

Reportable Conduct Procedures and Guidelines

Purpose:

- For NBBC to be a safe and legally compliant environment for growing followers of Jesus.

Preamble:

- Mandatory Reporting and Reportable Conduct are different legal obligations, both of which currently include NBBC staff.
- Religious institutions come under the Reportable Conduct Scheme managed by the Ombudsman of Western Australia. This Scheme compels organisations that deliver services to children to notify allegations of, or convictions for child abuse by their employees to the Ombudsman WA and then to investigate these allegations, reporting findings back to the Ombudsman WA..
- NBBC has fully implemented the Baptist Churches of Western Australia 'Safe Church' program, including the use of risk assessment tools and risk mitigation processes. At points, these 'Safe Church' policies and practices necessarily overlap with this Reportable Conduct policy. The intention is that this Reportable Conduct policy fully captures our legal and ethical obligations with respect to Western Australian Reportable Conduct legislation.
- The detail below has been adopted by NBBC to guide how NBBC is to deal with disclosures of potential or actual Reportable Conduct. Further direction can be obtained from the Western Australian Ombudsman, via https://www.ombudsman.wa.gov.au/Reportable_Conduct/RCS-Info.htm, and via direct contact with the Ombudsman.

Definitions:

- **Reportable Allegation**
 - A reportable allegation is any information that leads a person to form the belief, on reasonable grounds, that an employee or volunteer 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 ministry of NBBC (the alleged conduct may have occurred in the wider community or place of residence).
- **Reportable Conduct**
 - A sexual offence committed against, with or in the presence of a child.
 - Sexual misconduct against, with or in the presence of a child, including grooming behaviour, sharing pornographic material and inappropriate discussion of sexual behaviour.
 - Physical assault (the intentional or reckless application of physical force without justification or any act that causes another person to apprehend immediate violence) against, with or in the presence of a child. This includes the use of actual physical force, verbal threats to physically harm a child, and the use of threatening gestures.
 - Other prescribed offences, such as significant neglect of a child, behaviour that causes significant emotional or psychological harm to a child.
 - Reportable conduct does not include conduct that is reasonable for the discipline, management or care of a child, or a person in the presence of a child, having regard to the child's age, health and developmental stage and relevant professional standards. Or conduct that is trivial or negligible that is investigated and recorded as part of another workplace procedure.
- **Reportable Conviction**
 - A reportable conviction is a conviction for a sexual offence committed against, with, or in the presence of a child, or other prescribed offences. A conviction includes a spent conviction. A reportable conviction is a conviction in any Australian jurisdiction.

Employee

- Employee of NBBC means anyone appointed in a ministry position, irrespective of if they receive remuneration for their services.

Reporting Officer for NBBC:

- Under the governance structure of NBBC, the Senior Pastor is deemed to be the Chief Reporting Officer for NBBC.
- If a reportable conduct allegation or situation involves the conduct of the Senior Pastor, the Chair of Elders assumes the role of Chief Reporting Officer (and any role assigned to the Senior Pastor below).
- If the allegation or situation involves the conduct of the Senior Pastor and the Chair of Elders, the Director of Ministries of the Baptist Churches of WA (BCWA) is to be informed and is to assume or delegate the role of Chief Reporting Officer for NBBC, thereby ensuring that the reporting responsibilities of NBBC are duly taken care of by someone who is not the subject of the reportable conduct allegation or situation.

Making a report:

- Any NBBC staff member or volunteer leader/helper who observes or becomes aware of information/conduct deemed or potentially deemed as 'reportable' under the scheme must bring it to the attention of the Senior Pastor as soon as possible.
- A report can be made in person or by email via 'abuse@nbbc.org.au' (which goes concurrently to the Senior Pastor and Chair of Elders).
- Anonymous reports can be submitted to 'abuse@nbbc.org.au' via a temporary email address (that is, the person lodging the report can set up a special email address via Gmail or Proton Mail or the like for the purpose of lodging the report). Anyone lodging a report anonymously needs to be aware that their anonymity may slow and limit the capacity for their report to be investigated.
- Anyone (including members of the public) who contact NBBC with information/conduct by an employee of NBBC that is deemed or potentially deemed as 'reportable' under the scheme may do so via NBBC admin or the Senior Pastor. This includes communications received via NBBC's website.
- In the event that the person raising the matter is a child (under 18 Years) they may be accompanied by a parent/guardian when discussing the matter with the Senior Pastor (note that the Senior Pastor is unable to meet alone in a private space with a child).
- In the event that the person raising the matter is impaired physically or mentally and normally requires the assistance of a carer they may have that carer present when making the report.

The process for raising concerns about potential Reportable Conduct:

- If you have a concern about a situation that may be Reportable Conduct, speak directly with the Ministry Team Leader or the Senior Pastor. Please do not discuss your concerns with others, even if you are unsure whether your concerns are founded or need to be reported. If the disclosure is to the Ministry Team Leader, the Ministry Team Leader will as soon as possible, but within 3 days, pass on all details to the Senior Pastor.
- If the Senior Pastor is of the belief that Reportable Conduct either has taken place or that there is a possibility that Reportable Conduct has taken place, a thorough record of the situation is to be made and securely stored and the Senior Pastor is to promptly report the conduct as per procedures below.
- If the Senior Pastor is of the belief that it is clear that Reportable Conduct has not taken place, the person raising the concern will be informed of that decision and reasoning and a confidential record of the situation will be made and securely stored. If the person raising the concern still believes that it is Reportable Conduct, they are to report the conduct themselves and to inform the Senior Pastor of such in writing.
- Records are to include where possible: the name of the person(s) who are the subject of the report, name(s) of any alleged victims, details of the nature of the misconduct/prior conviction, times and dates of the alleged conduct, name and contact details of the one raising the concern.

Conducting an Investigation:

It is the responsibility of the Senior Pastor to investigate in a timely manner reportable allegations and convictions relating to employees, and to take appropriate action in response to a finding of reportable conduct. Investigations must be conducted in a manner that complies with the following requirements:

- Procedural fairness must be afforded to an employee who is the subject of an allegation by providing them with the opportunity to make submissions at three critical stages of an investigation by the head of the organization. These are:
 - Before any adverse finding is made, the head of the organization must inform the employee that they are the subject of an investigation and of the reportable allegation made or reportable conviction being investigated, and give them the opportunity to make submissions; and.
 - After considering any submission made by the employee, inform the employee of any proposed adverse finding and give them an opportunity to make submissions.
 - Before any disciplinary or other action is taken in relation to the employee as the result of any adverse findings from the investigation, inform the employee of the action that is proposed to be taken, and give the employee an opportunity to make submissions. These employee submissions must be included in the written report on the outcome of the investigation provided to the Ombudsman.
 - If the subject of an investigation leaves NBBC, the investigation is to continue and reporting to proceed as if they were still a part of NBBC. In addition, steps are to be taken to determine if the person has commenced attending another church. If this is so, and if the investigation has led to a belief that it is likely that reportable conduct has occurred, in addition to notifying the Ombudsman and other authorities appropriate, the Senior Pastor is to notify the Senior leader of the church they have started attending.

Reports submitted to the Ombudsman must notify the Ombudsman of matters affecting an investigation, including if another body (for example: DCP and/or the Police) areas dealing with or investigating the matter, or have given a direction to cease or discontinue the investigation.

The Senior Pastor must:

- Take all reasonable steps to ensure that an investigation is carried out in a timely way.
- Provide the employee with written notice that the investigation has ended and a written report setting out the findings of the investigation and the reasons for those findings.
- Ensure that appropriate action is taken in relation to the employee's conduct that removes the risk posed by that individual, and, if needed, to improve the organization's identification of, and response to, reportable conduct.

The Senior Pastor must provide the Ombudsman a written report that includes:

- The findings of the investigation and the reasons for those findings;
- Any submissions made by the employee;
- Any disciplinary or other action taken, or proposed to be taken, in relation to the employee as a result of the findings of the investigation. If NBBC does not propose to take any disciplinary or other action in relation to the employee, the reasons why no action is to be taken.
- Any action taken, or proposed to be taken, as a result of the findings of the investigation, to improve the identification or prevention of reportable conduct, or the reporting, notification or investigation of reportable allegations and reportable convictions, involving employees of the organization; and
- Any other information that the Senior Pastor considers relevant to the report.

Procedure for lodging Reportable Conduct:

- The Senior Pastor will lodge a formal report with the Western Australian Ombudsman's office of the allegations, as well as any other authorities (such as police and DCP) as soon as possible, but within 7 days of an allegation being made.

Support and confidentiality:

- Any person making a report is required to treat all information about the matter as confidential.
- The identity of any person raising concerns/making a report for the purposes of this scheme is to be kept confidential by the Senior Pastor as far as is appropriate under the Parliamentary Commissioner Act 1971.
- The Senior Pastor is to consider if anyone involved in the reportable conduct or reporting of the reportable conduct, needs extra support. If this is deemed appropriate this extra support will be offered, with NBBC covering the cost of Crossway Counselling Centre sessions until the Crossway counsellor informs the Senior Pastor that they have received the support that they need, or that they have referred the person beyond Crossway Counselling Centre.

Risk Management Following a Report:

- The Senior Pastor is to assess any initial risks made obvious during the making of a report and any ongoing risks that become apparent at the conclusion of the investigation. The Senior Pastor is to plan, document and oversee the implementation of measures to remove such risk.

Risks relevant to the employee:

For the employee, the risk assessment should consider:

- Access to the appropriate level and type of support for the employee, such as counselling and a support person.
- Whether the employee should remain in their current position, relocated, or suspended.
- The nature and seriousness of the allegations;
- The vulnerability of the child(ren) the employee is in contact within the workplace, including their ages, communication skills and the impact of any disabilities;
- The nature of the work done by the employee and their level of interaction with children;
- The level of supervision or daily support available for the employee if their duties are unchanged, for example, if they are managing children with challenging behaviors;
- The employee's disciplinary history;
- Any directions or instructions which may be given to the employee to alter their behaviour, if appropriate; and
- _Other possible risks to the employee and to the investigation.
- If the employee remains in the workplace, what duties they will undertake.

Risks relevant to NBBC:

For the safety of those influenced by NBBC, the risk assessment should consider:

- If there are policy flaws or flaws with respect to the communication of policy or with the implementation of policy. Deficiencies identified need to be communicated within 7 days to the diaconate (NBBC's 'Responsible Persons'), with a suggestion to address the deficiencies.

Storing of records:

- NBBC must ensure that confidential records are stored, including the results of all investigations conducted. Physical copies of relevant documents are to be stored by the NBBC administration manager, and digital copies are to be emailed to 'abuse@nbbc.org.au' as a means of enduring storage. This includes details about investigations which do not meet the threshold of reportable conduct.

DOCUMENT CONTROL:

The policy paper was adopted by the Senior Pastor 27 June 2024, and was adopted by the Diaconate on 20 August 2024.
Next scheduled review: On or before 2029