsman receives reports of allegations of Reportable Conduct as soon as practicable; and
 - c. to comply with ACT legislation regarding allegations of Reportable Conduct.
- 1.3. The policy is required because the Nominated Head of St Mark has a legal obligation to ensure he has processes in place to investigate and report on any allegations of Reportable Conduct, and to notify the ACT Ombudsman of any allegation of Reportable Conduct.

Title	Reportable Conduct Policy
Description	This policy sets out the obligations and procedures for St Mark workers to report Reportable Conduct to the ACT Ombudsman.
Applies to	The policy applies church wide to all St Mark employees, volunteers and contractors providing services to children, in the ACT. ¹
Related documents	<i>Ombudsman Act 1989 (ACT)</i>

2. Reportable Conduct Policy

- 2.1. Under the *Ombudsman Act 1989 (ACT)* (**Ombudsman Act**), St Mark must report to the Ombudsman any allegations that employees, and other workers who provide services to children, have committed Reportable Conduct (defined below). Any reportable conduct must be reported within 30 days.
- 2.2. The priest who holds the position of Vicar General, Coptic Orthodox Church Dioceses of Melbourne and its Affiliated Regions is the Nominated Head of St

¹ An employee includes certain contractors, volunteers and carers. See s 17D in the Ombudsman Act 1989 for the definition. Noting that for the purposes of clarification, "Employee" does not include a person only because the person participates in worship.

Mark and is primarily in charge of its management,² with day-to-day management delegated to the Senior Parish Priest of St Mark (Senior Parish Priest).

- 2.3. This policy sets out the practices and procedures to prevent Reportable Conduct, to enable St Mark workers to notify the Nominated Head of St Mark of reportable conduct, and to enable St Mark to manage and disclose reports of reportable behaviour.³

3. Reportable Conduct Process

- 3.1. The process and the obligations for Reportable Conduct are outlined below. Reportable Conduct must be notified to the ACT Ombudsman within 30 days of first being reported within St Mark (stages 2-6 must occur within 30 days).

	Stage	Action
One	Incident	An employee, volunteer or contractor becomes aware of conduct that might be Reportable Conduct.
Two	Report to the Senior Parish Priest and/or the Child Safety Officer	That person must report the alleged Reportable Conduct to the Senior Parish Priest and/or the Child Safety Officer as soon as practicable – within 24 hours.
Three	Risk Assessment	The Child Safety Officer and/or the Senior Parish Priest is/are to identify any risks.
Four	Immediate Action	The Senior Parish Priest and the Child Safety Officer must implement any mitigation strategies identified in the risk assessment that are immediately necessary to reduce risk.
Five	Written notification to St Mark	If the risk assessment determines the alleged conduct meets the definition of Reportable Conduct, the Senior Parish Priest must complete the Reportable Conduct form.
Six	Preliminary report to the Ombudsman	The Senior Parish Priest must send the Reportable Conduct form to the Nominated Head of St Mark. The Nominated Head of St Mark must report to the Ombudsman that an allegation of reportable conduct has been received and St Mark will investigate. This must occur within 30 days of Stage 2 occurring.

² For the purpose of section 17EAA of the *Ombudsman Act*.

³ Section 17EAB, *Ombudsman Act*.

Seven	St Mark Investigation	The Child Safety Officer and/or the Senior Parish Priest (or an appointed external investigator) will investigate the allegations. The investigator will report the outcome of the investigation and supporting evidence to the Nominated Head of St Mark through the Senior Parish Priest. The report shall make a recommendation(s) to Nominated Head of St Mark, who will determine whether there should be a finding whether Reportable Conduct occurred.
Eight	Report to the Ombudsman	The Nominated Head of St Mark or the Senior Parish Priest must formally report the outcome of the investigation and the conclusion to the Ombudsman.
Nine	Corrective Action	If Reportable Conduct has occurred, the Nominated Head of St Mark will assist the Senior Parish Priest to coordinate support for the people affected, to appropriately manage the worker(s) involved, and to eliminate or reduce the risk of further Reportable Conduct. Where there is an employment or other sanction, this must be determined by the Senior Parish Priest.

4. What is Reportable Conduct?

4.1. In the ACT, “**Reportable Conduct**” is generally:

- a. Ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, neglect and inappropriate, restrictive intervention);
- b. behaviour or circumstances that psychologically harm a child;
- c. misconduct of a sexual nature that is not part of a sexual offence (e.g. contact with a child to obtain the child’s compliance in sexual activities;
- d. offences against the person, including physical offences and convictions, where a child is a victim or is present;
- e. sexual offences and convictions where a child is a victim or is present;
- f. female genital mutilation offences; and
- g. inappropriate discipline or offences relating to protecting children from harm.⁴

4.2. Examples may include:

- a. Sexual assault of a child by an employee or volunteer;
- b. A worker or volunteer pushing or hitting a child;

⁴ Section 17E, *Ombudsman Act*.

- c. Domestic violence or assault offences committed in the presence of a child; or
- d. Allegations that a worker or volunteer were looking at pornography, making sexualized comments, or had sexually explicit communications with a child (beyond sex education purposes).

5. What is not Reportable Conduct?

- 5.1. Reportable Conduct does not include reasonable discipline and other conduct that is appropriate under professional, religious, and teaching standards.
- 5.2. In the ACT, the definition of what is not reportable conduct is:
 - a. Conduct that is reasonable discipline, management or care of a child, taking into account the characteristics of the child,⁵ and any relevant code of conduct or professional standard that at the time applied to the discipline, management or care of the child; or
 - b. If the conduct is investigated and recorded as part of workplace procedure – that is trivial or negligible.
- 5.3. For example, St Mark receives a complaint that a volunteer caused psychological harm to a child. The complaint will be assessed in line with the Reportable Conduct process. If the investigation finds that the conduct was reasonable under teaching standards, or was negligible, it is not “Reportable Conduct.”
- 5.4. Reportable Conduct is different to mandatory reporting legislation, which requires separate reporting of harm to children to the ACT Child and Youth Protection Services. One of the key differences is that Reportable Conduct relates to conduct by a St Mark employee, volunteer or contractor against any child, while mandatory reporting is conduct by anyone against a St Mark child.

St Mark workers and volunteers can refer to the ACT Government online resources for more information about Reportable Conduct: <https://www.ombudsman.act.gov.au/improving-the-act/reportable-conduct/reportable-conduct-resource-kit>.

6. Stage 2 - What to do if you suspect Reportable Conduct?

- 6.1. If a worker becomes aware of any concerning conduct – either because of their own behaviour (e.g. conviction of an offence) or by a colleague – they must report that to the Senior Parish Priest and/or the Child Safety Officer.
- 6.2. If the Child Safety Officer receives any report of alleged Reportable Conduct he/she must notify the Senior Parish Priest by phone.

7. Stages 3 and 4 – Risk assessment and immediate action

- 7.1. ACT law requires that an allegation of reportable conduct must be examined for risks associated with the alleged conduct.

⁵ Including their age, health and development stage.

- 7.2. The risk assessment must be documented and provided to the Ombudsman when the Ombudsman is notified of the allegation (Stage 6) and the outcome of the investigation (Stage 8), if any notable risks change during the investigation. This means that as a minimum two risk assessments will be completed during the duration of a Reportable Conduct investigation in the ACT.
- 7.3. The Senior Parish Priest and/or the Child Safety Officer must complete the risk assessment and identify any actions to mitigate risks to an acceptable or manageable level.
- 7.4. The Reportable Conduct form (see Appendix) includes 5 x 5 risk assessment matrix and risk rating table to classify risks identified.
- 7.5. Risks that might be assessed include:
- a. If the risk relates to the child who has been subjected to the alleged behaviour:
 - Does the child and other family members require specific protection and support?
 - Is the welfare of the child threatened?
 - Is the child or employee the subject of the allegation able to interact with parties involved in the allegation in the normal course of church activities?
 - Does the allegation constitute a criminal offence?
 - Is there a risk of self-harm?
 - b. If the risk relates to an employee:
 - What personal support is required for the employee?
 - Should the employee remain in their current position? This will depend on:
 - (i) The nature and seriousness of the allegation;
 - (ii) The requirements of the children;
 - (iii) The reactions of the employee to the allegation with specific consideration to their current welfare;
 - (iv) The community reaction to the allegation (if known) and the viability of the employee remaining in their current position whilst the matter is investigated;
 - (v) The nature and type of work done by employee;
 - (vi) The supervision and controls that are in place or could be put in place;
 - (vii) The support mechanisms that could be put in place to support the employee in their current role; and
 - (viii) The employee's workplace misconduct history and any current employment sanctions.
 - c. If the risk relates to others, what changes need to be actioned to ensure:

- Safety;
 - Wellbeing such as that of other worshippers and staff who have witnessed or are aware of the allegation; and
 - The ability to continue their role and responsibilities.
- 7.6. If child welfare agencies or law enforcement agencies are involved, the actions of those organisations should be included in the report as these may affect the actions taken to manage and mitigate risk factors.
- 7.7. Risk should be managed on a continuing basis. If new risks are identified or risk ratings change, the Senior Parish Priest and/or the Child Safety Officer should identify, implement and record new strategies to manage the risks. If new risks are identified or risk ratings change, the Senior Parish Priest and/or the Child Safety Officer should identify, implement and record new strategies to manage the risks. If no new risks emerge, the act of the assessment and no new risks should be noted in records.
- 7.8. The Senior Parish Priest and/or the Child Safety Officer must implement any identified actions that are immediately require to mitigate risk, before moving on to further stages.

8. Stages 5 – Notifying St Mark and Recommend Management

- 8.1. The Senior Parish Priest and/or the Child Safety Officer must send the completed risk assessment and Reportable Conduct Form to the Nominated Head of St Mark.
- 8.2. The report will conclude whether a Reportable Conduct allegation was sustained; not sustained (lack of evidence); not sustained (lack of evidentiary of weight); false; or not Reportable Conduct.
- 8.3. The Senior Parish Priest and/or the Child Safety Officer will make the formal decision from the five categories and provide the report and decision to the Nominated Head of St Mark.
- 8.4. All St Mark workers are required to provide copies of the reporting form and any other records of reportable conduct investigations to the Senior Parish Priest and/or the Child Safety Officer for safe keeping.

9. Stages 6 – Preliminary Report to Ombudsman

- 9.1. The objective of the Reportable Conduct policy is to ensure the Ombudsman receives reports of allegations of Reportable Conduct, as soon as practicable. St Mark must notify the Ombudsman of any Reportable Conduct allegation, before proceeding to formal investigation.
- 9.2. The Ombudsman may monitor or participate in the subsequent St Mark investigation.
- 9.3. Under section 17G of the *Ombudsman Act*, the report must be in writing and include:
- a. any reportable allegation or any reportable conviction involving an employee of the entity in relation to the reportable conduct being reported;

- b. whether or not the entity proposes to any action against the employee based on the allegation or conviction, and the entity's reasons for taking or not taking action; and
- c. any written submissions made by the employee to the head of the entity about the allegation or conviction that the employee asked the entity to take into account when deciding any action against the employee.

Procedural Fairness

- 9.4. St Mark must provide procedural fairness to people that may be adversely affected by a decision. This includes ensuring:
- a. the decision-maker and process is free from bias;
 - b. decisions are based on evidence that supports the facts; and
 - c. any person that may be adversely affect by the decisions has an opportunity to be heard before a decision is made.
- 9.5. There is no requirement that the opportunity to be heard occurs early in the process, and because this stage is a legally mandated reporting of allegations (not a decision), the opportunity may not occur before this stage.

10. Stages 7 – Reportable Conduct Investigation

- 10.1. The Child Safety Officer and/or the Senior Parish Priest (or external investigator(s)) will conduct all investigations and report Reportable Conduct or breaches of other St Mark requirements in line St Mark Reportable Conduct procedures.
- 10.2. An allegation of Reportable Conduct may involve a breach of St Mark employment or contractor agreements, guidelines or other policies and procedures.
- 10.3. The Child Safety Officer and/or the Senior Parish Priest will investigate, to the extent reasonably practicable, alleged breaches of other St Mark requirements simultaneously with the Reportable Conduct investigations, where possible by the same investigator. This assists to minimise the potential undue effect on the welfare of the parties and enhance the consistency of investigation processes.

11. Stages 8 – Report to Ombudsman

- 11.1. The Nominated Head of St Mark or the Senior Parish Priest must deliver a report on the outcome and results of an investigation to the Ombudsman. Under section 17J of the *Ombudsman Act*, the report must be in writing and include:
- a. any action taken, or proposed to be taken, in relation to the reportable allegation or reportable conviction;
 - b. copies of all statements taken in the course of the investigation;
 - c. documents mentioned in the report; and
 - d. any other information that the Nominated Head of St Mark or the Senior Parish Priest considers relevant to the report.

12. Information Sharing

- 12.1. The *Ombudsman Act* permits, and in some cases requires, information about Reportable Conduct to be shared with other organisations.
- 12.2. To ensure compliance with the Reportable Conduct scheme and privacy, child protection and other relevant legislation, only the Nominated Head of St Mark and Senior Parish Priest are authorised to share information of Reportable Conduct and reportable convictions.
- 12.3. All requests relating to information sharing must be referred immediately to the Nominated Head of St Mark or the Senior Parish Priest.
- 12.4. A key part of the Ombudsman's role is to share information. The Ombudsman may disclose the reportable conduct information to other organisations and people, including:
 - a. the child(ren) affected by the Reportable Conduct or alleged Reportable Conduct;
 - b. the parents or carers of the child(ren);
 - c. Access Canberra;
 - d. Australian Federal Police;
 - e. ACT Community Services Directorate;
 - f. ACT Human Rights Commission; or
 - g. A law enforcement agency.
- 12.5. Other information-sharing and privacy legislation may also apply. St Mark will comply with all relevant laws when sharing Reportable Conduct Information.

13. Definitions

- 13.1. **Child Safety Officer** is the person appointed by the Senior Parish Priest and is the primary contact for matters specific to a child which attends St Mark.
- 13.2. **Child:** a person under 18 years of age.
- 13.3. **Nominated Head of St Mark** is the priest who holds the position of Vicar General, Coptic Orthodox Church Dioceses of Melbourne and its Affiliated Regions.
- 13.4. **Reportable allegation:** an express assertion that Reportable Conduct has occurred.
- 13.5. **Reportable Conduct:** Please see Part 4 of this policy.
- 13.6. **Reportable conviction:** a conviction or finding of guilt:
 - a. For an offence, under ACT or a State or Commonwealth law, involving Reportable Conduct; and
 - b. Entered against the person before or after commencement of the *Reportable Conduct and Information Sharing Legislation Amended Act 2016* (ACT).

- 13.7. **Senior Parish Priest** is the Coptic Orthodox Priest who is in charge of the day to day management of St Mark.
- 13.8. **Worker:** All people carrying out work for St Mark including employees (permanent, part-time, and casual), contractors and sub-contractors, volunteers, apprentices, work experience students, or a minister, priest, or other religious leader or member of a religious organisation.

14. Related Documents and Information

- 14.1. **Legislation:**
- a. *Ombudsman Act 1989 (ACT);*
 - b. *Children and Young People Act 2008 (ACT).*
- 14.2. **Other information:** 'The Reportable Conduct Scheme: An introduction'
https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0033/96576/RCS-An-introduction-to-the-ACT-Reportable-Conduct-Scheme-A488762.pdf

15. Review

- 15.1. This policy will be reviewed regularly to ensure it remains up-to-date and effective.

16. Contact

- 16.1. For support or queries about this policy, please contact the Senior Parish Priest.

Appendix – Reportable Conduct Form

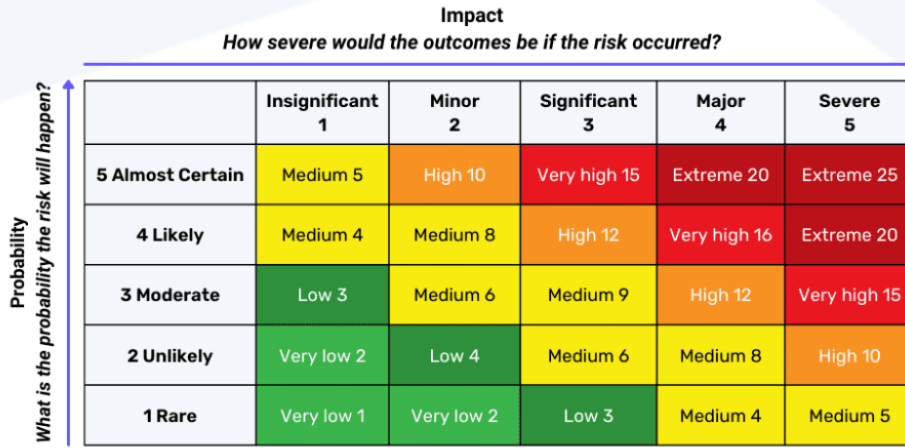
REPORTABLE CONDUCT FORM				
Date of report				
Person making the report	<i>Name</i>	<i>Position</i>	<i>Role</i>	
Cause for concern	Ill treatment or neglect of child			<input type="radio"/>
	Exposing or subjecting a child to misconduct of a sexual nature			<input type="radio"/>
	A criminal offence against a person			<input type="radio"/>
	A criminal sexual offence			<input type="radio"/>
	An offence of female genital mutilation or sexual servitude			<input type="radio"/>
	Other, please specify:			
Person subject of Reportable Conduct allegation	<i>Name</i>	<i>Date of birth</i>	<i>Position</i>	<i>Role</i>
Other details	<i>Name</i>	<i>Age</i>	<i>Address</i>	<i>Contact number</i>
Child				
Witness				
Witness				

Summary				
Reason why it is considered Reportable Conduct				

Appendix – Risk Assessment

Initial assessment risk rating for alleged Reportable Conduct					
Person/People/ Organisation impacted	Risk	Likelihood	Consequences/Impact	Risk Rating	Risk Mitigation Strategy
Immediate Action Required					
Immediate Action Implemented					
Further action required					

5x5 Risk Matrix Sample



SafetyCulture

Is the person subject of the report aware of the report?	
What counselling support was provided to relevant parties including the party the subject of the allegation?	
Other agency involvement e.g. Police, Child Protection Services:	
Any other relevant matters and additional comments:	