



Uniting Church in Australia  
SYNOD OF VICTORIA AND TASMANIA

## Keeping Children Safe Reportable Conduct Policy (Victoria)

### 1. INTRODUCTION

1.1 We keep children safe first because of our understanding of God's will for love and justice and because the safety of children is crucial.

The protection of children and young people is the responsibility of all individuals who are employed or engaged by the Uniting Church in Australia (Victoria) ("**the Uniting Church**") to provide services. This includes the Uniting Church staff, officers, ministers, religious leaders, contractors and volunteers. We all share the responsibility for promoting the wellbeing and safety of children, and we will do whatever is in our power to safeguard children from all forms of abuse.

1.2 The Uniting Church is also subject to the laws protecting the safety of children including the Reportable Conduct Scheme ("**the Scheme**") established under the *Child Wellbeing and Safety Act 2005* (Vic) ("**the Act**"). The scheme improves oversight of how organisations prevent and respond to allegations of child abuse.

1.3 The scheme is regulated by the Commission for Children and Young People ("**the Commission**"). The Uniting Church has an obligation to report to the Commission any allegations of reportable conduct, or misconduct that may involve reportable conduct, committed by individuals (including staff, officers, ministers, religious leaders, contractors and volunteers) who are employed or engaged by the Uniting Church.

1.4 A report may be made whether or not the conduct or misconduct is alleged to have occurred within the course of the individual's employment or engagement with the Uniting Church.

1.5 The *Child Wellbeing and Safety Act 2005* states that the Head of Entity is responsible for notifying the Commission of a Reportable Allegation in line with the Reportable Conduct Scheme and for investigating such allegations and providing the findings to the Commission.

1.6 The Uniting Church must immediately notify Victoria Police if any criminal activity is suspected.

## 2. PURPOSE

2.1 The purpose of this policy is to ensure that the Uniting Church complies with its obligations under the Scheme, and that all individuals who are employed or engaged by the Uniting Church are aware of the operation of the Scheme.

2.2 The General Secretary, as Head of Entity of the Uniting Church, is responsible for ensuring compliance with its obligations under the Scheme. In particular, the General Secretary will ensure that the Uniting Church has in place:

- (a) a system for preventing reportable conduct by an employee of the Uniting Church within the course of their employment;
- (b) a system for enabling any person, including an employee of the Uniting Church, to notify the General Secretary of a reportable allegation of which the person becomes aware;
- (c) a system for enabling any person, including an employee of the Uniting Church, to notify the Commission of a reportable allegation involving the General Secretary of which the person becomes aware; and
- (d) a system for investigating and responding to a reportable allegation against an employee of the Uniting Church.

## 3. REPORTABLE CONDUCT SCHEME

### What constitutes a reportable allegation?

A reportable allegation under the Act is defined as any information that leads a person to form a *reasonable belief* that an employee (over the age of 18) has committed reportable conduct or misconduct that may involve reportable conduct against, with or in the presence of a child. This includes any information in relation to conduct or misconduct that occurred outside of a person's employment.

For a person to form a reasonable belief it does not have to be based on actual facts however there must be information in relation to the reportable conduct or misconduct supporting the belief.

### What types of conduct are reportable?

The types of conduct that are reportable:

- (a) a Sexual Offence committed against, with or in the presence of, a Child; or
- (b) Sexual Misconduct, committed against, with or in the presence of, a Child; or

- (c) Physical Violence committed against, with or in the presence of, a Child; or
- (d) any behaviour that causes Significant Emotional or Psychological Harm to a Child; or
- (e) significant neglect of a Child.

For a detailed explanation of the above reportable conduct, please refer to the Definitions later in this policy.

### 3. Investigation Costs

All Reportable Conducts result in the Synod needing to initiate an investigation into the concerns. The General Secretary will determine if an internal or external investigation is necessary to meet the legislative requirement and/or to ensure natural justice for the purpose of a timely outcome.

While the Synod will cover the initial cost of any investigation, the General Secretary might also determine if all, part or none of the costs of the investigation is recovered from the Congregation.

In considering the recovery of costs, the General Secretary may consider:

- The compliance of the congregation allowing the Reportable Conduct to occur
- The level of the Church Council's cooperation with the Synod on this matter
- The congregation's attempts to mitigate the concerns

The resulting investigation report will remain the property of the Synod's Secretariat and if appropriate may be shared with the Committee for Discipline and/or Committee for Counselling.

## 4. PREVENTING REPORTABLE CONDUCT FROM OCCURRING

4.1 The Uniting Church has policies and practices that take a preventative approach to keeping children safe, and for the early identification and response to risks of child abuse. Such policies and practices include the:

- UCA Child Safe Policy-Synod of Victoria and Tasmania
- Keeping Children Safe Code of Conduct
- Working with Children Check/Registration Policy
- Person of Concern Policy

## 5. PROCEDURES FOR NOTIFYING A REPORTABLE ALLEGATION

5.1 Any person who has any information that leads them to form a reasonable belief that an employee of the Uniting Church has committed: (a) reportable conduct; or (b) misconduct that may involve reportable conduct, is encouraged to report such information to the General Secretary.

The procedure for notifying the Uniting Church is as follows:

- Complete the online form available by clicking the below link: [Reportable Conduct - Keeping Children Safe \(ucavictas.org.au\)](https://ucavictas.org.au)
- by telephone, advising that the person wishes to report an allegation of reportable conduct to the General Secretary: (03) 9116 1423
- by email marked **Private and Confidential – Reportable Conduct** to [reportableconduct@victas.uca.org.au](mailto:reportableconduct@victas.uca.org.au).
- in writing addressed to the General Secretary in a sealed envelope marked **Private and Confidential – Reportable Conduct** at:

Uniting Church in Australia  
Level 2, Wesley Place  
130 Lonsdale St  
Melbourne Victoria 3000

5.2 If the person has information of a reportable allegation involving the General Secretary of the Uniting Church, the person may directly notify the Moderator:

- in writing addressed to the Moderator in a sealed envelope marked **Private and Confidential – Reportable Conduct** at:

Uniting Church in Australia  
Level 2, Wesley Place  
130 Lonsdale St  
Melbourne Victoria 3000

- by telephone advising that the person wishes to report an allegation of reportable conduct to the Moderator: (03) 9116 1422

5.3 A report may also be made directly to the Commission for Children and Young People at:

Commission for Children and Young People  
Level 18570 Bourke Street  
Melbourne Victoria 3000  
Telephone: (03) 8601 5281  
Email: [childsafestandards@ccyp.vic.gov.au](mailto:childsafestandards@ccyp.vic.gov.au)

## 6. HEAD OF ENTITY OBLIGATION AFTER BEING NOTIFIED OF A REPORTABLE ALLEGATION

6.1 If the General Secretary becomes aware of a reportable allegation against an individual who is employed or engaged by the Uniting Church, the General Secretary or their representative on behalf of the General Secretary must notify the Commission in writing:

- within 3 business days after becoming aware of the reportable allegation that a reportable allegation has been made, include details of the employee concerned, whether Victoria Police has been notified, and also include contact details of the General Secretary; and
- as soon as practicable and within 30 days after becoming aware of the reportable allegation, provide detailed information about the reportable conduct, and state whether or not the entity proposes to take any disciplinary or any other action against the individual employed or engaged by the Uniting Church. Furthermore, provide the Commission with any written submission made to the General Secretary concerning the reportable allegation that the individual wishes to be considered in determining disciplinary or any other action.

If the General Secretary becomes aware of a reportable allegation and does not notify the Commission within 3 business days, it is a criminal offence. The reason for such tight timeframes is to ensure the immediate (where possible) removal and protection of the child, and to ensure any investigation is done in a timely and contemporaneous manner. The General Secretary is the responsible reporter for the purposes of the legislation, but that is to ensure there is a person with ultimate responsibility to ensure timely reporting and to prosecute in the event the timeframes are not met. The knowledge of the organisation is taken to be the knowledge of the General Secretary. Accordingly, once there is knowledge inside the organisation, the three- day time period starts to run.

## **7. OTHER LEGAL OBLIGATIONS**

7.1 Failure to disclose that a sexual offence has been committed by an adult against a child under the age of 16 is a criminal offence.

7.2 Failure to protect a child under the age of 16 from sexual offence is a criminal offence.

7.3 It is a criminal offence pursuant to the *Crimes Act* (since 2014) to fail to protect a child by not making a mandatory report. Such an offence is in addition to the Reportable Conduct Scheme which was introduced in 2017.

## **8. DEFFINITIONS AND WORDS WITH IMPORTANT MEANINGS**

8.1 The following definitions apply to this policy consistent with the provisions of the *Child Wellbeing and Safety Act 2005* (Vic) and guidance provided by the Commission<sup>1</sup>:

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<sup>1</sup> <https://ccyp.vic.gov.au/child-safety/>

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|---|---|
| <b>Child</b>  | A person who is under 18 years of age.  |
| <b>Employee</b>                                     | <p>A person of or over 18 years of age who is:</p> <p>(a) employed by the Uniting Church, whether or not the person is employed in connection with any work or activities of the Uniting Church that relate to Children;</p> <p>(b) engaged by the Uniting Church to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to Children;</p> <p>(c) a minister of religion, a religious leader or an employee (within the meaning of paragraphs (a) or (b)).</p> |
| <b>Significant Emotional and Psychological Harm</b> | <p>This includes behaviour such as sexual offences, sexual misconduct, physical violence, neglect, verbal abuse, coercive or manipulative behaviour, rejection of a Child, humiliation and belittling of a Child.</p> <p>In having a reasonable belief about significant emotional or psychological harm to a Child, there must be a clear link between the alleged behaviour and the emotional and psychological harm.</p>   |
| <b>Head of Entity</b>                               | <p>The head of an entity is the person who is primarily responsible for decision making in the organisation and may be a chief executive officer, a principal officer or someone in a similar position or fulfilling a similar role.</p> <p>The head of entity for the Uniting Church in Australia Synod Victoria and Tasmania has been defined as the General Secretary.</p>   |
| <b>Physical Violence</b>                            | <p>Physical Violence includes an employee or volunteer intentionally or recklessly using physical force against, with, or in the presence of a Child, which has the ability to cause injury to the Child.</p> <p>Physical Violence also includes apprehended physical violence which includes words, gestures or actions that leads a Child to believe force is about to be used against them.</p>  |
| <b>Reasonable Belief</b>                            | <p>Any belief based on facts that would lead a reasonable person to think that reportable conduct may have occurred. A reasonable belief is more than a suspicion. There must be some objective basis for the belief. It does not require certainty.</p> <p>A person is likely to have a reasonable belief if they:</p> <p>(a) observed the conduct themselves;</p>   |

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|                              | <p>(b) a Child revealed that the conduct occurred; or</p> <p>(c) received information from another source (including another person who witnessed the reportable conduct or misconduct).</p>  |
| <b>Reportable Allegation</b> | <p>Any information that leads a person to form a reasonable belief that an employee has committed:</p> <p>(a) reportable conduct; or</p> <p>(b) misconduct that may involve reportable conduct,</p> <p>whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.</p>   |
| <b>Reportable Conduct</b>    | <p>Reportable conduct is as set out in part 3 of this policy and means:</p> <p>(a) 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;</p> <p>(b) Sexual Misconduct committed against, with or in the presence of, a Child;</p> <p>(c) Physical Violence committed against, with or in the presence of, a Child;</p> <p>(d) any behaviour that causes Significant Emotional or Psychological Harm to a Child; or</p> <p>(e) significant neglect of a Child.</p> |
| <b>Sexual Misconduct</b>     | <p>Sexual misconduct includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism.</p>  |
| <b>Sexual Offence</b>        | <p>Sexual Offence means sexual behaviours against, with or in front of, a child. This includes conduct such as sexual assault, indecent acts, possession of child abuse material, 'grooming' a child with the intention to commit a sexual offence.</p> <p>Please refer to clause 1 of Schedule 1 of the Sentencing Act 1991 for a comprehensive list of Sexual Offences.</p>   |
| <b>Volunteer</b>             | <p>A person is considered a volunteer under the scheme if they are engaged by the Uniting Church.</p> <p>To 'engage' a volunteer means to enter into an agreement, either verbally or in writing, for a person to provide a service without that person (the volunteer) receiving financial gain. There is no minimum period for the engagement.</p>  |

## Review

| Version Number | Date         | Reason  | Resolution Number | Approved   |
|----------------|--------------|---|-------------------|--|
| RCS1           | 18.12.17     | Legislative requirement                           | SSC15.23.5        | General Secretary<br>(Policy Manager – Associate General Secretary)        |
| RCS2           | 04.01.18     | Update on volunteer definition from CCYP          | SSC15.23.5        | Acting General Secretary<br>(Policy Manager – Associate General Secretary) |
| V3             | January 2023 | Update contact details for Synod and legal review |                   | General Secretary  |
|                |              |   |                   |  |