

BENEDICTUS CONTEMPLATIVE CHURCH

Reportable Conduct Policy and Procedure

Adopted by Benedictus Council 10 October 2023

Review date: October 2024

Section 1 - Benedictus Ministry to Children and Commitment to Child Safety

1 Benedictus Contemplative Church is an ecumenical Christian community in the contemplative tradition. It respects all faith traditions and welcomes all adults and children who are seeking to deepen their spiritual journey.

2 Children's lives are enriched by experiences that nurture their souls, open their hearts and minds to the presence of love and hope, and offer opportunities for creative expression, sharing stories and even some silence. These experiences foster calmness, connectedness and joy. They equip children to live well in a busy, noisy world.

3 Kaleidoscope is a ministry of contemplative engagement for primary age children at Benedictus. It offers children the opportunity to step out of the busy worlds in which they too live, to spend time reflectively, restfully and creatively.

4 The Kaleidoscope program for primary age children is the only organised children's ministry offered by Benedictus. It operates within the framework of the ACT Ombudsman's Reportable Conduct Scheme (RCS) and all other Commonwealth and ACT applicable legislation. It is offered in the form of a regular retreat afternoon for primary school age children, generally during school holidays or on a weekend.

5 Benedictus recognises more broadly its responsibility at all times for all individuals under 18 years of age. At the time of this policy update, there are no other organised activities for children or youth other than Kaleidoscope.

6 The ACT Reportable Conduct Scheme (RCS) arose from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. It aims to improve child protection within organisations in the ACT, including religious organisations.

7 The RCS is allegation based. If an allegation, on the face of it, suggests that reportable conduct has occurred or may have occurred, it must be notified to the ACT Ombudsman. The threshold for notifying an allegation to the Ombudsman is lower than the threshold for making a finding that reportable conduct occurred. The scheme is designed to ensure that decision-making is transparent and open to scrutiny.

8 The RCS requires certain organisations, including religious entities such as Benedictus, who work with children to:

- report allegations of child abuse and misconduct to the ACT Ombudsman
- develop policies and procedures to prevent and respond to child abuse.

9 Being an organisation committed to the care and welfare of children, the BCC Council has compiled the following procedural statement, in accordance with Pt 2, Div 2.2A of the *Ombudsman Act 1989* (ACT).

Section 2 - Child Safety at Benedictus Contemplative Church Procedures to Assess, Mitigate & Prevent Reportable Conduct

10 The Kaleidoscope program is offered in such a way that children are under the supervision of multiple adults and in a group of children. There are no occasions on which children are left alone out of sight with an adult.

11 Kaleidoscope is currently offered at the facilities of St Ninian's Uniting Church at 150 Brigalow St, Lyneham. This facility offers good space, kitchen and toilets and is a safe, child-friendly, environment. When a child first attends Kaleidoscope, the responsible adult is required to sign their child in, including completing an indemnity form, and provide contact details and any relevant medical information. This information is kept up to date by the Director of Kaleidoscope.

12 Kaleidoscope is led by Karina Harris, an early childhood educator and primary teacher of 30 years' experience, who has worked with children and young people in many contexts. She has had teaching and leadership roles in a variety of educational and community settings, and maintains and updates all necessary professional childcare training and qualifications. She is passionate about fostering children's sense of wellbeing and spirituality. Kaleidoscope is only offered when Karina is available and present. Other leaders supporting Karina have teaching or other relevant qualifications and experience with children or, in the case of youth helpers, are under direct supervision of such a leader.

13 All adult Benedictus volunteers who work with children in the Kaleidoscope setting have a WWVP card. All volunteers are well known to the Director of Kaleidoscope. New volunteers are informed of the practices and expectations of the programme in which they volunteer including before each Kaleidoscope gathering, and, where necessary, given informal coaching and reminders about not being with children alone. There will always be one or more leaders with current first aid training.

14 Ongoing connection to the experience of recent Kaleidoscope sessions is available through an online blog, which is updated, managed and monitored by Karina Harris after each session.

15 Benedictus Contemplative Church is led by Sarah Bachelard and Susanna Pain, who at times may attend Kaleidoscope sessions. Further information about their ministries and the Benedictus community is available on the [Benedictus website](#). Under the RCS legislative scheme, Sarah is the Head of Entity for purposes of RCS reporting with the support of Susanna and the Benedictus Council.

16 Benedictus informs its community of its commitment to child safety, of the existence of this policy and procedure document, and on how to report any reportable conduct. In particular, such informing occurs each year at the Benedictus Annual General Meeting and is a standing item on the AGM agenda.

17 Benedictus is required to maintain records of reportable conduct allegations, as well allegations which do not meet the definition of reportable conduct, as required by the ACT Reportable Conduct Scheme. Electronic records are password-protected and hard copy records are stored in a locked cabinet. Records are maintained by Benedictus Administrative Assistant. Access to records must be authorised by the Head of Entity. All records required by the ACT Reportable Scheme will be retained for at least 45 years. Benedictus will adhere to best-practice principles of recordkeeping as explained by the

ACT Territory Records Office: available on their website [Retain-Institutional-responses-to-child-sexual-abuse-royal-commission-creation-and-retention-of-records.pdf \(act.gov.au\)](#)

18 Any allegations of reportable conduct in relation to a child or children at the Kaleidoscope program may be raised by any one with the Director of Kaleidoscope, the Director of Benedictus as head of entity or with any member of the Benedictus Council.

19 Any allegations of reportable conduct in relation to any child at Benedictus may also be raised with the Director of Benedictus or with any member of the Benedictus Council.

20 To make a reportable allegation or advise of a reportable conviction relating to any aspect of life at Benedictus, as those terms are used in the Reportable Conduct scheme administered by the ACT Ombudsman, please email info@benedictus.com.au to make contact with any of the officeholders listed in clauses 18 and 19. Names and contact details of current Benedictus Council members for such purposes are also available on request via info@benedictus.com.au

21 Further information on the ACT Reportable Conduct Scheme is available via the ACT Ombudsman at:

<https://www.ombudsman.act.gov.au/accountability-and-oversight/reportable-conduct>

Section 3 - Responding to allegations of Reportable Conduct at Benedictus Contemplative Church

22 All office-holders at Benedictus who may receive an allegation of reportable conduct pursuant to clauses 18 or 19 of this document are to be aware that the ACT Ombudsman encourages organisations to contact it as soon as possible upon learning of an allegation or conviction of reportable conduct, whether by formal notification (using the s17G notification form available on its website) or through telephone or email contact. Benedictus's duty to report is outlined in the [ACT Ombudsman Practice Guide No 5: Organisation Responsibilities](#).

23 The ACT Ombudsman's office can be contacted in regard to the Reportable Conduct Scheme via: 5119 5518 or email act@ombudsman.gov.au

24 [Reportable Conduct covers allegations or convictions of child abuse or misconduct toward children \(i.e. individuals under 18 years of age at the time of the alleged conduct\).](#)

25 [An allegation refers to express assertions that reportable conduct by an employee of Benedictus has happened or may have happened \(including a statement or declaration with or without proof\).](#)

26 [An employee is any person engaged by a contract of employment, as well as volunteers and foster carers. For religious bodies, such as Benedictus, this also includes Ministers or leaders; a person under a contract of employment and a person engaged to provide services, such as a volunteer or contractor \(regardless of whether or not they provide service to children\).](#)

27 [The ACT Ombudsman's Practice Guide 2 sets out the definitions and processes associated with identifying Reportable Conduct, including the following:](#)

28 **Reportable conduct includes:**

1. sexual offences and convictions where a child is a victim or is present
2. offences against the person, including physical offences and convictions, where a child is a victim or is present
3. conviction, or finding of guilt, under a territory law or a state or Commonwealth law, involving reportable conduct
4. offences against the Education and Care Service National Law (inappropriate discipline or offences relating to protecting children from harm)
5. ill-treatment of a child (including emotional abuse, hostile use of force/physical contact and restrictive intervention)
6. neglect (including supervisory, carer, abandonment, failure to protect from abuse, reckless acts and emotional)
7. psychological harm
8. misconduct of a sexual nature.

29 **Reportable conduct does not include . . .**

- reasonable discipline, management or care of a child taking into account the characteristics of the child and any relevant code of conduct or professional standard that at the time applied to the discipline, management or care of the child, or
- conduct held to be trivial or negligible after being investigated and recorded as part of workplace procedures, or
- conduct prescribed by regulation.

30 **Examples of behaviour that is not considered reportable include . . .**

- touching a child to attract the child's attention, to guide a child, or to comfort a distressed child
- when a teacher raises his or her voice to attract attention or restore order in a classroom, or
- when there is accidental contact with a child.

31 The ACT Ombudsman's Office sets out the process to be followed in the case of receiving a reportable conduct allegation. Flow charts of this process are provided in Appendix 1 of this document. The Ombudsman's Office also provides a Reportable Conduct Resource Kit including Practice Guides, which details the process more fully.

32 Benedictus Contemplative Church will follow these definitions and processes in receiving and responding to any allegations of reportable conduct in its community. Broadly, the RCS steps are as follows:

- Initial response: assessment and mitigation of risks for all parties associated with an allegation, determining whether a reportable allegation has been received (as per the definitions in the ACT Reportable Conduct Scheme and reproduced in clauses 24 to 30 of this policy), lodging a S17G report with the ACT Ombudsman within 30 days of a reportable allegation, and being in contact with ACT Policing, ACT CYPS and / or other agencies as and if required.
- Investigation and Inquiry: planning and then investigating the allegation at Benedictus.
- Conclusion and Action: making a finding regarding the allegation, including taking appropriate action in response to the allegation at Benedictus, and providing a final S17J report to the ACT Ombudsman.

33 The foundational principles guiding any investigation which Benedictus is required to undertake are specified in the Practice Guides on the ACT Ombudsman's website linked above. The following are integral requirements in working through the process:

- Risk management and planning
- Confidentiality
- Procedural fairness
- Documentation of any and all interviews and discussions
- Attention to legal requirements and care for all parties - including all children and youth, the individual against whom the allegation is made, all other employees and the workplace overall.

34 When an allegation of Reportable Conduct about an employee is received by an office-holder at Benedictus, it is the responsibility of the Director of Benedictus (as Head of Entity) or their delegate to determine if a reportable allegation has been received, as those terms are used in the Reportable Conduct Scheme in the ACT. The Head of Entity for Benedictus Contemplative Church and the relevant delegates are set out in Section 2 above. If any of these parties are unsure how to proceed at any stage of the process, they will seek the advice of the ACT Ombudsman. When receiving reportable allegations relating to activity beyond Kaleidoscope, the Director of Benedictus, or their delegate, will consult with the Director of Kaleidoscope and / or the Office of the ACT Ombudsman as appropriate.

35 In the case of an allegation in relation to Benedictus employees at Kaleidoscope events, it will be referred to the Director of Kaleidoscope if appropriate, or to the Director of Benedictus or their delegate to determine if a reportable allegation has been received, as those terms are used in the Reportable Conduct Scheme in the ACT. If the officer receiving the allegation is unsure how to proceed at any stage of the process, they will seek the advice of the ACT Ombudsman.

36 The RCS requires that even conduct that is not determined to meet the definition of reportable conduct must still be considered by the organisation when an allegation is made. When this occurs, the RCS requires that a record must be made about why the conduct was considered not reportable.

Benedictus must maintain these records which can be audited by the Ombudsman (refer p2 of ACT Ombudsman Practice Guide No.2 Identifying Reportable Conduct). As such, Benedictus will keep a confidential record of reportable allegations [including allegations that are not found to be reportable] and all associated documentation in accordance with the principles set out at clause 17 of this document. These documents will only be disclosed if legally required.

37 Other critical features of the ACT RCS scheme which all Benedictus office-holders and the Benedictus community need to be aware of include:

- a requirement to report to, and work with, other appropriate organisations in relation to a reportable conduct allegation. These may include ACT Policing, Child Youth Protection Services and Access Canberra (Working with Vulnerable People).
- any potentially criminal activity needs to be reported directly and immediately to ACT Policing, and / or Child and Youth Protection Services. Benedictus will not continue RCS investigations until the relevant organisation provides clearance to do so.
- a responsibility to educate employees about the Reportable Conduct Scheme. At Benedictus, in addition to Kaleidoscope volunteers, this includes raising the awareness of all members of the community about child safety and the RCS, including by way of a standing agenda item at the Annual General Meeting.

Source: ACT Ombudsman's E-learning module

Responding to an allegation of reportable conduct

When an organisation becomes aware of an allegation of reportable conduct it must take the following steps.



ACT OMBUDSMAN'S REPORTABLE CONDUCT PROCESS

