

ACT Reportable Conduct Scheme

2023 Survey of Religious Designated Entities

Review of designated entities' policies and procedures to prevent and respond to allegations of child related misconduct by their employees and volunteers

Report by the ACT Ombudsman, Iain Anderson,
under the *Ombudsman Act 1989* (ACT)

ACT Reportable Conduct Scheme – 2023 Survey of Religious Designated Entities

Executive summary

The ACT Reportable Conduct Scheme (RCS) commenced on 1 July 2017 and aims to improve designated entities' responses to allegations of child related misconduct by their employees and volunteers. The RCS also provides for information sharing between relevant government agencies, professional registration bodies and designated entities covered by the RCS.

Under the RCS, the ACT Ombudsman's (ACTO) role is to oversee how designated entities prevent and respond to allegations of reportable conduct and to ensure they are complying with their obligations under the RCS. The ACTO also works to build the capacity of designated entities to respond to allegations of reportable conduct by reviewing their responses and investigations and providing guidance and feedback.

Since the RCS commenced the level of engagement and compliance of designated entities has improved across some sectors. However, there has continued to be less entity-initiated engagement from religious designated entities, which prompted this survey, as a strategy of ACTO initiated contact with the sector.

The 2023 survey results indicate that some religious designated entities are engaging with the RCS, complying with legislative requirements, and actively promoting the objects of the RCS. However, this level of understanding and maturation is not evident uniformly across the sector.

The survey responses demonstrated that the implementation of various approaches regarding the structure and content of practices and procedures for the prevention and management of reportable conduct allegations. While indicating that most responding entities are mindful of the need for comprehensive documented processes for reporting, responding to and investigating allegations of reportable conduct and are aware these documents need to be reviewed and updated and are undertaking this process or have a plan to do so.

The survey responses also demonstrated, that while most responding entities are actively training their employees at some level on topics relating to child safety, it was difficult to ascertain if this training included the RCS and its requirements. The survey confirmed there remains uncertainty about the application of the reportable conduct threshold and the need to record reported allegations that do not meet this threshold.

In recognising the variables between the entities within the sector, the sector's reliance on a highly mobile volunteer workforce and existing challenges relating to capability gaps and entity resourcing, the ACTO acknowledges the need for varied engagement strategies, that will optimise engagement and reporting while balancing resource availability.

Future engagement could include providing reportable conduct specific content for entities to include on websites or in bulletins, providing clear guidance on the level and frequency of training religious entities should aim to provide and working with organisations embedded in the sector such as the National Council of Churches in Australia.

Introduction and survey methodology

The *Ombudsman Amendment Act 2018* commenced on 1 July 2018, amending the *Ombudsman Act 1989* (ACT) (Ombudsman Act) to bring religious bodies within the ACT under the jurisdiction of the RCS as designated entities. The RCS is administered by the ACTO in accordance with s 17 of the Ombudsman Act. The Ombudsman Act identifies several requirements relating to entities and the Ombudsman.

Under s 17EB of the Ombudsman Act, all entities subject to the RCS are required to have in place practices and procedures for the prevention and management of reportable conduct allegations. While s 17EAA(2) of the Ombudsman Act requires religious designated entities to nominate an individual as the head of the body and give the nomination to the ACTO.

Under s 17F(1) of the Ombudsman Act, the ACTO is required to monitor the existence and implementation of reportable conduct policies/practices and procedures and s 17F(2) of the Ombudsman Act allows the ACTO to request information from entities for the purposes of monitoring these policies and procedures.

Across the RCS, the ACTO's visibility of entities' engagement is largely based on entity-initiated contact, through enquiries and the submission of s 17G notifications and s 17J reports. The ACTO's information sharing with parallel oversight bodies and entity maturation continues to improve levels of engagement and compliance with the RCS across some sectors. However, the levels of engagement with the RCS from within the religious designated entities sector is lower than other sectors.

Financial year	Total notifications	Religious body notifications
2018/19	176	9
2019/20	177	6
2020/21	171	5
2021/22	136	1

Financial year	Total enquiries	Religious body enquiries
2018/19	114	37
2019/20	173	22
2020/21	133	19
2021/22	115	7

Given the number of religious designated entities operating in the ACT, the broad nature of their programs and services and the potential these provide for contact with children, the ACTO would expect greater representation of religious designated entities in the contact statistics.

The nature of the religious sector is different to other sectors covered by the RCS, due to the variables in organisational structure, the sector's reliance on a highly mobile volunteer workforce and fewer regulatory requirements. While several of the larger Christian denominations engage extensively with the ACTO to meet the requirements of the RCS, this level of engagement is not reflected across the sector and, based on levels of entity-initiated engagement, the maturation of the sector is less evident. This prompted the survey, in the hope that it would provide visibility of the levels of awareness and engagement with the RCS from within the sector.

Identifying participants

To establish the list of participants, we started with the spreadsheet compiled at the inclusion of religious designated entities under the RCS and worked to obtain relevant information about these identified entities, including identifying associated entities and locating current email contacts. To ensure the survey was distributed to as many entities as possible, we used websites, social media sites and the Australian Charities and Not for Profits Commission (ACNC) website to obtain all available information.

Entities were added to the spreadsheet if they appeared to meet the definition provided under s 17D of the Ombudsman Act, which states a religious body is a body operated for a religious purpose, under 1 or more religious denominations or faiths and provides, or has provided activities, facilities, programs, or services that bring people into contact with children. As it can be difficult to determine the operational details of an entity, throughout the survey we encouraged entities to contact us if their entity did not meet the provided definition of a religious designated entity. We were contacted by 4 entities that could explain why they did not meet this definition.

Similarly due to variable naming conventions used by religious designated entities, it can be difficult to accurately identify entities and associated entities by name alone. For these reasons, it is likely that inaccuracies remain in the spreadsheet.

Once the survey emails were distributed, based on undeliverable emails and entities that we could not locate an email address for, approximately 40 entities did not receive the survey. It is believed that further engagement with the sector will improve the accuracy and completeness of our records.

Survey design

For the first time, the survey was digitised with a link to the survey being distributed by email. The survey email included an explanation of the RCS, a link to the digitised survey, a head of entity nomination form and a self-assessment checklist.

The survey included 29 questions. These questions covered:

- the existence, contents, structure and review schedules of documented reportable conduct policies/procedures and practices regarding preventing and managing allegations of reportable conduct
- education and awareness raising provided within entities, and
- entity engagement with the ACTO.

Entities were encouraged to complete the self-assessment checklist prior to responding to the survey and were asked to return a completed head of entity nomination form. The survey was conducted between 27 March and 14 May 2023. The survey was initially intended to conclude on 28 April 2023, but was extended by two weeks due to low response rates and the timing of the survey coinciding with various religious celebrations.

Survey results and analysis

We received 80 responses which covered approximately 148 entities. We estimate this to be approximately 50% of the religious designated entities operating within the ACT.

Entity location, structure and governance

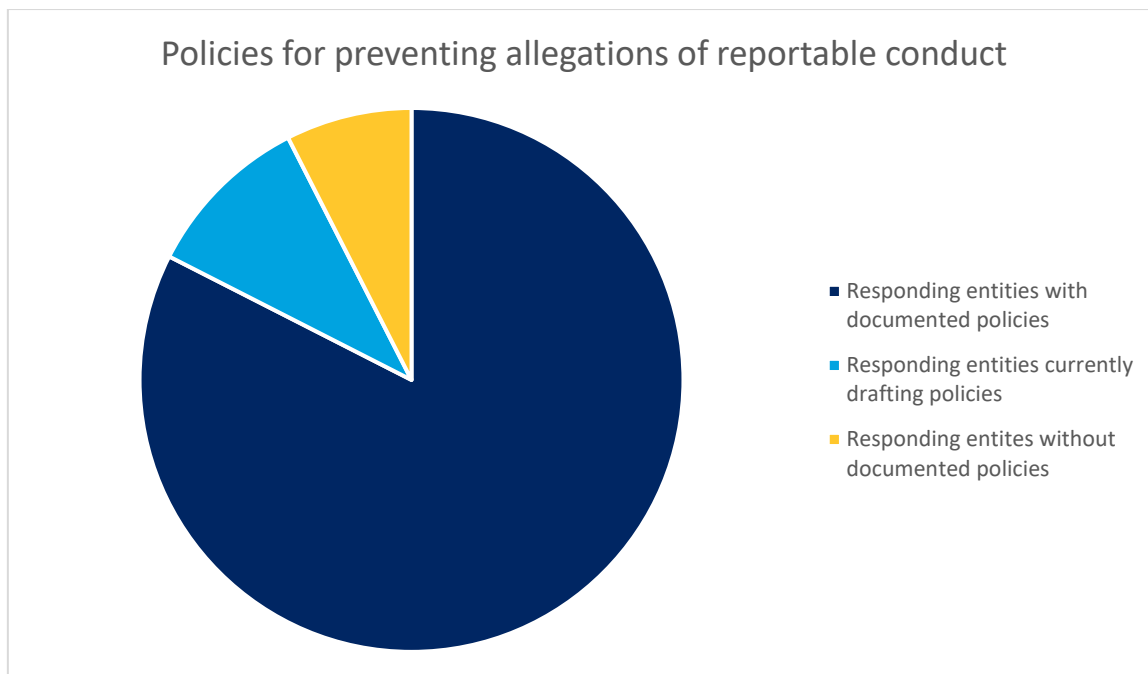
Questions 1 to 6 were included to provide insight into the physical location, organisational structure, and size of the responding entities.

The responses we received confirmed that religious designated entities covered by the RCS:

- vary in size from less than 10 to over 100 employees
- are located across the ACT in a range of purpose built and rental premises, and
- are managed by governance structures that range from small local volunteer-based teams to state, region, national or international organisations.

Policies and Procedures - Strategies for preventing allegations of reportable conduct

Questions 7 to 11 were included to seek visibility of the documented policies/practices and procedures that exist in the responding entities, outlining strategies for preventing allegations of reportable conduct.



82.5% of the responding entities reported having documented policies/practices and procedures for preventing allegations of reportable conduct, with another 10% reporting that these documented policies/practices and procedures were currently being drafted. These rates of compliance are positive. To address the quality of the documents, we included in the survey specific questions to unpack content, structure and review schedules of the existing documented policies/practices and procedures.

In seeking information regarding the content of these documents, we asked entities to identify which strategies they used to prevent reportable conduct. The question was multiple choice and entities were able to select all relevant answers.

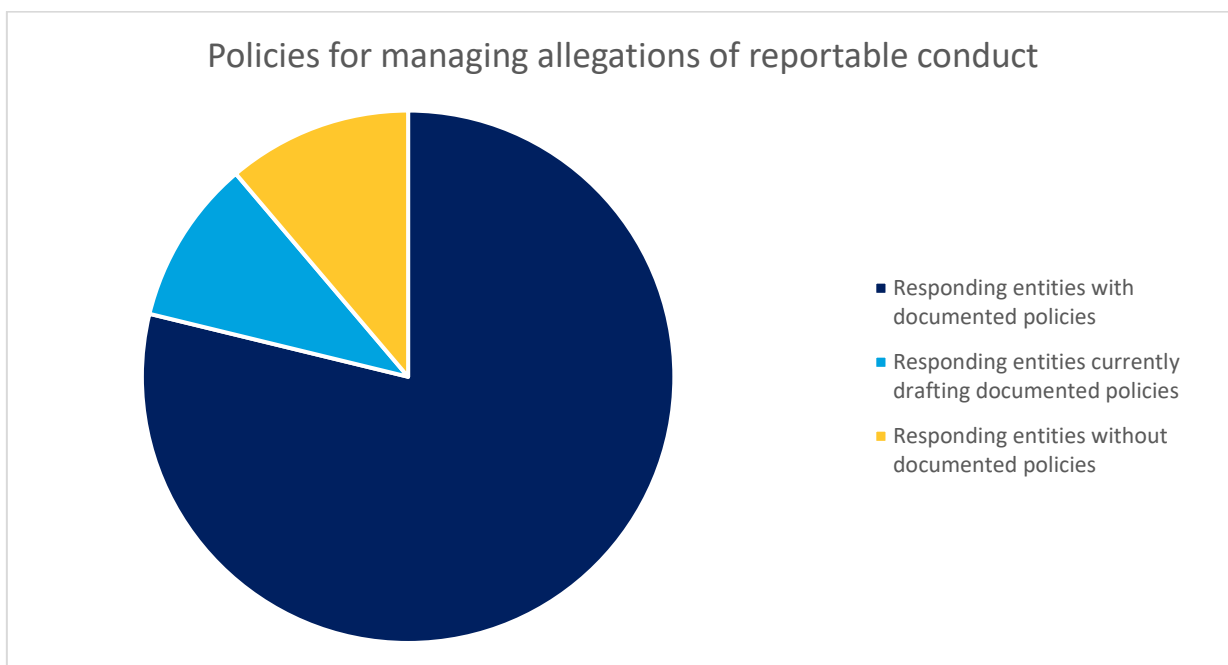
Of the seven specific strategies we included in the multiple-choice answer, five were selected by more than 81% of the responding entities. It was reassuring to see the strategies the ACTO considers beneficial and effective are reported as being implemented by the majority of responding entities. Further, in responding to this question, 7 entities also selected the 'other' option and provided free text responses. It is encouraging to note that these responses largely identified strategies that extended on those identified by the ACTO and included as multiple-choice options. For example, having employees sign an acknowledgment page of the child protection code of conduct builds on the identified strategy of providing guidance regarding appropriate and inappropriate behaviour.

In relation to the structure of these policies/practices and procedures, the provided responses indicate that various practices have been implemented across the sector, with entities either creating standalone reportable conduct documents or including reportable conduct procedures and practices within broader child safety, risk management, code of conduct and complaint policies and processes. Within this sector, we are working with diverse entities, making it beneficial for entities to have guided autonomy over their documented policies/practices and procedures.

The responses we received regarding the current review schedules of these documented policies/practices and procedures appear to indicate that most responding entities are aware the documents need to be reviewed and updated and are undertaking this process or have a plan to do so.

Policies and procedures – Reporting, responding to, and investigating allegations of reportable conduct

Questions 12 to 17 were included to seek visibility of the documented policies/practices and procedures that exist outlining processes for reporting, responding to and investigating allegations of reportable conduct.



78.8% of the responding entities reported having these documented policies/practices and procedures, with another 10% reporting that these documented policies/practices and procedures were currently being drafted. In seeking information regarding the content of the documented policies/practices and procedures, we asked entities to identify what these documents included. The question was multiple choice and entities were able to select all relevant answers.

Of the seven specific pieces of information we included in the multiple-choice answer, all were selected by around 80% of the responding entities and four were selected by between 85% and 92% of responding entities. The high level of inclusion of each of the components indicates the entities that are engaging with the RCS are mindful of the need for comprehensive processes for reporting, responding to and investigating allegations of reportable conduct and have relevant documented processes.

In relation to the structure of the documented policies/practices and procedures for reporting, responding to and investigating allegations of reportable conduct, the provided responses indicate that various practices have been implemented across the sector. Based on the responses we received regarding the current review schedules; of these documents it appears that most responding entities are aware the documents need to be reviewed and updated and are undertaking this process or have a plan to do so.

Policies and procedures – Documenting allegations that do not rise to reportable conduct

Questions regarding the reportable conduct threshold and when to report allegations are among the most frequently asked in the enquiries the ACTO receives. The frequency at which this topic is discussed across the RCS and the minimal levels of engagement with the ACTO from within this sector have raised concerns of the reportable conduct threshold being inappropriately applied and that reportable conduct allegations may be going unreported.

The ACTO provides advice that entities should keep a record of reported allegations that do not meet the reportable conduct threshold in Practice Guide No. 2 – Identifying Reportable Conduct which states: *‘Even conduct that is determined to be not reportable must still be considered by the organisation when an allegation is made. When this occurs, a record must be made about why the conduct was considered not reportable. Organisations must maintain these records which can be audited by the Ombudsman.’* The ACTO does not currently have visibility of the extent to which entities are following this advice. If these records were to exist, then reviewing these records could provide the ACTO clarity regarding current concerns about underreporting.

It was these considerations that prompted the inclusion of Question 18, which asked entities if they had a documented process for recording reported allegations that do not rise to the threshold of reportable conduct. The responses we received indicated 62.5% of the responding entities have a documented process for recording these allegations. We asked responding entities to provide details of their processes and received 47 free text responses. These responses almost unanimously identified three main components of the process:

- recording details of the allegation or complaint on an approved incident, concern, or complaints form
- acknowledging the confidential nature of these documents and planning for their secure storage
- internal arrangements to ensure allegations were assessed at an appropriate level.

These responses indicate that more than half the responding entities are aware of the need to record allegations, even if they are not reportable and are using a process to do this that incorporates the most important components. However, it is evident there remains uncertainty regarding the application of the reportable conduct threshold and the need to record reported allegations that do not meet this threshold. On this basis, in 2023-24, the ACTO will focus on strategies to support entities to develop and implement documented processes for such allegations or incidents.

Education and training

Questions 19 to 22 were included to seek visibility of how regularly entities educate their employees and volunteers about reportable conduct, the content of this training, the training strategies that are used and how regularly the training material is updated.

The answers we received indicated there were considerable variables regarding the content of the training that was being offered by entities. It was difficult to determine if the training was specifically reportable conduct training, included reportable conduct at all or was broader, 'safe church' training.

The National Council of Churches in Australia (NCCA) has worked with churches across all Christian faiths to make churches safer for children and vulnerable people. The NCCA's consultation and resources are aimed at building the capacity of churches with safeguarding issues and engaging with government agencies. The NCCA's website has a page with descriptions and links to relevant child safe bodies. The bodies that oversee reportable conduct in New South Wales and Victoria are listed, the ACTO is not. It may be beneficial for ACTO to identify and engage with bodies such as the NCCA and to consider being included in their resources.

Question 19 related to training strategies, was multiple choice and entities were able to select all relevant answers. We received 79 responses. The results did not demonstrate there were any training strategies that were used unanimously or even widely across the sector. However, the results did indicate that approximately 89% of the entities that are engaging with the reportable conduct scheme, and responded to the survey, are actively training their employees at some level on topics relating to child safety. While we have limited visibility of the content of this training, who is required to do it and how often it needs to be completed, there appears to exist a training capacity within these entities the ACTO could utilise for RCS content.

For example, 75.9% of responding entities indicated they used training and induction courses and material to train employees and volunteers and 54.4% indicated this training was provided by managers and supervisors. By actively promoting our e-learning module within this sector, ACTO can:

- increase reportable conduct awareness among managers and supervisors, and
- encourage entities to incorporate the module and our practice guides in their training and induction material.

While 32.9% of responding entities use their website to distribute training material and 27.8% of responding entities use email/circulars and church bulletins to distribute training material. By distributing information to this sector via the ACTO e-newsletter, we may be able to provide reportable conduct specific content for entities to include on websites or in bulletins.

Question 20 was included to provide some insight into how regularly entities provide reportable conduct training. However, there were considerable variations in the way entities responded to this question:

- 52 of the 78 responding entities advising the frequency with which the entity offers training
- 24 of the 78 responding entities advising how regularly the employees were required to undertake training, and
- 2 entities providing unrelated answers.

As we have been unable to get a clear indication of what is happening in the sector, it may be useful for the ACTO to consider the level of training that would be appropriate and then publish this advice and distribute through the sector and the RCS more broadly.

Questions 21 and 22 related to the frequency at which training material is updated by entities. It is noted there was a considerable increase in the number of entities who updated their training material in the last 12 months and those who intend to update the material in the next 12 months. This increase may have been prompted by the reflection that resulted from entities' completing the reportable conduct survey. This supports the ACTO distributing resources such as the self-assessment checklist that encourages entities to reflect on their compliance and engagement with the RCS.

Engagement with the ACTO

Questions 23 to 28 were included to assess the level of engagement by entities with the ACTO regarding the RCS. In general, the responses we received confirmed low levels of engagement with the ACTO directly, information and materials published by the ACTO, and training offered by the ACTO:

- 34.2% of responding entities reported not having accessed any of the ACTO’s published material such as information sheets, posters, or practice guides.
- 77.2% of responding entities reported their employees had not attended training offered by the ACTO and of those who had attended training this had occurred in 2018 or 2019.
- 62% of responding entities reported not receiving the reportable conduct e-newsletter that is distributed quarterly by the ACTO.
- 91.1% of responding entities reported not having contacted the ACTO by email or telephone to seek advice regarding a reportable conduct matter, and
- 92.4% of responding entities reported not having submitted a 17G notification to the ACTO.

Between 1 July 2022 and 26 March 2023, the ACTO received 96 enquiries. 8 of these were from religious designated entities and 6 of these came from the Catholic Archdiocese of Canberra and Goulburn. Between 27 March and 14 June 2023, the ACTO received 74 enquiries, 39 or 52.7% of which came from approximately 35 religious designated entities.

The survey provided entities with an opportunity to have an email address added to the e-newsletter subscriber list, resulting in approximately 30 email addresses being added to the subscriber list before the May e-newsletter was distributed.

During, and directly after, the survey we received 79 completed head of entity nomination forms. 52 or 65.8% of these came from entities who had not previously provided a head of entity form. These results indicate how ACTO - initiated strategies can increase entity engagement with the RCS.

Question 29 invited entities to suggest how the ACTO could better assist religious designated entities to meet their requirements under the RCS. We received 42 free text responses, the key themes of which have been grouped in the table below.

Survey free text response theme	ACTO response
The provision of regular information, guidance, and updates by email	<ul style="list-style-type: none"> • The ACTO currently distributes a quarterly e-newsletter that includes reminders, updates and other relevant information. Greater subscription from within this sector is being actively facilitated. • The ACTO could design a targeted communication campaign that directly promotes the reportable conduct e-learning module for inclusion in entity training and the community factsheet for inclusion in entity bulletins.
The provision of example policies and documents (this included a comment that current examples are too lengthy and prescriptive)	<ul style="list-style-type: none"> • The ACTO is considering how best to support entities in the development of reportable conduct policies and practices and the scope of guidance that would be most beneficial to provide.
The provision of consistent face to face and online training (this included comments on specific training for volunteers and regarding interviewing, advertising relevant training offered by other bodies and one comment about fixing the e-learning module)	<ul style="list-style-type: none"> • The development and publication of the e-learning module has provided entities with training that is available at their convenience. • The ACTO is considering how best to advertise the existence of the module to this sector.

Survey free text response theme	ACTO response
	<ul style="list-style-type: none"> The ACTO is considering how to encourage networking and liaison within the sector to better support the accessibility of available training. The ACTO has confirmed the module is not broken and has provided direct advice to the relevant entity regarding successfully accessing the module.
The provision of website resources (this included two comments about making current resources clearer)	<ul style="list-style-type: none"> The practice guides are necessarily detailed to cover the wide array of reportable conduct matters. To be overly specific could be seen as being too prescriptive. We strongly encourage entities to contact the team to discuss any queries.
The provision of case studies about managing child safe incidents and working with child protection agencies	<ul style="list-style-type: none"> The e-learning module includes case studies. The ACTO is considering if there is an efficient and effective way to publish a collection of case studies for use by entities. The ACTO is considering if links to relevant factsheets could be sourced through liaison with child protection agencies and made available to entities.
Comments of appreciation	<ul style="list-style-type: none"> The ACTO will continue to offer entities direct email and telephone contact to provide specific individualised guidance and assistance.
Comments about RCS, Child Safe Standards and Safe Churches content aligning and greater reportable conduct consistency across states.	<ul style="list-style-type: none"> The ACTO acknowledges the puzzle-like nature of the child protection framework within the ACT and Australia more broadly and appreciates these complexities are intensifying with the implementation of the Child Safe Standards and other Royal Commission recommendations. The ACTO is considering the most efficient and effective ways to liaise with other child safety organisations to support the achievement of the broader RCS intentions.

Religious bodies unfamiliar with RCS requirements

The ACTO has had a consistent online and physical presence since before the commencement of the RCS, providing tailored advice and a large body of published guidance material.

Despite the availability of this support, several enquiries received during the survey demonstrated that some religious bodies had not previously been aware of the RCS or the related requirements. Other entities who contacted the ACTO during the survey demonstrated a belief that nominating a head of entity and providing these details to the ACTO was sufficient to comply with the requirements of the RCS.

While it appears the survey improved engagement with entities, it is not sector wide and is unlikely to continue without targeted strategies. Interactions with, and feedback received from, entities during the survey, demonstrated that when engagement with the RCS was prioritised by a direct request for information from the ACTO, some entities responded with a willingness and capacity to engage that was not previously evident.

To mitigate the risks of undermining the intention of the RCS through stalled or declining engagement and potential underreporting, the ACTO aims to identify and implement engagement strategies that optimise engagement and reporting while balancing resource availability.

Conclusion and next steps

Based on the survey results, there remains a percentage of religious bodies that do not have policies and practices for recording, reporting and responding to allegations of reportable conduct (11.3%) or the prevention of reportable conduct (7.5%) and are not distributing relevant training material (13.9%).

Based on these results and the portion of the sector that did not respond to the survey, the ACTO must continue encouraging entities in this sector to comply with RCS requirements by developing and implementing reportable conduct policies and procedures and training strategies.

Through analysis of the survey results we have identified four areas requiring strategic engagement:

Liaison: There are organisations that do not meet the definition of a religious designated entity for the purposes of the RCS but work closely with entities that do, on matters of safeguarding and engaging with child protection and government agencies. This area of strategic engagement will focus on liaising with these organisations to promote awareness of and engagement with the RCS within the sector.

Reporting and recording: The survey results indicate that not all entities within this sector currently have procedures for recording reported allegations that do not rise to reportable conduct. Our engagement with other sectors has indicated these results may be reflected across the RCS. When entities document all reported allegations, they are demonstrating a commitment to the intent of the RCS, are actively managing potential risk within the entity and are contributing to the prevention of reportable conduct. The importance of keeping these records and the survey results have prompted the development of RCS wide strategies to promote the development and implementation of these procedures.

Education and awareness raising: Limited visibility of the existence of reportable conduct- specific training and awareness raising within religious designated entities highlights a need to promote the use of ACTO's reportable conduct specific training content across the sector.

Legislated requirements: Analysis of the survey results has confirmed the maturity of entities within the sector has not progressed in a uniformed manner, which has created four groups with varying support needs and risk profiles. These groups are as follows:

1. Engaged – Entities that have relevant policies and practices, engage with the ACTO directly and have reported and investigated allegations of reportable conduct.
2. Responsive – Entities who engaged with the ACTO because of the survey correspondence but the ACTO's visibility of their engagement with the RCS remains limited or is incomplete.
3. Unresponsive – Entities who have not engaged with the ACTO and there is no visibility of their engagement with the RCS.
4. Out of Jurisdiction (OOJ) – Entities that appeared to meet the definition of a religious designated entity but following direct contact have been deemed OOJ. It is important to note that changes to the services that are provided by an entity in the future could change its classification.

As the support and engagement strategies that would benefit each of these groups varies, we intend to ensure efficient allocation of resources to strategies based on greatest need and the most effective mitigation of risk.