



Western Australia's Reportable Conduct Scheme: A review of systems to protect children

April 2025

About this Report

This report is available in print and electronic viewing format to optimise accessibility and ease of navigation. It can also be made available in alternative formats to meet the needs of people with disability. Requests should be directed to the publications team.

Requests to reproduce any content from this report should be directed to the publications team at (08) 9220 7555 or mail@ombudsman.wa.gov.au

Content must not be altered in any way and Ombudsman Western Australia must be acknowledged appropriately.

Contact Details

Street Address

Level 2, 469 Wellington Street
PERTH WA 6000

Postal Address

PO Box Z5386 St Georges Terrace
PERTH WA 6831

Telephone: (08) 9220 7555 or 1800 117 000 (free from landlines)

Translating and Interpreting Service (TIS National): 131 450
(for people who need an interpreter)

National Relay Service: 1800 555 660 Quote 08 9220 7555
(for people with a voice or hearing impairment)

Facsimile: (08) 9220 7500

Email: mail@ombudsman.wa.gov.au

Web: www.ombudsman.wa.gov.au

ISBN (Print): 978-0-6456031-2-5

ISBN (Online): 978-0-6456031-3-2

First published by Ombudsman Western Australia in April 2025.

The office of the Ombudsman acknowledges Aboriginal and Torres Strait Islander people of Australia as the traditional custodians of Australia. We recognise and respect the exceptionally long history and ongoing cultural connection Aboriginal and Torres Strait Islander people have to Australia, recognise the strength, resilience and capacity of Aboriginal and Torres Strait Islander people and pay respect to Elders past, present and emerging.

CONTENT WARNING

This report contains information about child abuse that may be distressing.

Contents

Foreword.....	5
1. Introduction.....	7
1.1. About the Ombudsman	7
1.2. About the Reportable Conduct Scheme.....	7
1.3. Organisations must have certain systems in place	10
1.4. Increasing awareness and understanding of system requirements	11
2. Notifications to the Ombudsman.....	15
2.1. Number of notifications	15
2.2. Types of allegations	16
3. Sector specific analyses	21
3.1. Overview of analyses	21
3.2. Education sector	21
3.3. Early childhood education and care sector	25
3.4. Out-of-home care sector	28
4. Systems self-assessment survey administration	31
4.1. Survey design and administration approach	31
4.2. Survey follow-up	31
4.3. Survey response rates	32
4.4. Survey respondent demographics	33
5. Systems self-assessment survey results.....	35
5.1. System One – Preventing Reportable Conduct	35
5.2. System Two – Reporting to the organisation and to the Ombudsman	39
5.3. System Three – Notifying the Ombudsman	44
5.4. System Four – Investigating Reportable Conduct.....	49
5.5. System Five – Receipt, handling and disclosure of investigation information	54
5.6. Overall results and barriers to compliance	59
Appendix: Systems self-assessment survey.....	65

This page has been intentionally left blank.

Getting help and finding support



If a life is in danger, or someone you know is at immediate risk of harm, call 000

Department of Communities:

- **Central Intake Team:** 1800 273 889 – if you are concerned about a child's wellbeing.
- **Crisis Care:** 1800 199 008 – after-hours response to reported concerns for child safety and wellbeing, and information for people experiencing crisis.

Counselling and support services

Child and Adolescent Mental Health Service Crisis Connect: 1800 048 636

provides phone and online videocall support for children and young people experiencing a mental health crisis as well as support and advice to families and carers, available 24 hours a day, seven days a week across the Perth metro area.

Kids Helpline: 1800 55 1800 or kidshelpline.com.au

24-hour telephone and web chat support for kids, teens and young adults from 5 to 25 years and their parents, carers, teachers, and schools.

headspace: headspace.org.au/ehespace

free telephone and online support and counselling for children and young people 12 to 25 years, their families and friends.

Beyond Blue: 1300 22 4636 or beyondblue.org.au

provides free support via phone and webchat (24 hours a day, seven days a week) and responds to emailed questions about mental health resources within 24 hours.

Blue Knot Foundation: 1300 657 380 or blueknot.org.au

provides support to adult survivors of childhood trauma and abuse; parents; partners; family and friends as well as the professionals who work with them (seven days a week, 9am-5pm AEST/AEDT).

knowmore: 1800 605 762 or knowmore.org.au

provides free legal advice and support for survivors of child sexual abuse, including assisting individuals to consider their options regarding compensation, redress and other legal matters related to abuse (Mon - Fri 9am to 5pm AEST/AEDT).

Further resources and support can be found on the [Department of Communities website](#).

Reportable Conduct Scheme information and advice

- If you have any questions about the Reportable Conduct Scheme, please contact the Western Australian Ombudsman enquiries line on (08) 9220 7471, visit the [Ombudsman's website](#) or email reportableconduct@ombudsman.wa.gov.au.
- If your organisation needs to notify the Ombudsman of a reportable allegation or reportable conviction, please use the Ombudsman's [notification form](#).

This page has been intentionally left blank.

Foreword

The Western Australian Reportable Conduct Scheme commenced on 1 January 2023. The Scheme compels organisations to notify the Ombudsman of allegations and convictions of child abuse by their employees and then investigate these allegations. The Ombudsman oversees these investigations.

The Scheme applies to organisations in a range of settings, including schools, religious institutions, childcare centres, hospitals, detention centres and out-of-home care. Organisations covered by the Scheme must have systems in place for preventing, notifying and dealing with allegations of 'reportable conduct'. Implementation of these systems is fundamental to the protection of children and compliance with the Scheme's requirements.

This report details allegations notified to the Ombudsman over the first 18 months of the Scheme as well as findings of a survey completed by 1,191 organisations on their compliance with requirements to have systems in place. This is intended to build capacity in organisations as well as inform Parliament of the operation of the Scheme.

Notifications under the Scheme continue to increase, though our analysis suggests there is likely to be under-reporting. As the number of notifications to the office of the Ombudsman has already been higher than anticipated, we will need to continue to direct our limited resources in a way that maximises child safety.

Our survey indicates that awareness and understanding of this Scheme is still developing. Overall, 72.6 per cent of organisations reported at least partially implementing all required systems. This includes 39.3 per cent reporting they have fully implemented all required systems. Areas where improvement is required include:

- the lack of integration of the Scheme into the reporting systems of organisations;
- the readiness of organisations to investigate allegations of reportable conduct; and
- the adequacy of procedures in place for the storage, access and disclosure of investigation information.

While we observed examples of comprehensive and effective systems, for many organisations their journey to comply with the Scheme's requirements is just commencing. Organisations are therefore encouraged to reflect upon the observations and areas for improvement set out in this report when establishing or reviewing their systems under the Scheme. The Office's dedicated enquiries line, as well the guidance available on the Ombudsman's website, can further guide the implementation of systems.

The office of the Ombudsman will continue to support and educate organisations to enhance awareness and understanding of the Scheme. However, as this report demonstrates some organisations are not complying with key parts of the Scheme, we will closely monitor these issues and work with organisations to improve the level of compliance.

David Robinson
DEPUTY OMBUDSMAN

Acting as the Ombudsman under section 6A of the *Parliamentary Commissioner Act 1971*

This page has been intentionally left blank.

1. Introduction

1.1. About the Ombudsman

The Parliamentary Commissioner for Administrative Investigations – more commonly known as the Ombudsman – is an independent and impartial officer of the Western Australian Parliament. The Ombudsman is responsible to the Parliament rather than to the government of the day or a particular Minister. This allows the Ombudsman to be completely independent in undertaking the Ombudsman's functions.

The Office of the Ombudsman (**the Office**) has six principal functions derived from the *Parliamentary Commissioner Act 1971 (the Act)* and other legislation, codes and service delivery arrangements. The Office:

- receives, investigates and resolves complaints about State Government agencies, local governments and universities;
- reviews child deaths and family and domestic violence fatalities;
- undertakes own motion investigations;
- undertakes a range of additional functions, including statutory inspection and monitoring functions;
- undertakes the **Reportable Conduct Scheme**; and
- is the Western Australian Charitable Trusts Commission.

1.2. About the Reportable Conduct Scheme

1.2.1. Overview of the Reportable Conduct Scheme

The *Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission)* highlighted the numerous times and ways in which children reported abuse and were not believed, or no action was taken. The Royal Commission recommended that States and Territories establish reportable conduct schemes to prevent harm to children by holding organisations accountable for the conduct of their staff.¹

Reportable conduct schemes support people to speak up about concerning behaviours, helps prevent child abuse and improves systems and processes of organisations for preventing and dealing with complaints and reports of abuse about their staff.

Western Australia's Reportable Conduct Scheme (**the Scheme**) commenced on 1 January 2023, following amendments to the Act. The Scheme compels heads of organisations that exercise care, supervision or authority over children to notify allegations of, or convictions for, child abuse by their employees to the Ombudsman and then investigate these allegations. The Ombudsman monitors, oversees and reviews these investigations.

¹ Recommendations 7.9 – 7.12 of the Royal Commission's Final Report related to the establishment of nationally consistent reportable conduct schemes. All four recommendations were accepted in principle by the (then) Western Australian Government. See *Western Australian Government six-month response to recommendations of the Royal Commission into Institutional Responses to child sexual abuse*, Accessed 17 February 2025, <<https://www.wa.gov.au/government/publications/the-wa-governments-six-month-response-recommendations-of-the-royal-commission-institutional-responses-child-sexual-abuse> >

1.2.2. Coverage of the Reportable Conduct Scheme

The Royal Commission recommended that reportable conduct schemes cover institutions that:

- exercise a high degree of responsibility for children
- engage in activities that involve a heightened risk of child sexual abuse, due to institutional characteristics, the nature of the activities involving children, or the additional vulnerability of the children the institution engages with.²

The organisations covered by the Scheme reflect those recommended by the Royal Commission, namely:

- Western Australian Government departments and authorities, including local governments;
- child protection and out-of-home care services;
- early childhood education and care services;
- education services;
- health services;
- justice and detention services;
- accommodation and residential services;
- religious institutions; and
- disability services.

The Scheme does not apply to organisations that do not exercise care, supervision or authority over children.

Organisations covered by the Scheme are required to notify the Ombudsman and investigate 'reportable allegations' and 'reportable convictions' involving the organisation's employees³:

- A **reportable allegation** is any information that leads a person to form the belief on reasonable grounds that an employee of an organisation covered by the Scheme has engaged in 'reportable conduct', whether or not the conduct is alleged to have occurred in the course of the employee's employment.
- A **reportable conviction** is, in summary, a conviction for an offence of a sexual nature committed against, with, or in the presence of a child.

The Scheme includes the following types of reportable conduct:

- sexual offences (against, with or in the presence of, a child);
- sexual misconduct (against, with or in the presence of, a child);
- physical assault (against, with or in the presence of, a child);
- significant neglect of a child; and

² Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 7, Improving institutional responding and reporting*, 2017, p. 25.

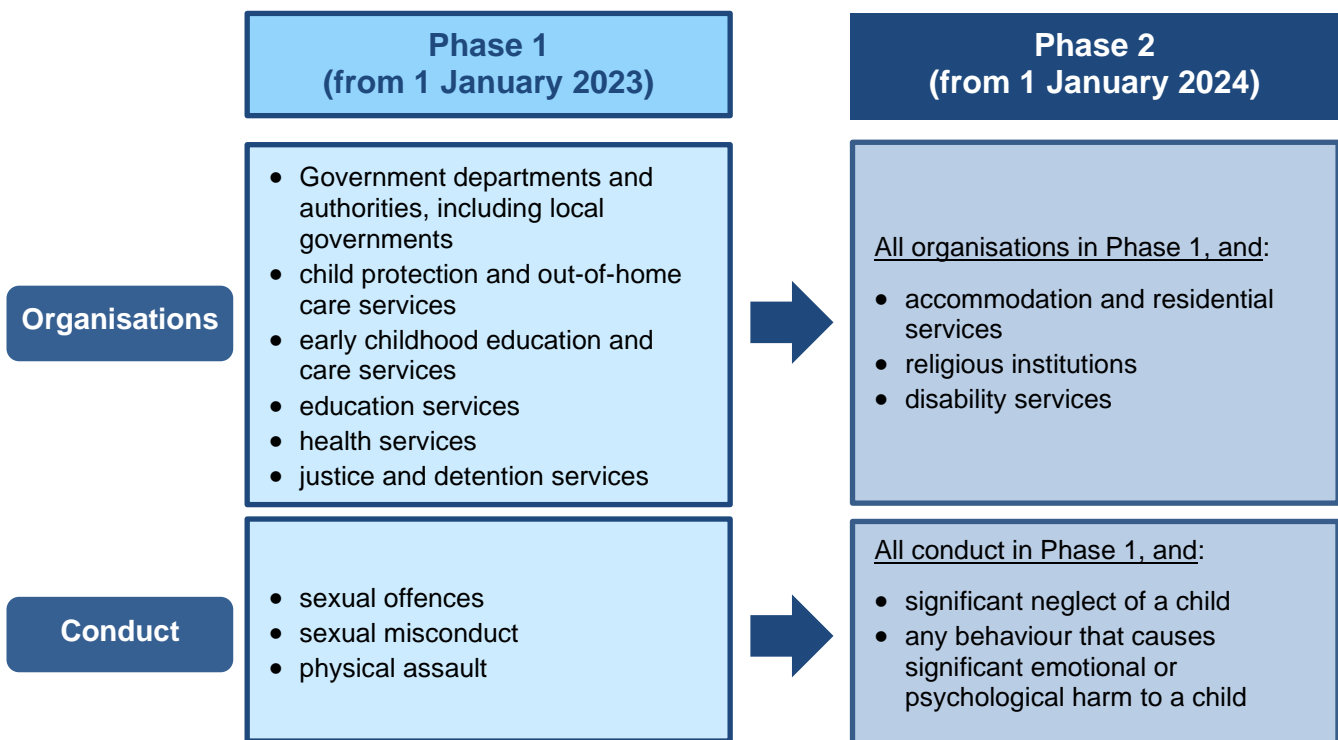
³ For further information on who are employees under the Scheme, please refer to the Ombudsman's information sheet, *Information for Employees*

- any behaviour that causes significant emotional or psychological harm to a child.

Conduct that forms part of normal professional duties is not reportable conduct. For example, an employee restraining a child to prevent that child from hurting themselves or others would not need to be reported to the Ombudsman, as long as the employee's conduct was consistent with relevant codes of conduct or professional standards that applied at the time.⁴

There was a phased commencement of the Scheme over two years to assist organisations to prepare for the new requirements. Both the types of conduct and types of organisations covered by the Scheme were subject to this phased commencement approach, as set out in Figure 1.

Figure 1: Phased commencement of the Reportable Conduct Scheme



Source: Ombudsman Western Australia

1.2.3. The role of the Ombudsman under the Reportable Conduct Scheme

The Ombudsman carefully considers each notification that it receives under the Scheme and based on the information available, may:

- give guidance and feedback to the organisation responding to the allegation;
- request certain documents and information to verify that the organisation is handling the allegation in an appropriate and timely manner;
- grant an exemption to the organisation from commencing or continuing an investigation; and/or
- undertake an investigation and make recommendations to the organisation.

⁴ For further information on the scope of conduct covered by the Scheme, please refer to the Ombudsman's information sheet, [Identifying Reportable Conduct](#).

As part of its oversight and monitoring role, the Ombudsman may also share information to better prevent and protect children from abuse, including with the Working with Children Screening Unit of the Department of Communities, relevant regulators and the WA Police Force.

1.3. Organisations must have certain systems in place

1.3.1. The importance of systems

The Royal Commission identified shortcomings in institutional policies and procedures for preventing and responding to allegations of child abuse:

In our case studies, consultations and commissioned research we found that some institutions had no policies to guide staff about how to respond effectively to child sexual abuse complaints. In other instances, government or institutional policies existed but were inadequate.

...

For example, in *Case Study 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton* the Marist Brothers acknowledged that before the 1990s they had no written policies or procedures for the handling of child sexual abuse complaints.

...

The lack of an adequate complaint handling policy requiring the Marist Brothers to record all child sexual abuse complaints, investigate these complaints and take appropriate disciplinary action, was one of the factors that enabled Brothers Chute and Sutton to continue to sexually abuse children for many years after the initial complaints were made.⁵

Consistent with the findings of the Royal Commission, the Act requires organisations covered by the Scheme to have systems in place to prevent reportable conduct and to respond to reportable allegations and reportable convictions relating to their employees. Systems may comprise, for example, the policies, procedures and practices of the organisation.

The types of systems organisations are required to have in place are set out in section 19R of the Act:

19R. Head of relevant entity must ensure systems in place

The head of a relevant entity must ensure that the relevant entity has in place —

- (a) a system for preventing reportable conduct by employees of the relevant entity in the course of their employment; and
- (b) a system for enabling any person, including an employee of the relevant entity, to report to the head of the relevant entity a reportable allegation or reportable conviction involving an employee of the relevant entity; and
- (c) a system for enabling any person, including an employee of the relevant entity, to report to the Commissioner a reportable allegation or reportable conviction involving the head of the relevant entity; and

⁵ Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 7, Improving institutional responding and reporting*, 2017, pp. 153-154.

- (d) a system for notifying the Commissioner of a report to the head of the relevant entity of a reportable allegation or reportable conviction involving an employee of the relevant entity; and
- (e) a system for investigating a reportable allegation or reportable conviction relating to an employee of the relevant entity and taking appropriate action in response to a finding of reportable conduct; and
- (f) a system for the receipt, handling and disclosure of investigation information.⁶

The Royal Commission further recommended that oversight bodies for reportable conduct schemes have powers and functions to scrutinise institutional systems.⁷ The Royal Commission noted:

A critical function of an oversight body under a reportable conduct scheme is to scrutinise institutional complaint handling systems. This function allows the oversight body to engage with institutions in a way that is not linked to any particular instance of reportable conduct.⁸

Consistent with the Royal Commission's recommendation, the Ombudsman has a function under the Act to 'monitor systems for preventing, notifying and dealing with reportable conduct' and is empowered to require information about an organisation's systems.⁹ The Ombudsman may also make recommendations for action to be taken by an organisation in relation to their systems.¹⁰ These powers enable the Ombudsman to proactively identify and seek to address issues with the systems of organisations so that children are better protected.

1.4. Increasing awareness and understanding of system requirements

1.4.1. The current project

This project was initiated in recognition of the need to promote greater awareness and understanding of the requirements to have systems in place under the Scheme. The preparation of this report, which is intended to build capacity in organisations as well as to inform Parliament of the operation of this recently implemented Scheme, is consistent with the Ombudsman's education and reporting functions.¹¹

This report is divided into five chapters:

- Chapter 1 is the introduction, which provides an overview of the Scheme and the current project.
- Chapter 2 consists of a detailed analysis of reportable allegations notified to the Office between 1 January 2023 and 30 June 2024. This includes analysis of the types of conduct and sectors subject to notifications.
- Chapter 3 presents additional analyses for sectors responsible for the greatest number of notifications of reportable allegations, namely education, early childhood education

⁶ *Parliamentary Commissioner Act 1971*, s. 19R.

⁷ Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 7, Improving institutional responding and reporting*, 2017, p. 24.

⁸ Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 7, Improving institutional responding and reporting*, 2017, p. 271.

⁹ *Parliamentary Commissioner Act 1971*, ss. 19M(1)(i), 19S(1).

¹⁰ *Parliamentary Commissioner Act 1971*, s. 19S(3).

¹¹ *Parliamentary Commissioner Act 1971*, s 19M(1)(b), (c) and (j).

and care and out-of-home care. Chapter 3 is intended to inform organisations of areas of risk so that child abuse prevention efforts can be tailored accordingly.

- Chapter 4 provides an overview of the methodology and demographics for a systems self-assessment survey administered to organisations covered by the Scheme.
- Chapter 5 summarises the findings of the systems self-assessment survey. This includes the extent of compliance, and the approaches taken to achieve compliance, with respect to the Act's requirement to have systems under place under the Scheme. Chapter 5 provides examples of good practice and areas for improvement and is intended to assist organisations to strengthen their systems, taking into account their individual circumstances.

Given the education and capacity building focus of this report, it does not identify non-compliance in individual organisations. Instead, the report includes nine observations, which represent thematic issues and areas of particular concern. The report also contains a series of guidance notes and identified areas for improvement to support organisations that are establishing or reviewing their systems.

1.4.2. Methodology

To undertake this project, the Office:

- undertook extensive analysis of 889 notifications of reportable allegations from the first 18 months of operation of the Scheme;¹²
- developed and administered an online self-assessment survey to organisations identified as covered or potentially covered by the Scheme, receiving responses from 1,191 organisations (see section 4.1 for further information on the survey methodology);
- undertook detailed analysis of the results of the self-assessment survey;
- conducted further risk-based testing and analysis of the systems and practices of 39 organisations to evidence responses to the survey and to identify, in further detail, areas of good practice and where improvement is required;
- prepared a non-identified report that provided:
 - the results of detailed analyses of notifications and allegations, including comparisons by sectors and types of conduct;
 - an initial picture of organisations' compliance with the Act, along with examples of good practice and areas for further improvement;
 - nine observations that represent thematic issues and areas of particular concern; and
- undertook further analysis of alleged victims and subjects of allegations, which is available as a separate document on the Ombudsman's website.

¹² Notification data was extracted on 9 September 2024. As the data is from a live database, it is subject to change over time.

Figure 2: The current project, by the numbers



889

Number of notifications to the Ombudsman between 1 January 2023 and 30 June 2024



1,441

Number of allegations contained within notifications provided to the Ombudsman



1,191

Number of surveys submitted to the Ombudsman



6,306

Number of pages of policies and procedures reviewed



9

Number of observations made in this report

This page has been intentionally left blank.

2. Notifications to the Ombudsman

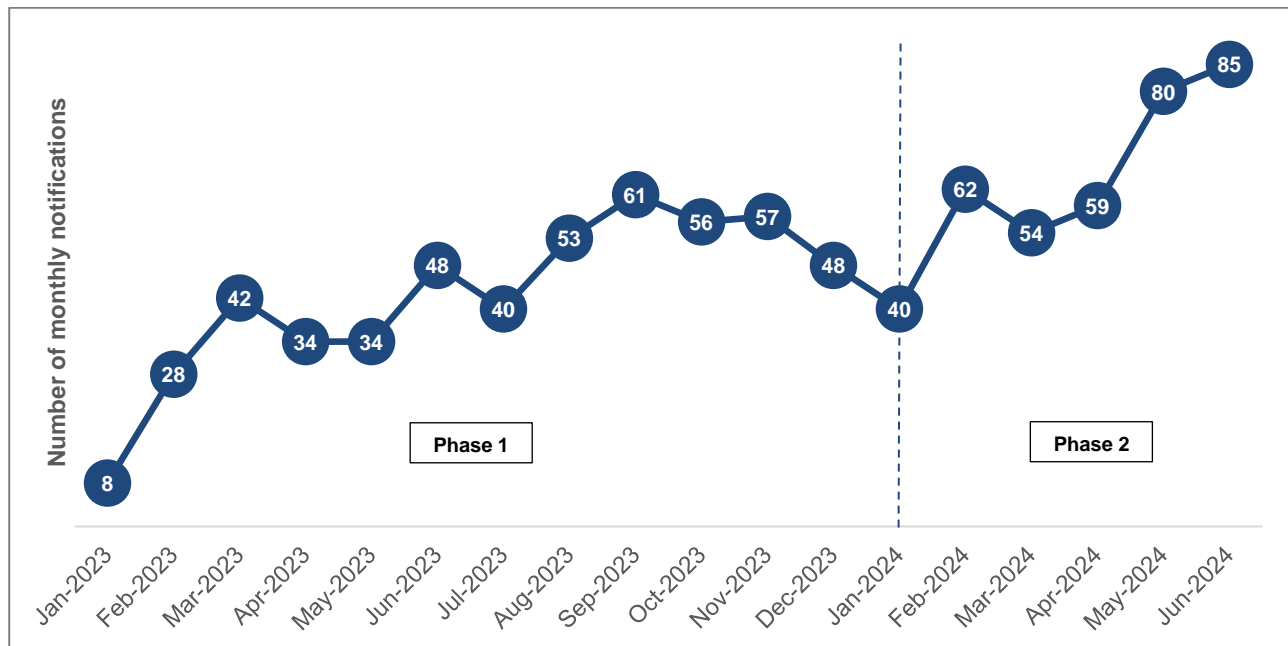
2.1. Number of notifications

2.1.1. Notifications received

The Scheme requires organisations to notify the Ombudsman of reportable allegations and reportable convictions. Between 1 January 2023 and 30 June 2024 (**the reporting period**), the Ombudsman received 889 notifications of reportable allegations. The Ombudsman did not receive a notification of a reportable conviction during the reporting period.

The number of monthly notifications increased substantially since the commencement of the Scheme, from eight notifications in January 2023 to 85 notifications in June 2024. This increase in notifications does not necessarily reflect increasing prevalence of child abuse but rather developing awareness and understanding of the Scheme's requirements.

Figure 3: Notifications of reportable allegations per month, January 2023 – June 2024



Source: Ombudsman Western Australia

2.1.2. Notifications by sector

As set out in Table 1 below, nearly nine out of every 10 notifications (87.6%) during the reporting period were from the education, out-of-home care and early childhood education and care sectors.¹³ These results are broadly consistent with other reportable conduct schemes in Australia with comparable data.¹⁴ These three sectors comprise 84 per cent of all notifications in the ACT, 85 per cent in Victoria and 73 per cent in Tasmania.¹⁵

¹³ Analyses in this report relate to notifications of reportable allegations. It is important to note that these matters have not necessarily been substantiated by an investigation.

¹⁴ Reportable Conduct Schemes are also in place in New South Wales, Victoria, the Australian Capital Territory and Tasmania. Due to differences in legislation, comparable data is not necessarily available in relation to all elements of the Scheme.

¹⁵ Commission for Children and Young People (Victoria), *Annual Report 2023-24*, 2024, Melbourne, pp. 102-103; ACT Ombudsman, *Annual Report 2023-24*, 2024, Canberra, p. 46; Office of the Independent Regulator (Tasmania), *Annual Report 2023-24*, Hobart, p. 29.

Table 1: Notifications of reportable allegations by sector, January 2023 – June 2024

Phase	Sector	Number of notifications	% of Notifications
Phase 1 (from 1 January 2023)	Education service	376	42.3%
	Out of home care service	217	24.4%
	Early childhood education and care service	186	20.9%
	Public body	52	5.8%
	Youth justice service	27	3.0%
	Health service	18	2.0%
Phase 2 (from 1 January 2024)	Disability service	5	0.6%
	Accommodation or respite service	4	0.4%
	Religious body	4	0.4%
Total		889	100%

Source: Ombudsman Western Australia

Phase 2 organisations are, at this early stage of their coverage by the Scheme, likely under-represented in notifications to the Ombudsman. For example, the sectors in Phase 2 of the Scheme were responsible for 11 per cent of notifications in Tasmania and 9 per cent of notifications in Victoria while in Western Australia they were responsible for 1.4 per cent of notifications.¹⁶

2.2. Types of allegations

Notifications to the Ombudsman may contain multiple allegations. Multiple allegations in a single notification may occur if there are multiple:

- instances of conduct;
- alleged victims; and/or
- types of conduct.

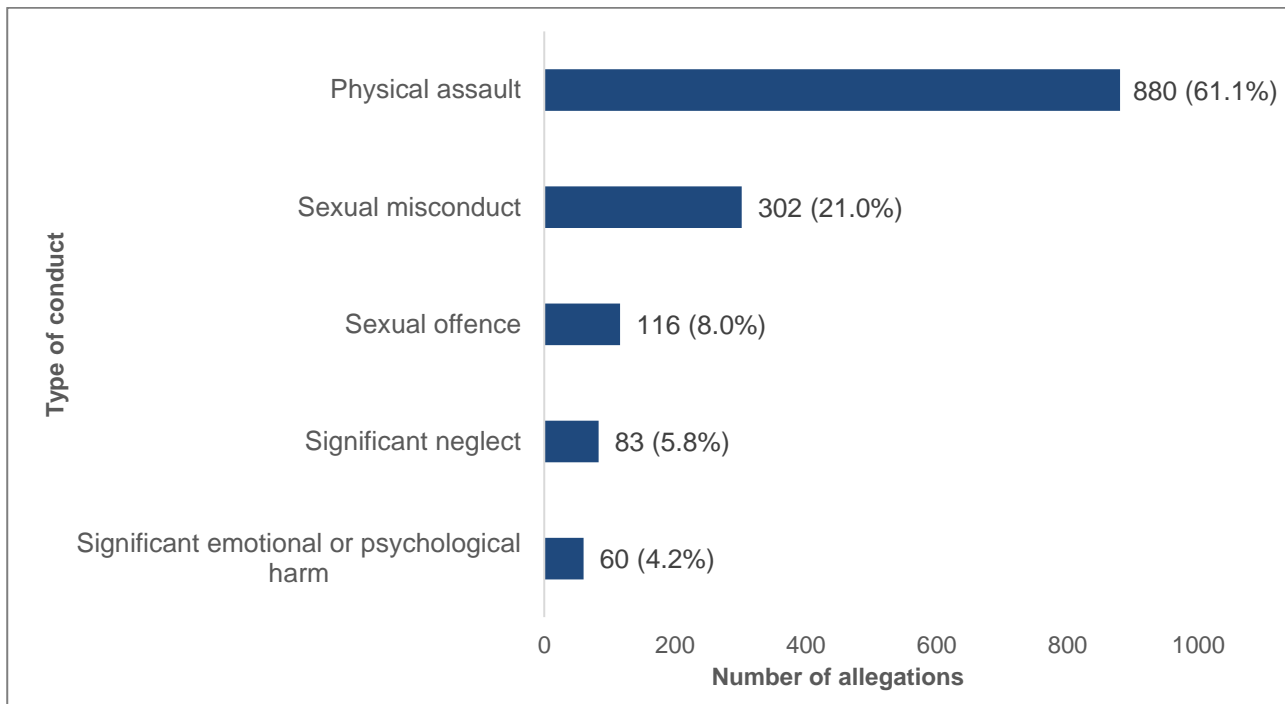
During the reporting period, 1,441 allegations were received for 865 notifications within the scope of the Scheme (24 notifications were deemed 'out of jurisdiction' and excluded from analyses).¹⁷ Most notifications (71.0%) had a single allegation, with the maximum number of allegations per notification being 17.

The number of allegations for each type of conduct is set out in Figure 4.

¹⁶ Commission for Children and Young People (Victoria), *Annual Report 2023-24*, 2024, Melbourne, p. 103; Office of the Independent Regulator (Tasmania), *Annual Report 2023-24*, Hobart, p. 29.

¹⁷ An out of jurisdiction notification does not meet the definition of reportable conduct. For example, the alleged victim is not a child or the subject of allegation is not an employee of an entity covered by the Scheme.

Figure 4: Number of allegations, by type of conduct, January 2023 – June 2024



Source: Ombudsman Western Australia

Most allegations (61.1%) during the reporting period were of physical assault. In 2023-24, physical assault was similarly the most common type of alleged conduct in the Victorian, New South Wales and Tasmanian reportable conduct schemes and was the second most common type of conduct in the ACT.¹⁸ The proportion of allegations that were of physical assault was considerably higher in Western Australia than other jurisdictions.¹⁹

Sexual misconduct was the next common type of conduct, comprising 21 per cent of allegations during the reporting period. The types of conduct introduced from 1 January 2024 were, as would be expected, less commonly notified to the Ombudsman.

As set out in Figure 5, certain types of conduct were more frequently the subject of allegations in certain sectors. The following observations can be made:

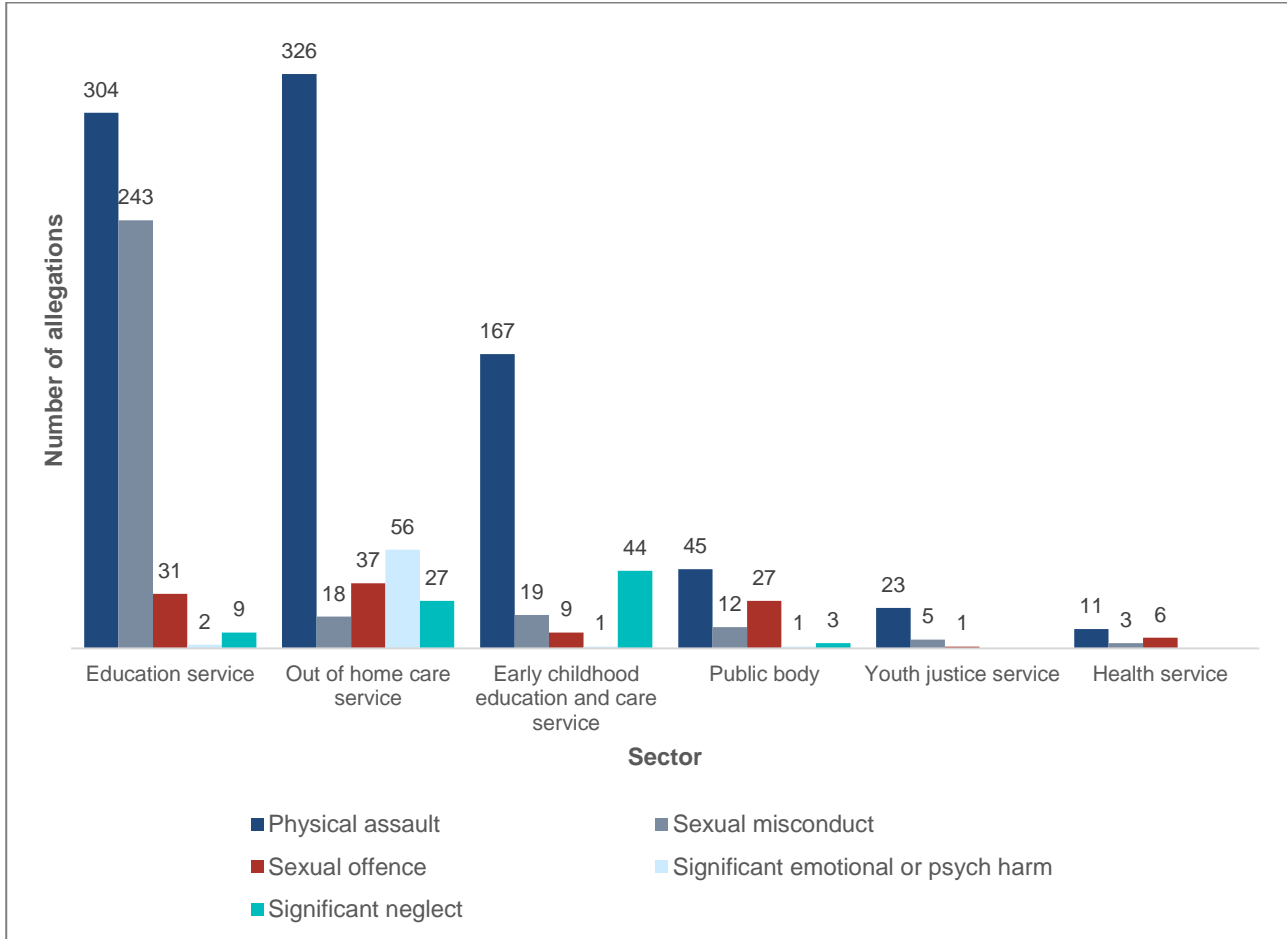
- 90 per cent of all physical assault allegations were from the education, out-of-home care and early childhood education and care sectors;
- 70 per cent of allegations in both the out-of-home care and early childhood education and care sectors were of physical assault;
- 80 per cent of all sexual misconduct allegations were from the education sector;
- 93 per cent of all significant emotional or psychological harm allegations were from the out-of-home care sector; and

¹⁸ In the 2023-24 financial year, allegations of physical assault comprised 25% of allegations in ACT (defined as ill-treatment, hostile use of force), 35% of allegations in Victoria (defined as physical violence), 35% in Tasmania (defined as physical violence) and was the primary allegation in 30% of notifications in New South Wales. See Commission for Children and Young People (Victoria), *Annual Report 2023-24, 2024*, Melbourne, p. 104; ACT Ombudsman, *Annual Report 2023-24, 2024*, Canberra, p. 48; Office of the Children's Guardian (New South Wales), *Annual Report 2023-24, 2024*, Sydney, p. 40. Office of the Independent Regulator (Tasmania), *Annual Report 2023-24*, Hobart, p. 7.

¹⁹ This was the case even after taking into account the shorter timeframe that significant neglect and behaviour that causes significant emotional or psychological harm have been included in the Scheme.

- 53 per cent of all significant neglect allegations were from the early childhood education and care sector.

Figure 5: Types of reportable allegations received by sector, January 2023 – June 2024²⁰



Source: Ombudsman Western Australia

Unexpectedly, there were no allegations of significant neglect from the health or youth justice service sectors during the reporting period. As an example, it is observed that 19 per cent of youth justice service sector allegations and 25 per cent of health service sector allegations were of significant neglect in the Victorian reportable conduct scheme.²¹

Similarly, behaviour that causes significant emotional or psychological harm comprised one in five allegations in Victoria and ‘emotional abuse’ was the most common type of conduct in the ACT.²² The lower-than-expected number of allegations may reflect a still developing understanding of these more complex conduct types.

Overall, given the recent implementation of the Scheme and the Office’s ongoing outreach activities, it is anticipated that the number of notifications will continue to increase over time as understanding of the Scheme further improves.

²⁰ Phase 2 organisations have been excluded from Figure 5 due to the small number of allegations.

²¹ Commission for Children and Young People (Victoria), *Annual Report 2023-24, 2024*, Melbourne, pp. 106-107.

²² Commission for Children and Young People (Victoria), *Annual Report 2023-24, 2024*, Melbourne, p. 104; ACT Ombudsman, *Annual Report 2023-24, 2024*, Canberra, p. 48

Observation 1

Between January 2023 and June 2024, the number of notifications to the Ombudsman increased from 8 per month to 85 per month. Notifications are expected to continue to increase given certain types of conduct and sectors appear to be under-represented.



Guidance Note: Coverage of the Scheme

Only specific types of organisations that have children (persons under 18 years of age) under their care, supervision or authority are covered by the Scheme.²³ In many cases it will be clear whether an organisation exercises care, supervision or authority over children. Sometimes, however, it can be more difficult to determine. Organisations should note that the following factors are not relevant considerations in determining coverage by the Scheme:

- The proportion of child versus adult clients of the organisation;
- Whether the services to children comprise a primary, secondary or peripheral function of the organisation; or
- The size of the organisation, including whether the entity is a 'sole trader'.

Organisations are also not necessarily exempt from the Scheme if they provide services to children while a parent/guardian is present (for example, a disability service providing an intervention or support to a child may still exercise care of a child while a parent/guardian is present). Given the potential complexities of determining the Scheme's coverage, organisations are encouraged to contact the Ombudsman's dedicated enquiries line or seek their own legal advice if further clarification is required.

²³ The types of organisations covered by the Scheme are set out in Schedule 2 of the Act. Further information on the types of organisations covered by the Scheme can be found in the Ombudsman's information sheet, [About the Reportable Conduct Scheme](#).

This page has been intentionally left blank.

3. Sector specific analyses

3.1. Overview of analyses

This chapter provides additional analyses of notifications to the Ombudsman from the education, early childhood education and care and out-of-home care sectors. As set out in section 2.1.2, these three sectors accounted for nearly nine out of every 10 notifications (87.6%) during the reporting period.

These analyses are intended to provide helpful insights into conduct reported to the Ombudsman and include:

- characteristics of alleged victims;
- the circumstances of the most common allegation types; and
- example allegations notified to the Ombudsman.

Given that each allegation has not necessarily been the subject of an investigation and the information provided to the Ombudsman was of variable quality (see section 5.3.4), these additional analyses should be interpreted with these limitations in mind.



The information contained in this chapter may be distressing. The symbol to the left has been placed above examples of allegations provided to the Ombudsman to warn readers of content that may be particularly distressing.

3.2. Education sector

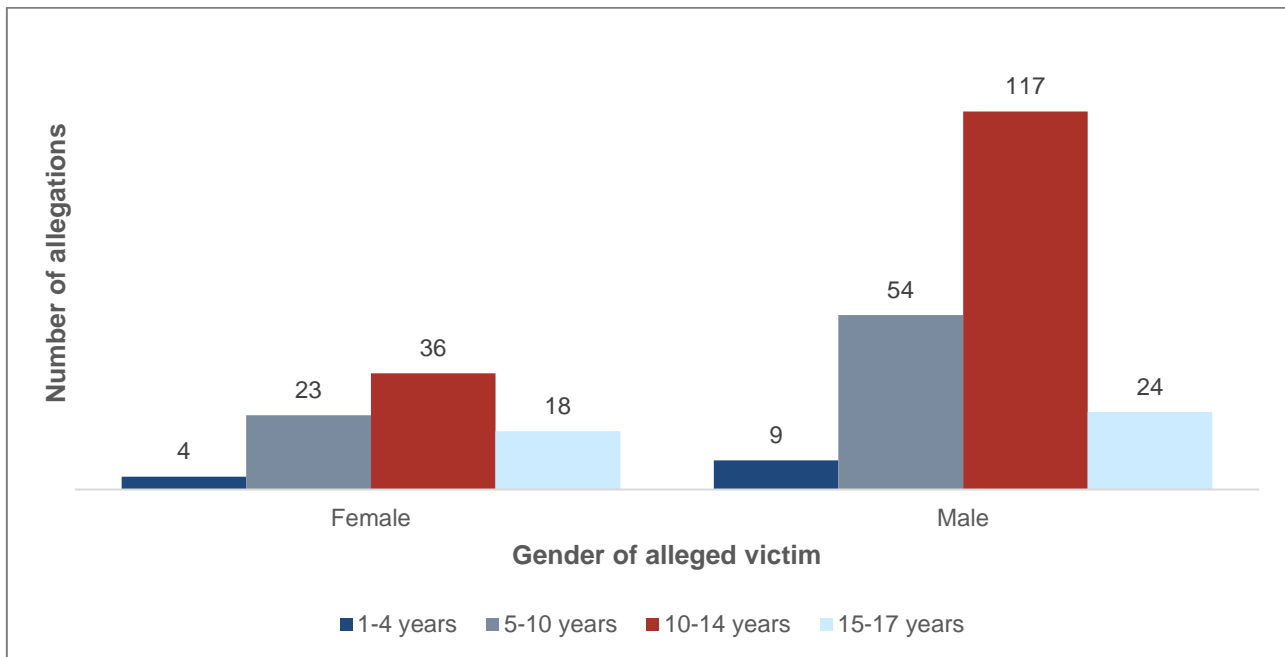
3.2.1. Characteristics of alleged victims – physical assault

There were 304 allegations of physical assault in the education sector during the reporting period. Of these 304 allegations:

- more than two-thirds (69.1%) involved a male alleged victim; and
- over half (53.1%) where the age of the alleged victim was known involved a child aged between 10 to 14 years old.²⁴

As shown in Figure 6, the number of allegations involving a female alleged victim demonstrated limited variability across age groups. For allegations of physical assault involving a male alleged victim, the number of physical assaults increased with age, peaking at 10 to 14 years and then declining thereafter.

²⁴ Unique victims were unable to be identified from the data. Accordingly, data and analyses on victims relates to an analysis of allegations rather than unique victims.

Figure 6: Number of physical assault allegations in the education sector, by age and gender of alleged victim, January 2023 to June 2024²⁵

Source: Ombudsman Western Australia

Information on whether an alleged victim had a disability was available for allegations from the education sector and so further analyses were undertaken on the prevalence of disability in alleged victims of physical assault. Nearly one-third (32%) of physical assault allegations in the education sector involved a child with disability, most commonly autism spectrum disorder and/or attention deficit hyperactivity disorder.

Given that an estimated 7.5 per cent of children in Western Australia have a reported disability,²⁶ the results indicate an over-representation of children with disability in physical assault allegations in the education sector. A similar over-representation of children with disability in reportable conduct notifications was identified in New South Wales, with 33 per cent of assault allegations involving a child with disability.²⁷

Observation 2

Children with disability are over-represented in physical assault allegations in the education sector.

3.2.2. Circumstances of allegation – physical assault

Most physical assault allegations in the education sector (72.7%) involved an employee grabbing, pulling and/or pushing a child. Other types of contact included:

²⁵ The alleged victim's age and/or gender was unknown for 19 allegations.

²⁶ See Commissioner for Children and Young People Western Australia, *Profile of Children and Young People in WA 2024*, Commissioner for Children and Young People WA, Perth, p. 14. The Commissioner for Children and Young People used a custom report from the Australian Bureau of Statistics' Survey of Disability, Ageing and Carers (2018) to obtain this estimate.

²⁷ Office of the Children's Guardian (New South Wales), *Annual Report 2023-24*, 2024, Sydney, p. 41. The Office of the Children's Guardian found that most notifications involving a child with disability were from the out-of-home care and education sectors (including early childhood education and care). The over-representation of children with disability in other sectors was not able to be determined for this report.

- striking (25.7% of allegations);
- throwing an object (3.9% of allegations); and
- other assault type (3.0% of allegations).²⁸

Most physical assault allegations appeared to involve an employee using physical force to gain the compliance of a child. For example, to facilitate a child sitting down in class, dropping an object or to gain their attention. Other circumstances that reflected areas of elevated risk, from most to least commonly observed, were as follows:

- **Removal and/or restraint of a child:** Use of physical force to remove a child from an area and/or to restrain a child's movement (e.g. removing a child from a classroom by dragging the child by their arm);
- **Altercations:** Alleged conduct in the context of a physical confrontation between an employee and a child (e.g. an employee strikes a child as part of a physical clash; employee intervenes in a fight between students); and
- **Preventing a child from entering/leaving:** Use of physical force to prevent a child from entering or leaving an area (e.g. grabbing a child by the arm to prevent them from leaving a classroom).



Physical assault allegations in the education sector

During the reporting period, examples of physical assault allegations notified to the Ombudsman from the education sector involved an employee:

- making physical contact with a student by grabbing them by the arms and 'dragging' them to sit in a free spot;
- taking hold of the hood of a student's jumper in an attempt to take an object out of the student's hand and placing their hand around the student's arm in order to prevent the student leaving the class;
- kicking a young student with autism spectrum disorder in retaliation for being kicked by the student; and
- making physical contact with two students by pushing them out of a door of a classroom, in the process, inadvertently striking a third student with the forcefully closed door.

3.2.3. Characteristics of victims – sexual misconduct allegations

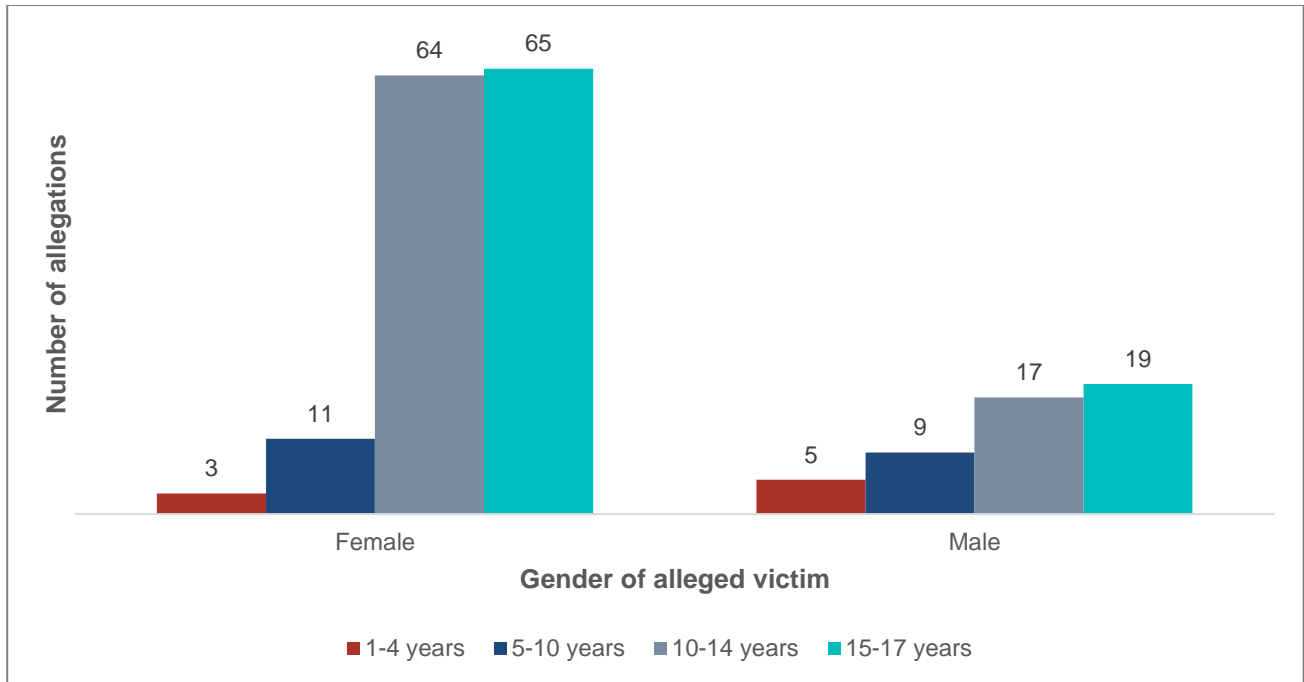
There were 243 allegations of sexual misconduct in the education sector during the reporting period. Of these 243 allegations:

- more than two-thirds (68.3%) involved a female alleged victim; and
- over half of allegations (54.8%) where the age of the alleged victim was known involved a child 14 years or older.

²⁸ Percentages exceed 100% as some allegations contained multiple conduct types.

As shown in Figure 7, sexual misconduct allegations involving children 10 years or younger were relatively rare and similarly likely to have a female or male alleged victim. Female alleged victims became increasingly over-represented in sexual misconduct allegations above the age of 10.

Figure 7: Number of sexual misconduct allegations in the education sector, by age and gender of alleged victim, January 2023 to June 2024



Source: Ombudsman Western Australia

3.2.4. Circumstances of allegation – sexual misconduct

Sexual misconduct allegations in the education sector most commonly involved inappropriate physical contact (46.1% of allegations). This includes touching that could be considered overly personal/intimate; of an unwanted/inappropriate nature; or involving areas of the body such as the buttocks, breasts or genital region. Other types of conduct included:

- **Grooming behaviour** (27.2% of allegations): Allegation involved one or more elements of potential grooming behaviour, such as showing favouritism, giving gifts, spending special time with a child or group of children, and/or asking the child to not tell others of the conduct;
- **Inappropriate communication** (27.2% of allegations): Allegation involved inappropriate conversations (e.g. complimenting a child's appearance) or communication about an area of the body or a sexual activity;
- **Exposure to inappropriate content** (6.2% of allegations): Allegation involved the subject of allegation exposing themselves to a child or exposing the child to materials of a sexual nature (e.g. pornographic photos or videos); and
- **Other concerning behaviours** (20.2% of allegations): Allegation involved other concerning conduct such as taking photographs of children, not respecting a child's personal space and looking at a child in what is perceived as a sexualised manner.

In addition, 16 per cent of sexual misconduct allegations in the education sector referred to the use of online and/or mobile communication methods, such as the use of social media, messaging applications and online gaming.



Sexual misconduct allegations in the education sector

During the reporting period, examples of sexual misconduct allegations notified to the Ombudsman from the education sector involved an employee:

- making inappropriate contact with a student by putting their arm around the student's shoulder and kissing them on the head;
- asking students to play a 'physical coordination game' which involved students crossing and uncrossing their legs. The teacher was observed looking under the desks of students as they did the activity;
- making inappropriate comments to a student, including a statement to the effect of "If I was your age, I would ask you out." The employee further complimented the student's nail polish and commented that the student would have 'lots of boyfriends' in the future; and
- forming close relationships with multiple students and displaying potential grooming behaviours towards them, which included:
 - driving students in their private vehicle without permission from the school or their guardians;
 - hugging students;
 - hosting movie days in the classroom, during which the employee provided unauthorised treats and allowed students to sit on their lap and between their legs;
 - inviting and allowing students to attend their private residence;
 - attending the local swimming pool with students and allowing them to jump off their shoulders, whilst in the water.

3.3. Early childhood education and care sector

3.3.1. Characteristics of victims - physical assault

There were 167 allegations of physical assault in the early childhood education and care sector during the reporting period. Of these 167 allegations:

- over half (58.1%) involved a male alleged victim; and
- nearly all (94.6%) allegations where the age of the alleged victim was known involved a child between the ages of one and four, with very few allegations involving older children participating in outside-of-school hours care.²⁹

²⁹ Children aged between one and four comprised 55 per cent of all children aged 0 – 12 attending Australian Government approved child care services in Western Australia. See Productivity Commission, *Report on Government Services 2025: Early Childhood Education and Care*, Table 3A.8 - Children attending Australian Government CCS approved child care services, by age group, 11 February 2025, Australian Government.

3.3.2. Circumstances of allegation – physical assault

The types of allegations in the early childhood education and care sector were broadly consistent with the education sector. Most allegations (69.5%) involved an employee grabbing, pulling and/or pushing of a child. Other types of contact included:

- striking (26.3% of allegations); and
- other assault types (7.2% of allegations).

Further consistent with physical assault allegations from the education sector was the use of force for what appeared to be for the purpose of gaining a child's compliance, such as getting a child to sit in a particular area or go to sleep. Other circumstances that reflected areas of elevated risk, from most to least commonly observed, were as follows:

- **Removal and/or restraint of a child:** Use of physical force to remove a child from an area and/or to restrain a child's movement (e.g. forcing a child to sit or dragging a child by the arms to a different area);
- **Sleeping issues:** Use of physical force in the context of getting a child to sleep/rest (e.g. holding a child down in a cot when they are not falling asleep); and
- **Altercations:** Alleged conduct in the context of a physical confrontation between an employee and a child (e.g. an employee strikes a child as part of a physical clash; employee intervenes in a fight between children).



Physical assault allegations in the early childhood education and care sector

During the reporting period, examples of physical assault allegations notified to the Ombudsman from the early childhood education and care sector involved an employee:

- grabbing a child by the arm and aggressively dragging them out of the sandpit in order to comply with a direction;
- pushing a child onto the ground as the child had been hurting others, stating 'this is the only way he will learn';
- placing a child in a cot because the child would not stop screaming during the rest period and then proceeding to throw the child down on her back in the cot multiple times when she stood, and to rock the cot in an aggressive manner, causing the child to fall down every time she tried to sit or stand up; and
- grabbing a child by the hands roughly following a nappy change and then allowing the child to drop in an uncontrolled manner onto the nappy change table, causing the child's head to hit the wooden bench top forcefully.

Overall, allegations of physical assault in the early childhood education and care sector consistently involved a higher exertion of force over the child compared to the education sector. While the education and early childhood education and care sectors had a similar proportion of allegations involving grabbing, pulling and/or pushing a child, allegations from the early childhood education and care sector were more likely to involve the use of physical force to remove a child from an area and/or to restrain a child's movement.

Given the age and vulnerability of alleged victims in the early childhood education and care sector, these allegations presented a greater risk of harm to children compared to similar allegations from the education sector.

3.3.3. Characteristics of victims – significant neglect

There were 44 allegations of significant neglect in the early childhood education and care sector during the reporting period.

All allegations involved a child up to four years of age, with nearly half of allegations (47.3%) involving a child two years of age. Consistent with allegations of physical assault, allegations were slightly more likely (56.8%) to involve a male alleged victim.

3.3.4. Circumstances of allegation – significant neglect

Most allegations (70.5%) of significant neglect in the early childhood education and care sector involved supervisory neglect. Supervisory neglect may occur when a person responsible for the care of a child is unable or unwilling to exercise adequate supervision or control of the child.



Guidance Note: Supervisory Neglect

Not all instances of a child being left unattended by staff may constitute significant neglect and require notification to the Ombudsman. In considering the need to notify the Ombudsman of an incident of a child being left unsupervised, organisations may wish to consider the following:

- What are the age and characteristics of the child/ren involved?
 - Was the child an infant and therefore more susceptible to harm?
 - Does the child/ren have special needs that require closer supervision?
- How long was the child/ren left unsupervised?
- What location was the child/ren left unsupervised in?
 - Was it a safe room that is usually used to care for children?
 - Was the child/ren left outside during particularly warm or cold weather?
 - Was it an area that is not appropriate and/or has hazards, for example, construction areas, hot surfaces, hallways that have access to exits, bathrooms, closets with cleaning supplies, tools or other hazards, nappy changing stations or other areas that are high off the ground;
- What was the context in which the child/ren was left unsupervised? For example:
 - Was an infant left unsupervised in an unsafe sleeping practice (swaddled and face down)?
 - Was an infant left unsupervised on a nappy change station?
 - Was a child doing risky play and/or climbing on top of play equipment?
- Did any injury or harm occur to the child/ren?

If a child (above infant age and not requiring active supervision) is left unsupervised for a short period of time in a safe area, it is likely to not meet the threshold for significant neglect. However, if a child is left unsupervised in other circumstances and/or was harmed, it is likely to require notification to the Ombudsman.

Over half of significant neglect allegations (52.3%) involved a child being left without supervision, with a smaller proportion of significant neglect allegations (18.2%) involving a child being injured as a result of inadequate supervision.

Allegations of physical neglect, which reflect a failure to meet a child's physical needs including the provision of adequate and appropriate food, clothing, shelter or physical hygiene needs, comprised 27.3 per cent of significant neglect allegations from the early childhood education and care sector. Examples of physical neglect allegations notified to the Ombudsman included children being fed known allergens or being left in soiled nappies for extended periods.

3.4. Out-of-home care sector

3.4.1. Characteristics of victims – physical assault

There were 326 allegations of physical assault in the out-of-home care sector during the reporting period. Allegations were similarly likely to involve a female alleged victim (48.6%) compared to a male alleged victim (51.4%) where the gender of the alleged victim was known. No clear age-related trends were observed.

Aboriginal and/or Torres Strait Islander children are over-represented in out-of-home care.³⁰ The proportion of allegations involving Aboriginal and/or Torres Strait Islander children could not be conclusively determined due to data limitations.³¹

3.4.2. Circumstances of allegation – physical assault

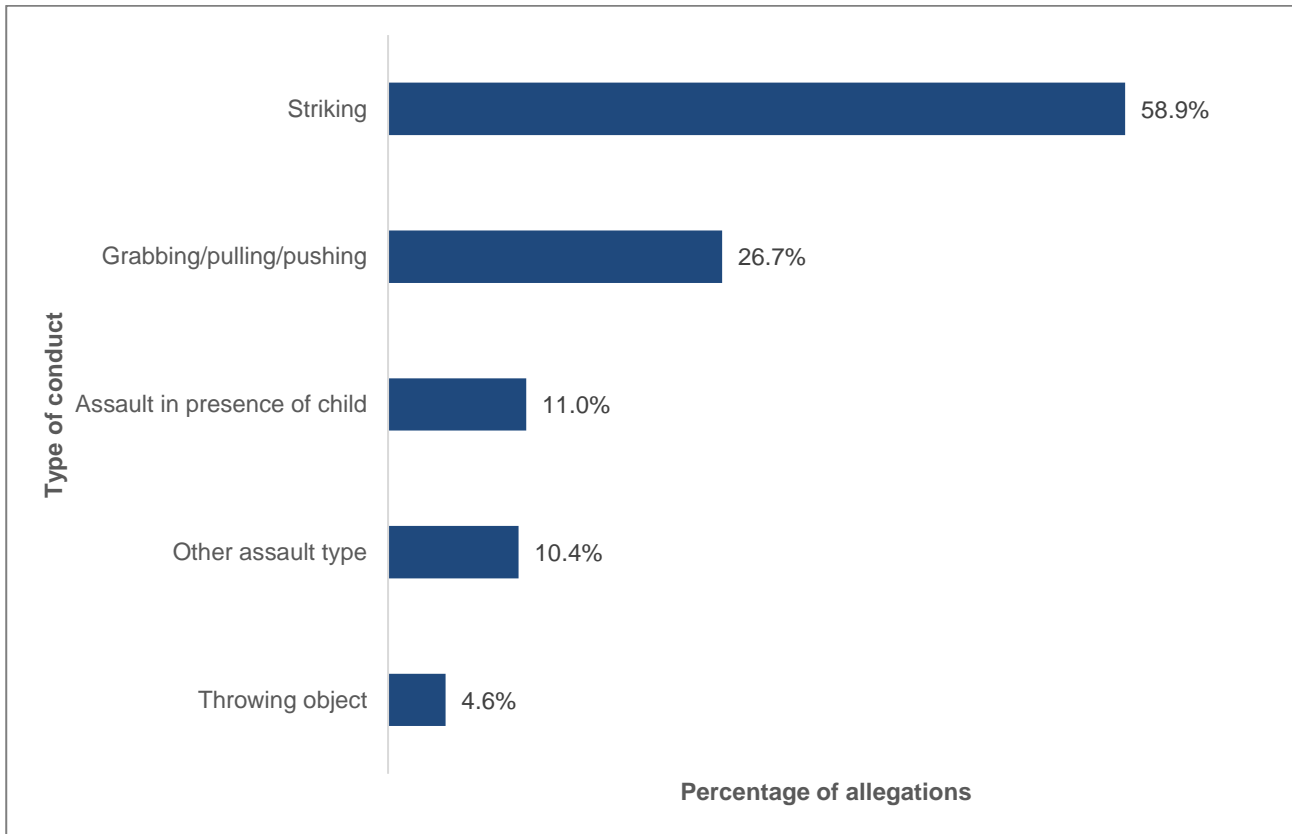
An analysis was undertaken into the circumstances of physical assault allegations in the out-of-home care sector. Allegations in the out-of-home care sector primarily involved an employee striking a child, as set out in Figure 8.

The pattern of allegations differed considerably to the education and early childhood education and care sectors, both of which had predominately allegations of grabbing, pulling and/or pushing of a child. It was further observed that one in three striking allegations described the use of an implement such as a shoe, belt, stick, or hose.

³⁰ In 2023-24, Aboriginal children in care comprised 59.7% of children in care in Western Australia. See Department of Communities, *Annual Report 2023-24*, September 2024, p. 15.

³¹ Victim demographic questions have been included in the Ombudsman's online notification form to support the assessment of risk and identification of vulnerable groups. This notification form was not used by all organisations during the reporting period.

Figure 8: Types of physical assault allegations in out-of-home care sector, January 2023 to June 2024



Source: Ombudsman Western Australia



Physical assault allegations in the out-of-home care sector

During the reporting period, examples of physical assault allegations notified to the Ombudsman from the out-of-home care sector involved an employee:

- scratching a young person on the face and thigh during an altercation, causing the young person to bleed;
- hitting a young person continuously with a broom on their back and legs, causing red marks on their thighs and shoulders and a 'sore kidney area';
- engaging in family domestic violence in the presence of children; and
- inflicting pain on children in a number of ways, including using ice to burn their hands; making a child lay on their stomach and pulling their arms behind their back; making a child's 'legs stretch' and not stopping when the child cries; hitting children with objects such as a fly swat, rolling pin and knife; and, making a child do hours of 'burpees' as punishment.

This page has been intentionally left blank.

4. Systems self-assessment survey administration

4.1. Survey design and administration approach

To monitor organisational systems for preventing, notifying and dealing with reportable conduct, the Office administered a survey to organisations identified as covered, or likely to be covered, by the Scheme. The survey incorporated all systems set out in section 19R of the Act (see section 1.3.1). In summary, this constituted the following systems:

- **System One** – Preventing Reportable Conduct;
- **System Two** – Reporting to the organisation and to the Ombudsman;
- **System Three** – Notifying the Ombudsman;
- **System Four** – Investigating Reportable Conduct; and
- **System Five** – Receipt, handling and disclosure of investigation information.³²

The survey asked organisations to confirm whether each of these systems had been implemented in their organisation and to indicate the policies and practices that constitute these systems. A copy of the survey can be found in the Appendix.

Consistent with the implementation of the Scheme, a phased approach to survey administration took place. Organisations covered by the Scheme from 1 January 2023 were emailed correspondence requesting the completion of the survey in March 2024. These 'Phase 1' organisations had four weeks to comply with this request.

Organisations that were covered by the Scheme from 1 January 2024 were emailed initial correspondence in May 2024. This initial correspondence provided an overview of the Scheme and advance notice of the Ombudsman's systems survey. The purpose of this initial correspondence was to:

- increase awareness of the Scheme among recently in-scope 'Phase 2' organisations;
- provide an opportunity to implement initial systems if the organisation was not previously aware of the Scheme; and
- provide an opportunity to opt out of further correspondence if the organisation was contacted in error and did not exercise care, supervision or authority over children.

Correspondence requesting the completion of the survey was subsequently emailed four weeks later and 'Phase 2' organisations had a further four weeks to comply with this request.

4.2. Survey follow-up

Forty organisations were requested to provide documentation that evidenced their responses to the survey. Organisations were selected from a diverse cross-section of sectors (i.e. different sizes, regions, denominations) with a particular focus on organisations from higher risk sectors. This process was designed to verify responses of select

³² Section 19R of the *Parliamentary Commissioner Act 1971* requires organisations to have in place systems for reporting allegations to the head of the organisation (if it involves an employee) or to the Ombudsman (if it involves the head of the organisation). While these are separate systems under s. 19R of the Act, they have been considered together as part of 'System Two' for the purposes of this report.

organisations and to provide additional context for the interpretation of survey responses. Documents were provided by 39 organisations.³³

Thematic areas for improvement were identified arising from the review of documents provided by organisations. These areas for improvement were observed in more than one organisation but were not necessarily observed in all organisations subject to the survey follow-up process. The reporting of identified areas for improvement is intended to assist organisations establishing or reviewing their systems under the Scheme.



Implementation of report findings and guidance

There is no one-size-fits-all approach to the implementation of systems – organisations may implement a variety of practices or policies to prevent and respond to allegations of child abuse depending on their functions, size, risk and level of resources. The example practices and policies provided for each system in this report are neither exhaustive nor reflective of what is required or appropriate in every organisation.

In considering the findings and guidance of this report, organisations should take into account their individual circumstances, in particular:

- organisations may have already implemented systems to prevent and respond to serious allegations including allegations of, and convictions for, child abuse. Where this is the case, the findings and guidance can be used to assess whether these existing frameworks adequately address the requirements of the Scheme, rather than implement entirely new policies and procedures;
- organisations will have different numbers of children under their care, supervision and authority with different levels of vulnerability. Therefore, the manner in which each organisation will need to adopt the findings and guidance of this report may vary; and
- it is appropriate and reasonable for smaller organisations to consider the practicalities and resources required to implement these systems and to tailor their implementation approach to their specific circumstances.

4.3. Survey response rates

A total of 1,191 organisations completed the survey, achieving a response rate of 76.4 per cent.³⁴ A higher response rate was achieved among Phase 1 organisations (82.8%) compared to Phase 2 organisations (70.9%).

A detailed overview of the response rate per sector is set out in Table 3.

³³ One organisation informed the Office that they were not covered by the Scheme following receipt of the request to provide documentation.

³⁴ There were 1,906 recipients to the Office's survey administration correspondence. Not all recipients were found to be covered by the Scheme and some recipients informed us that they were part of another organisation contacted as part of the survey administration process or were no longer operating. The response rate does not include these organisations. As some organisations were not contactable and it could not be confirmed that they were covered by the Scheme, the achieved response rate is approximate.

Table 3: Number of survey responses, by sector³⁵

Sector	Number of responses	Response rate
Education services	152	84.4%
Out-of-home care services	15	88.2%
Early childhood education and care services	306	81.0%
Youth justice services	7	100%
Health services	19	86.4%
State government agencies (excluding agencies in other sectors i.e. health, out-of-home care, education, youth justice)	10	83.3%
Local Government	90	84.1%
Accommodation and residential services	11	61.1%
Religious institutions	380	73.6%
Disability services	201	66.8%
Total	1,191	76.4%

Source: Ombudsman Western Australia

4.4. Survey respondent demographics

Demographic data was collected to better contextualise results and facilitate comparisons between organisations of different sizes and capacity.

As set out in Table 4, most survey respondents were from smaller organisations, with one quarter of respondents (24.9%) having fewer than 10 employees and slightly over half of respondents (52.0%) having between 10 and 99 employees.

Certain sectors were more likely to report having a lower number of employees, with 92.4 per cent of religious organisation respondents, for example, having fewer than 100 employees.

Table 4: Number of survey respondents, by number of reported employees³⁶

Organisation size	Number of respondents	% of respondents
Micro: 0 – 9 employees	297	24.9%
Small: 10 – 99 employees	620	52.0%
Medium: 100 – 249 employees	118	9.9%
Large: More than 250 employees	155	13.0%

Source: Ombudsman Western Australia

³⁵ Some organisations provided services across multiple sectors. These organisations were allocated to the most relevant sector and were not counted multiple times.

³⁶ One respondent did not include information on their organisation size.

As set out in Table 5, most respondents (75.4%) reported providing services in the Perth metropolitan area.

Table 5: Number of survey respondents, by reported region in which services provided³⁷

Region	Number of respondents	% of respondents
Perth Metro	898	75.4%
South West	199	16.7%
Peel	183	15.4%
Wheatbelt	133	11.2%
Great Southern	126	10.6%
Mid West	109	9.2%
Goldfields-Esperance	103	8.6%
Kimberley	86	7.2%
Pilbara	80	6.7%
Gascoyne	61	5.1%

Source: Ombudsman Western Australia

Cross-referencing of survey respondents with organisations that had submitted a notification to the Ombudsman found that most respondents (93.1%) had not submitted a notification.

³⁷ As 20.8% of survey respondents reported providing services in more than one region, the number of respondents per region (and associated percentages) exceed the total number of survey respondents.

5. Systems self-assessment survey results

5.1. System One – Preventing Reportable Conduct

System One - Preventing Reportable Conduct

The head of the organisation must ensure that the organisation has in place a system for preventing reportable conduct by employees of the organisation in the course of their employment.

5.1.1. Overview of system

A system to prevent reportable conduct will involve heads of organisations acknowledging the risk of child abuse and taking action to mitigate these risks within their organisation.

How such a system is operationalised will depend on the institutional context, including the level of risk. However, elements of an appropriate system are likely to include leadership commitment to the safety of children as well as practices and procedures that ensure suitable staff are engaged by the organisation, made aware of their responsibilities in relation to children and subject to appropriate supervision and professional development. The implementation of other systems required under the Scheme, which facilitate reporting, investigating and taking appropriate action in response to a finding of reportable conduct, further contributes to the prevention of reportable conduct.

While not a legislative requirement in Western Australia at the time of this report's publication, the National Principles for Child Safe Organisations serves as a best-practice framework for organisations seeking to implement a comprehensive system to prevent child abuse.³⁸

5.1.2. Implementation of system

Over three-quarters (76.7%) of respondents reported that this system was in place. A further 20.7 per cent of respondents reported that this system was partially in place while a small proportion of respondents (2.6%) reported that this system was not in place.³⁹ This system demonstrated the highest level of reported implementation among all systems.

As set out in Table 6, respondents who reported not having this system in place were predominately micro (0 – 9 employees) or small (10 – 99 employees) sized organisations. No large organisation reported not having this system in place but were more likely than other organisation sizes to report the partial implementation of this system.

³⁸ The Royal Commission noted that “‘Child safe institutions’ create cultures, adopt strategies and take action to prevent harm to children, including child sexual abuse”. Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 7, Improving institutional responding and reporting*, 2017, p. 30. The Commissioner for Children and Young People WA has published guidance to assist organisations being more child safe, see Commissioner for Children and Young People WA, *National Principles for Child Safe Organisations WA: Guidelines*, Commissioner for Children and Young People WA, 2019, Perth.

³⁹ Organisations were asked to answer: ‘yes’ if the system was in place and functional; ‘partially’ if parts of the system were in place and functional, but some components were identified as being still in progress; and, ‘no’ if the organisation had yet to implement any components of the system.

Table 6: Self-reported implementation of a system to prevent reportable conduct, by size of organisation

Size of organisation	Implementation of system		
	No	Partially	Yes
Micro (0 – 9 employees)	15 (5.1%)	60 (20.4%)	219 (74.5%)
Small (10 – 99 employees)	15 (2.4%)	120 (19.4%)	482 (78.1%)
Medium (100 – 249 employees)	1 (0.9%)	23 (19.7%)	93 (79.5%)
Large (Over 250 employees)	0 (0.0%)	42 (27.1%)	113 (72.9%)
Total	31 (2.6%)	245 (20.7%)	907 (76.7%)⁴⁰

Source: Ombudsman Western Australia

5.1.3. Policies and procedures reported to constitute system

Figure 9 summarises the practices and policies that were reported to constitute this system.⁴¹

Most organisations who reported that this system was in place or partially in place reported measures to ensure appropriate staff were engaged by the organisation, including ongoing monitoring of Working with Children checks (98% of respondents) and pre-employment screening procedures (89% of respondents). Nearly all organisations (92%) also reported having guidance about appropriate and inappropriate behaviour, such as a Code of Conduct.

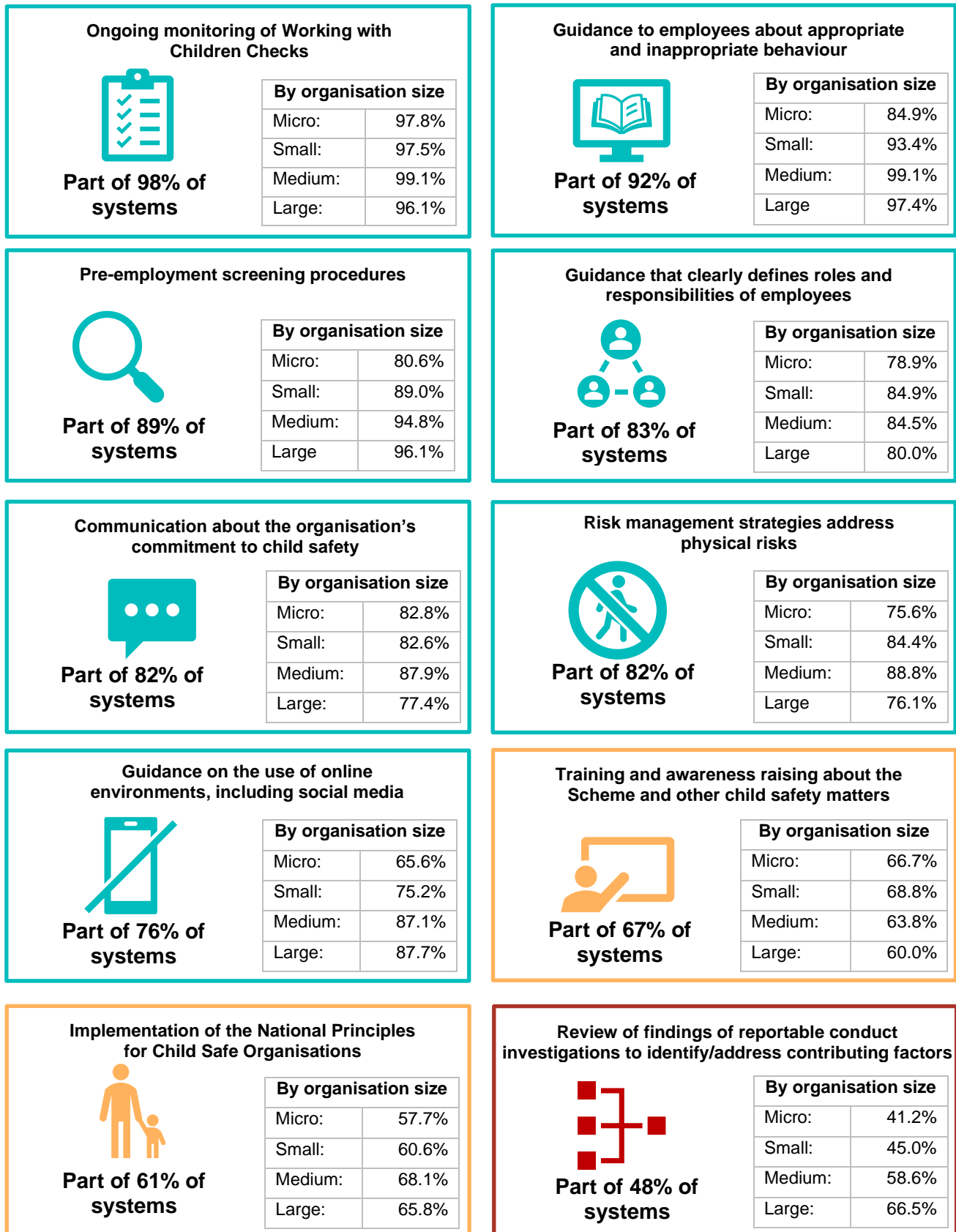
Fewer respondents (67%) reported undertaking training or awareness raising about the Scheme and other child safety matters; or, reported implementing the National Principles for Child Safe Organisations within their organisation (61%).

The lowest proportion of respondents (48%) reported reviewing the findings of investigations to identify and address contributing factors. This is not unexpected given that an allegation of child abuse may not be a frequent occurrence, particularly in smaller organisations.

⁴⁰ Data was missing for eight respondents.

⁴¹ Information on the policies and procedures reported to constitute each system only relate to organisations that reported a system was implemented or partially implemented (i.e. responded 'yes' or 'partially' to the survey question asking whether the system had been implemented in their organisation). These results do not include organisations that reported that a system was not in place nor respondents with missing data. The extent of implementation (<50%, 50 – 74%, ≥75%) has been colour coded as a visual aid for comparisons.

Figure 9: Policies and procedures reported to constitute a system to prevent reportable conduct



Source: Ombudsman Western Australia

5.1.4. Further observations

Documents reviewed as part of the survey follow-up process were consistent with the relatively high level of self-reported implementation of this system. Nearly all organisations subject to review:

- noted the organisation's commitment to child safety in their policies;
- had a screening procedure for new employees; and
- had guidance on appropriate and/or inappropriate behaviour.

However, the comprehensiveness and sophistication of the policies and initiatives was observed to vary considerably among organisations, particularly in relation to Codes of Conduct and other training and awareness raising materials about the types of conduct covered by the Scheme (see also section 5.2.4). As codes of conduct and associated training and awareness raising activities ensure awareness of appropriate and inappropriate behaviour, as well as prompt the reporting of concerns, it is important that the Scheme is integrated into these activities.

Organisations establishing or reviewing their systems under the Scheme are encouraged to consider the guidance available on the Ombudsman's website when developing training and awareness raising materials for their staff. The Ombudsman's information sheet, [Information for employees](#), provides a useful basis for a presentation to staff on the Scheme.



Example initiatives to prevent Reportable Conduct

Responses to the survey as well as the survey follow-up process identified many examples of initiatives to prevent child abuse by employees in organisations covered by the Scheme. Some of these initiatives include:

- Lake Joondalup Baptist College has provided staff with detailed information on the Scheme as part of its professional development program. Staff undertaking training have been provided with a booklet which includes information on the Scheme's requirements and processes as well as a series of case studies to support staff to identify whether certain scenarios reflect reportable conduct, mandatory reporting matters and/or a breach of professional boundaries.
- The South Metro Youth Link Community College conducts an annual child safe organisations audit to assess how well the College is implementing the National Principles for Child Safe Organisations. The audit maps key action areas, ratings, supporting evidence, steps for improvement, person/s responsible and timeframes for implementation against each of the 10 principles.
- Encounter City Church requires employees to notify 'unusual behaviours' such as a stranger looking into the creche/Children's ministry; a person not in the Children's ministry team leaving an adult service early to join the Children's ministry, or a team member not following policy by having a child on their lap. These behaviours are subject to investigation, discussed with the person observed and recorded, providing for any concerning patterns of behaviour to be identified.

5.2. System Two – Reporting to the organisation and to the Ombudsman

System Two - Reporting to the organisation and to the Ombudsman

The head of the organisation must ensure that the organisation has in place a system for:

- enabling any person, including an employee of the organisation, to report to the head of the organisation a reportable allegation or reportable conviction involving an employee of the organisation;
- enabling any person, including an employee of the organisation, to report to the Ombudsman a reportable allegation or reportable conviction involving the head of the organisation.

5.2.1. Overview of system

Heads of organisations are required to have a system in place that enables reportable allegations and reportable convictions to be reported to the head of the organisation. Importantly, the Act requires the system to enable reporting by 'any person' – not just employees, and so it must also be possible for children, parents and members of the public to report allegations involving an organisation's employees to the head of that organisation.

For this system to be effective, organisations should ensure that reportable conduct is able to be recognised and that there is awareness of, and access to, the system to make a report. This will involve clear definitions of the conduct covered by the Scheme as well as clear pathways for making a report. It is particularly important that employees are aware of their reporting obligations given they are, in many cases, the trusted adult to which a concern is raised.

The Act further requires the head of the organisation to have in place a system to enable anyone to report to the Ombudsman a reportable allegation or reportable conviction involving the head of the organisation. As the head of the organisation is responsible for notifying the Ombudsman of allegations involving their employees, implementation of this system ensures that appropriate action is taken when an allegation relates to the head of the organisation.

Organisations should ensure that there is awareness of this reporting requirement and the Ombudsman's contact details to facilitate the making of such a report. Organisations may also wish to consider designating an alternative contact for allegations involving the head of the organisation (e.g. a school board where the head of the organisation is the principal) to provide clarity in relation to the management of the matter and ongoing communication with the Ombudsman's office.

5.2.2. Implementation of system

Nearly two-thirds (63.9%) of respondents reported having this system in place. A further 29.9 per cent of respondents reported that this system was partially in place while 6.3 per cent reported that this system was not in place.

As set out in Table 7, more than one in ten (11.3%) micro-organisations reported not having this system in place, in addition to a small proportion of all other organisation sizes.

Table 7: Self-reported implementation of a system to report allegations to the organisation and to the Ombudsman

Size of organisation	System implemented?		
	No	Partially	Yes
Micro (0 – 9 employees)	33 (11.3%)	75 (25.6%)	185 (63.1%)
Small (10 – 99 employees)	34 (5.5%)	185 (29.9%)	399 (64.6%)
Medium (100 – 249 employees)	4 (3.4%)	45 (38.1%)	69 (58.5%)
Large (Over 250 employees)	3 (1.9%)	49 (31.6%)	103 (66.5%)
Total	74 (6.3%)	354 (29.9%)	756 (63.9%)⁴²

Source: Ombudsman Western Australia

5.2.3. Policies and procedures reported to constitute system

Figure 10 summarises the practices and policies that were reported to constitute this system by respondents.

Of those organisations that reported having this system in place or partially in place, most (87%) reported having a designated contact point for reportable conduct matters within the organisation and a similar proportion (85%) reported having a system that enables employees to report allegations involving fellow employees to the head of the organisation. Fewer organisations reported having guidance on the types of conduct covered by the Scheme (70% of respondents) or reporting systems that enable any person (e.g. a member of the public) to report an allegation involving an employee of the organisation (57% of respondents). Accordingly, many respondents who reported that this system was in place or partially in place had yet to implement core elements of an effective and legislatively compliant reporting system.

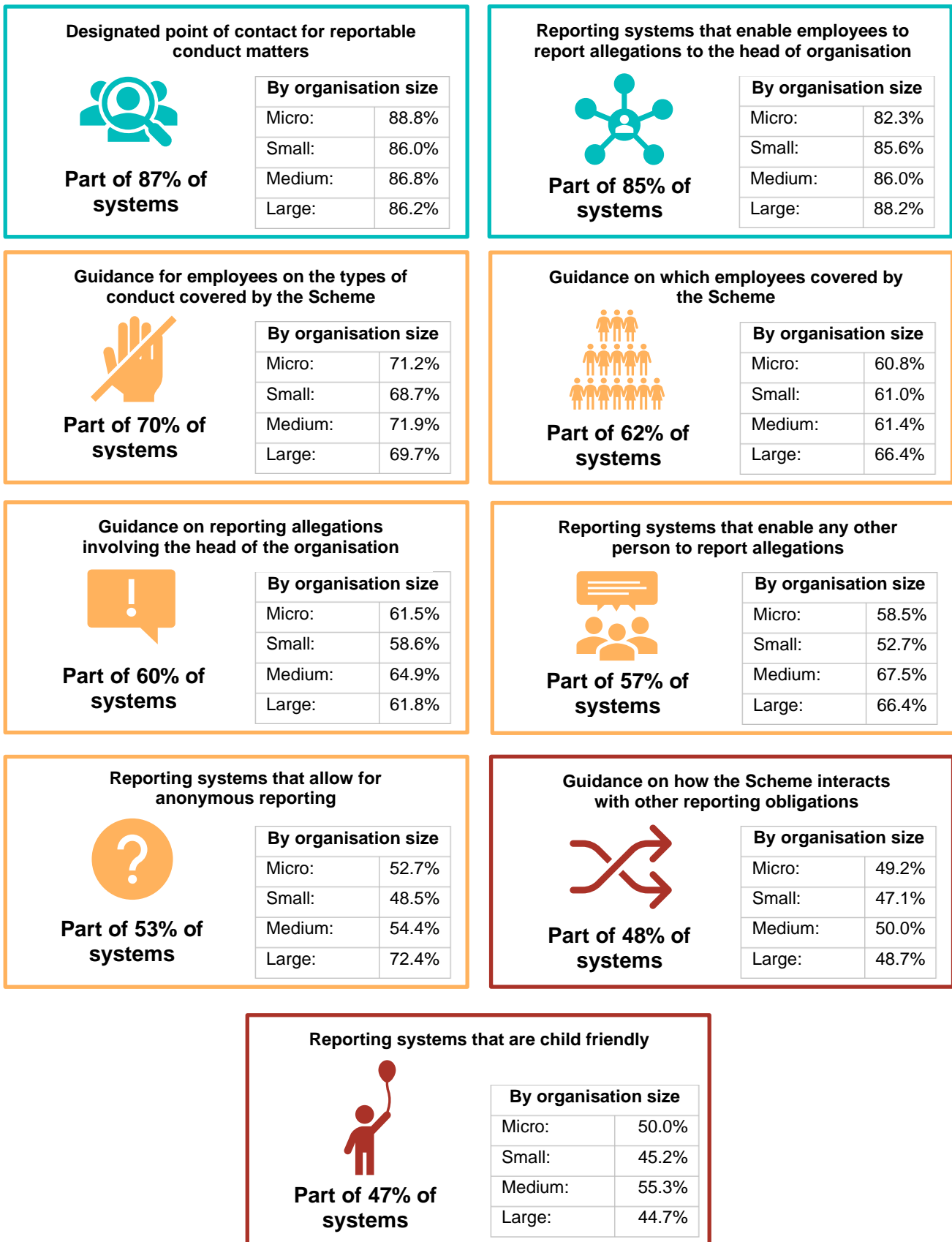
Similarly, 60 per cent of respondents reported having guidance on reporting allegations involving the head of the organisation to the Ombudsman. Noting that a further 6.3 per cent of respondents reported not having a reporting system in place, the results indicate nearly half of respondents are not complying with this legislative requirement.

Respondents were least likely (47%) to report having reporting systems that were designed for children or were child-friendly. Noting the Scheme is intended to facilitate the reporting and investigation of child abuse; is underpinned by a principle of child participation;⁴³ and, requires a system to be in place enabling reporting by any person (including children), this is a further matter of concern and may contribute to reportable conduct going unreported.

⁴² Data was missing for seven respondents.

⁴³ *Parliamentary Commissioner Act 1971*, s. 19J(2)(a).

Figure 10: Policies and procedures reported to constitute a system to report allegations to the organisation and to the Ombudsman



Source: Ombudsman Western Australia

Observation 3

Many organisations have not implemented core elements of an effective and legislatively compliant system for reporting allegations under the Scheme. This may result in reportable conduct going unreported.

5.2.4. Further observations

Documents reviewed as part of the survey follow-up process indicated that organisations commonly had procedures for internal reporting of grievances, misconduct and/or abuse concerns. However, a need for further improvement was identified in terms of the understanding of the scope of the Scheme and the accessibility of reporting processes. The survey results, considered together with the documents reviewed, indicated that the Scheme had yet to be completely integrated into the reporting procedures of many organisations.

More specifically, areas for improvement observed during the survey follow-up process included:

- **Not clarifying the conduct covered by the Scheme:** Conduct must meet certain thresholds to be covered by the Scheme and includes both criminal and non-criminal behaviour. It was observed that some organisations simply listed in their policies the types of conduct covered by the Scheme, which will not be sufficient to enable suspected reportable conduct to be recognised and therefore reported.
- **Limiting conduct to abuse defined in the *Children and Community Services Act 2004 (CCS Act)*:** It was observed that some organisations appeared to confuse the Scheme with the mandatory reporting scheme and/or limited abuse to those defined in the CCS Act. In such cases, the guidance for staff was typically focused on identifying indicators of serious child abuse in children. This guidance has an important protective role but is not sufficient for the identification of reportable conduct.
- **Not correctly defining employees covered by the Scheme:** Employees are broadly defined under the Scheme. It was observed that some organisations did not clarify that the Scheme applied to contractors and volunteers engaged by the organisation (or another person) to provide services to children on behalf of the organisation.
- **Lack of clarity in reporting processes:** It was observed that some organisations did not have clearly documented pathways to report reportable allegations and reportable convictions. This included inconsistencies in procedures and/or designated points of contact for reporting concerns; a lack of guidance on how to make a report; and/or, a lack of integration of the Scheme with existing reporting procedures. In contrast, more sophisticated systems clearly designated a point of contact to whom a report can be made, described how a report can be made (e.g. verbally, email, online form), provided clarification where there were multiple reporting obligations (e.g. through a flow chart), outlined protections for reporters and described what would happen after a report is made.
- **Lack of accessibility of reporting system to non-employees:** Consistent with the survey results, it was observed that there was limited accessibility to reporting systems for non-employees, such as parents and children. More sophisticated systems had posters or other informational material for families and/or children; had publicly available

policies; had multiple pathways to report (e.g. verbally, online forms, anonymous reporting methods) and provided guidance on responding and supporting children who have raised a concern

- **Lack of guidance on reporting concerns involving the head of the organisation:** Organisations were rarely observed to have a system that enabled any person to report to the Ombudsman an allegation involving the head of the organisation. In contrast, more sophisticated systems noted the need to contact the Ombudsman if an allegation involves the head of the organisation, provided contact details and designated an alternative contact in the organisation for the management of these allegations.

Organisations implementing or reviewing their systems are encouraged to consider the above areas for improvement to facilitate the identification and timely reporting of allegations. The Ombudsman has a range of guidance materials that can assist in this regard, including its information sheet, [Identifying Reportable Conduct](#), and its posters on reporting obligations.⁴⁶



Guidance Note: Child focused reporting systems

Organisations have implemented a range of initiatives to promote awareness and accessibility of reporting systems by children. For example, Parklands School provides for students to raise concerns via multiple methods, including anonymously via a *Things I Wish My Teacher Knew* container located in each classroom. MacKillop Family Services has a brochure designed for children and young people that includes information on how to make a complaint (including internal and external contacts) and what they can expect from the process. Many organisations also have guidance on responding and supporting children who have made a disclosure.

These initiatives all reflect elements of a child focused reporting system. There are a range of resources available on making reporting systems child focused, such as guidance by the National Office for Child Safety and the WA Commissioner for Children and Young People.⁴⁴ Organisations implementing and reviewing their systems are also encouraged to consider the findings of the review of the Victorian reportable conduct scheme, which identified the following factors as important for children deciding whether to make a report:

- help to understand the process and what happens after a report is made
- seeing change after reports have been made
- receiving one-on-one support throughout the process
- experiencing a caring environment
- providing different options to report allegations rather than in person, such as reporting through email, phone or in writing.⁴⁵

⁴⁴ Commonwealth of Australia, The National Office for Child Safety, *Complaint Handling Guide: Upholding the rights of children and young people*, 2019; Commissioner for Children and Young People WA, *Child Friendly Complaints Guidelines*, Perth, 2021.

⁴⁵ Department of Families, Fairness and Housing, *Review of Victoria's Reportable Conduct Scheme: final report*, March 2024, p. 72.

⁴⁶ This includes specific posters for the early childhood education and care sector and education sector, as well as a poster providing a general overview of reporting requirements.

5.3. System Three – Notifying the Ombudsman

System Three – Notifying the Ombudsman

The head of the organisation must ensure that the organisation has in place a system for notifying the Ombudsman of a report to the head of the organisation of a reportable allegation or reportable conviction involving an employee of the organisation.

5.3.1. Overview of system

The requirement to have a system in place to notify the Ombudsman of a reportable allegation or reportable conviction ensures the Ombudsman is made aware of the matter and can provide oversight of the organisation's handling and response. The Royal Commission noted that independent oversight can:

...assure the public that the institutions entrusted to care for children cannot minimise or ignore complaints, and that the leaders and employees of these institutions cannot operate with impunity.⁴⁷

The Act requires the written notification to be provided to the Ombudsman within seven working days of the head of the organisation becoming aware of the matter.⁴⁸ The notification must include certain information about the organisation; the employee the subject of the allegation; and, the organisation's response to the allegation, including its management of risk.⁴⁹ Heads of organisations are required to provide this notification to the Ombudsman even if they do not agree with or share the belief with the reporting person that the alleged conduct has occurred.

It is acknowledged that the notification to the Ombudsman may be one of multiple reporting obligations for some organisations. Accordingly, organisations are encouraged to clearly set out their reporting obligations to external organisations in their policies and procedures to support compliance with this requirement.

5.3.2. Implementation of system

Over half (56.2%) of respondents reported having this system in place. A further 26 per cent of respondents reported that this system was partially in place while 17.8 per cent reported that this system was not in place. These results indicate that some organisations with established internal reporting processes had yet to update their procedures to require notification to the Ombudsman.

As set out in Table 8, nearly one in four (24.5%) micro-organisations and 17.6 per cent of small organisations reported not having this system in place. Large organisations were more likely to have this system in place though more than one third (33.8%) had yet to fully implement this system.

⁴⁷ Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 7, Improving institutional responding and reporting*, 2017, p. 19.

⁴⁸ *Parliamentary Commissioner Act 1971*, s. 19U(2).

⁴⁹ *Parliamentary Commissioner Act 1971*, s. 19U(2).

Table 8: Self-reported implementation of a system to notify the Ombudsman of a reportable allegation or reportable conviction

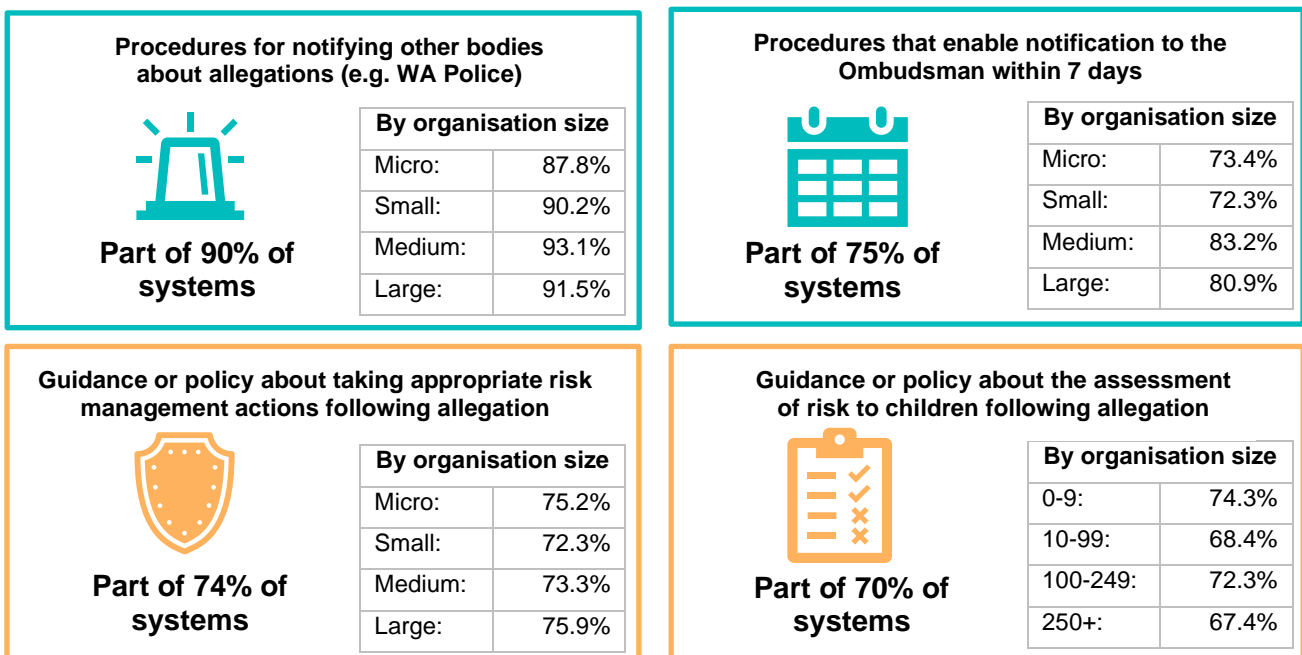
Size of organisation	System implemented?		
	No	Partially	Yes
Micro (0 – 9 employees)	72 (24.5%)	63 (21.4%)	159 (54.1%)
Small (10 – 99 employees)	109 (17.6%)	178 (28.8%)	331 (53.6%)
Medium (100 – 249 employees)	17 (14.4%)	28 (23.7%)	73 (61.9%)
Large (Over 250 employees)	13 (8.4%)	39 (25.3%)	102 (66.2%)
Total	211 (17.8%)	308 (26.0%)	665 (56.2%)⁵⁰

Source: Ombudsman Western Australia

5.3.3. Policies and procedures reported to constitute system

Figure 11 summarises the practices and policies that were reported to constitute this system among respondents.

Figure 11: Policies and procedures reported to constitute a system to notify the Ombudsman of a reportable allegation or conviction



Source: Ombudsman Western Australia

Of those organisations that reported having this system in place or partially in place, most organisations (90%) reported having procedures for notifying other bodies about allegations where there is an obligation to do, such as the WA Police Force and the Department of Communities. Encouragingly, awareness of these reporting obligations was reasonably consistent across all organisation sizes.

⁵⁰ Data was missing for seven respondents.

Fewer respondents (75%) reporting having in place procedures to enable the head of the organisation to make a notification to the Ombudsman within seven working days of becoming aware of the allegation. Noting that a further 17.8 per cent of respondents reported not having this system in place at all, the results indicate that over 40 per cent of organisations surveyed are not complying with this requirement. Allegations of child abuse may therefore not be subject to independent oversight and scrutiny by the Ombudsman as intended by the Scheme.

Observation 4

Over 40 per cent of organisations reported not having procedures that enable alleged reportable conduct to be notified to the Ombudsman within seven working days, as required under the Scheme.

Fewer organisations reported having guidance or policy about taking appropriate risk management actions after an allegation is made (74% of respondents) or the assessment of risk to children after an allegation is made (70% of respondents). Information on risk assessment and risk management must be included in the notification to the Ombudsman and so deficient procedures may impede organisations from making compliant notifications. Further, the lack of adequate risk related guidance increases risk to those involved in the investigation, including the alleged victim, other children and the person who is the subject of the allegation.

5.3.4. Further observations

During the reporting period, 56 per cent of notifications were provided within the seven working days required by the Act. The time between an organisation becoming aware of an allegation and notifying the Ombudsman ranged from a single day to 321 days, with a median of seven days.

As set out in Table 9, some sectors were better at meeting the legislated seven working day notification timeframe. The education sector provided 42 per cent of its notifications within the legislated timeframe and had a higher number and proportion of overdue notifications compared to other sectors. The youth justice sector was similarly overrepresented in overdue notifications, with 38.5 per cent of notifications provided within the legislated timeframe.

The quality of notifications provided to the Ombudsman further varied considerably. Overall, 27.7 per cent of notifications provided incomplete or inadequate information, including:

- risk assessment information was incomplete/inadequate in 14 per cent of notifications;
- details of alleged conduct was incomplete/inadequate in 6.3 per cent of notifications; and
- both risk assessment information and details of alleged conduct were incomplete/inadequate in 7.4 per cent of notifications.⁵¹

⁵¹ These results derive from 808 notifications where this data was available.

Table 9: Compliance with seven working day notification requirement, by sector, January 2023 to June 2024⁵²

Sector	> 7 working days	≤ 7 working days	Total notifications
Education service	214 (58.0%)	155 (42.0%)	369
Out of home care service	77 (36.2%)	136 (63.8%)	213
Early childhood education and care service	49 (26.8%)	134 (73.2%)	183
Public body	13 (29.5%)	31 (70.5%)	44
Youth justice service	16 (61.5%)	10 (38.5%)	26
Health service	5 (31.3%)	11 (68.8%)	16
Disability service	2 (40.0%)	3 (60.0%)	5
Accommodation or respite service	0 (0%)	2 (100%)	2
Religious body	3 (75.0%)	1 (25.0%)	4
Total	379 (44.0%)	483 (56.0%)	862⁵³

Source: Ombudsman Western Australia

Documents reviewed as part of the survey follow-up process were consistent with data on the timeliness and quality of notifications. While the need to notify the Ombudsman was commonly included in procedures, it was observed that many organisations did not specify the legislated timeframe of seven working days for notification and risk assessment guidance was generally limited.

Organisations establishing or reviewing their systems under the Scheme should ensure their policies and procedures clearly define responsibilities and timeframes for notification to the Ombudsman. The Ombudsman's information sheet, [Responsibilities of the head of the organisation](#), provides guidance on notification requirements. Organisations are also encouraged to consider the adequacy of their risk management procedures. The Ombudsman's information sheet, [Risk management following a reportable allegation](#), provides further guidance on the management of risk.

Observation 5

Only 56 per cent of notifications were provided within the legislated timeframe and over one in four notifications provided incomplete or inadequate information.

A further area of confusion observed in the policies and procedures of organisations was the use of preliminary investigations to determine whether a matter should be notified to the Ombudsman.⁵⁴ This may include procedures requiring an investigation to determine whether alleged behaviour was 'reasonable for the discipline, management or care of a child'

⁵² Organisations are required to include the date it became aware of the allegation in the notification to the Ombudsman. The timeliness of the notification has been determined by calculating the number of working days between the date the organisation became aware of the allegation and the date the notification was provided to the Ombudsman.

⁵³ Timeliness could not be determined for three notifications due to missing data. Table 9 does not include out-of-jurisdiction notifications.

⁵⁴ This is not to be confused with a preliminary assessment of the allegation to determine relevant reporting obligations, which may be necessary in organisations with multiple reporting obligations.

and therefore not reportable conduct. Some policies further encouraged staff to speak to a designated officer to clarify whether they had formed a 'reasonable belief' that reportable conduct occurred.

These practices are not required by the Act, with only the reporter needing to form a belief on reasonable grounds for an allegation to require notification to the Ombudsman. This is consistent with the low threshold for notification intended by the Scheme, which ensures transparency and accountability in the handling of all allegations of employee related child abuse. The review of the Victorian reportable conduct scheme identified similar confusion among organisations in determining the threshold for reporting.⁵⁵

The Royal Commission noted that institutional factors such as the prioritisation of the public image of the organisation, a culture discouraging external reporting and power differentials between staff contributed to abuse being under-reported.⁵⁶ Practices that may, inadvertently or otherwise, reassign the formation of a belief on reasonable grounds from the reporter to the organisation increases the risk of such institutional barriers impeding notification to the Ombudsman.

Accordingly, organisations are encouraged to notify the Ombudsman in the first instance upon becoming aware of a report. Should an organisation determine that a matter does not meet the criteria for reportable conduct following the commencement of an investigation, the Scheme provides for an exemption to be requested from the Ombudsman. The Ombudsman's information sheet, [Exemptions](#), provides further guidance in this regard.



Guidance Note: Making a notification

Organisations can notify the Ombudsman via the notification form on the Ombudsman's website. To assist organisations in making a notification, the Ombudsman has published a [Guide for completing the Reportable Conduct Notification Form](#).

Organisations should pay particular attention to clearly specifying allegations in a notification as it is a key initial step in ensuring a compliant investigation report. For example, if a child discloses that a staff member hit them and made sexually suggestive comments, this disclosure includes two separate allegations – one for physical assault and one for sexual misconduct. Each of these allegations will need to be subject to a separate finding following an investigation.

The notification will also need to include information on actions taken to protect children. This may include such actions as removing the employee from working with the alleged victim/other children, providing appropriate supports to the alleged victim and notifying relevant bodies such as the Department of Communities or WA Police Force. Ideally, such actions will be informed by the organisation's risk management plan and procedures. For further information on appropriately assessing and managing risk, organisations are encouraged to review the Ombudsman's information sheet, [Risk management following a reportable allegation](#).

⁵⁵ Department of Families, Fairness and Housing, *Review of Victoria's Reportable Conduct Scheme: final report*, March 2024, pp. 69, 74.

⁵⁶ Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 7, Improving institutional responding and reporting*, 2017, p. 142.

5.4. System Four – Investigating Reportable Conduct

System Four – Investigating Reportable Conduct

The head of the organisation must ensure that the organisation has in place a system for investigating a reportable allegation or reportable conviction relating to an employee of the organisation and taking appropriate action in response to a finding of reportable conduct.

5.4.1. Overview of system

The requirement for the head of the organisation to undertake an investigation, make a finding and take appropriate action in response to a finding is intended to protect children by ensuring allegations are not dismissed, minimised, ignored or mishandled and, where appropriate, action is taken to prevent further reportable conduct.

The Act requires the head of the organisation to take all reasonable steps to ensure an investigation is carried out in a timely way.⁵⁷ Further, the requirement to undertake an investigation and make a finding can persist even if the allegation is investigated by the WA Police Force or if the employee leaves the organisation following a report being made.⁵⁸

Following the completion of an investigation, organisations are required to provide a report to the Ombudsman that includes the findings and reasons for the findings; any submissions made by the employee who is the subject of the allegation; and, any actions taken or proposed to be taken by the organisation in relation to the employee and the systems of the organisation.⁵⁹ The Ombudsman reviews the report to ensure allegations are properly investigated, and that the actions taken or proposed to be taken by the organisation are appropriate.

The Ombudsman also provides substantiated findings to the Working with Children Screening Unit of the Department of Communities. Accordingly, the requirement to investigate and make findings has an additional important function to prevent people who pose an unacceptable risk to children from participating in further child-related work.

5.4.2. Implementation of system

Nearly two-thirds (62.6%) of respondents reported having this system in place. A further 25.3 per cent of respondents reported that this system was partially in place while 12.2 per cent reported that this system was not in place.

As set out in Table 10, the likelihood of this system being implemented increased with the size of the organisation. Nearly one in five (19.3%) micro-organisations reported not having this system in place as compared to 3.2 per cent of large organisations.

⁵⁷ *Parliamentary Commissioner Act 1971*, s. 19W(2).

⁵⁸ This does not preclude an organisation from suspending an investigation or seeking an exemption from commencing or further investigating a matter.

⁵⁹ *Parliamentary Commissioner Act 1971*, s. 19Z(1). Further information on what is required to be included in the investigation report can be found in the Ombudsman's information sheet, [Reportable Conduct Scheme Investigations](#).

Table 10: Self-reported implementation of a system to investigate a reportable allegation or reportable conviction and take appropriate action in response to a finding

Size of organisation	System implemented?		
	No	Partially	Yes
Micro (0 – 9 employees)	57 (19.3%)	64 (21.7%)	174 (59.0%)
Small (10 – 99 employees)	76 (12.3%)	165 (26.8%)	375 (60.9%)
Medium (100 – 249 employees)	6 (5.1%)	33 (28.0%)	79 (66.9%)
Large (Over 250 employees)	5 (3.2%)	37 (23.9%)	113 (72.9%)
Total	144 (12.2%)	299 (25.3%)	741 (62.6%)⁶⁰

Source: Ombudsman Western Australia

5.4.3. Policies and procedures reported to constitute system

Figure 12 summarises the practices and policies that were reported to constitute this system.

Of those organisations that reported having this system in place or partially in place, most respondents (82%) reported having policies that define responsibility for decision making in investigations, such as determining responsibility for undertaking investigations, making findings and taking appropriate action in response to findings. Fewer organisations (67%) had policies that set out processes for planning and undertaking investigations. Noting that a further 12.2 per cent of respondents reported not having this system in place, the results indicate that over 40 per cent of respondents may not be adequately prepared to undertake an investigation should an allegation arise.

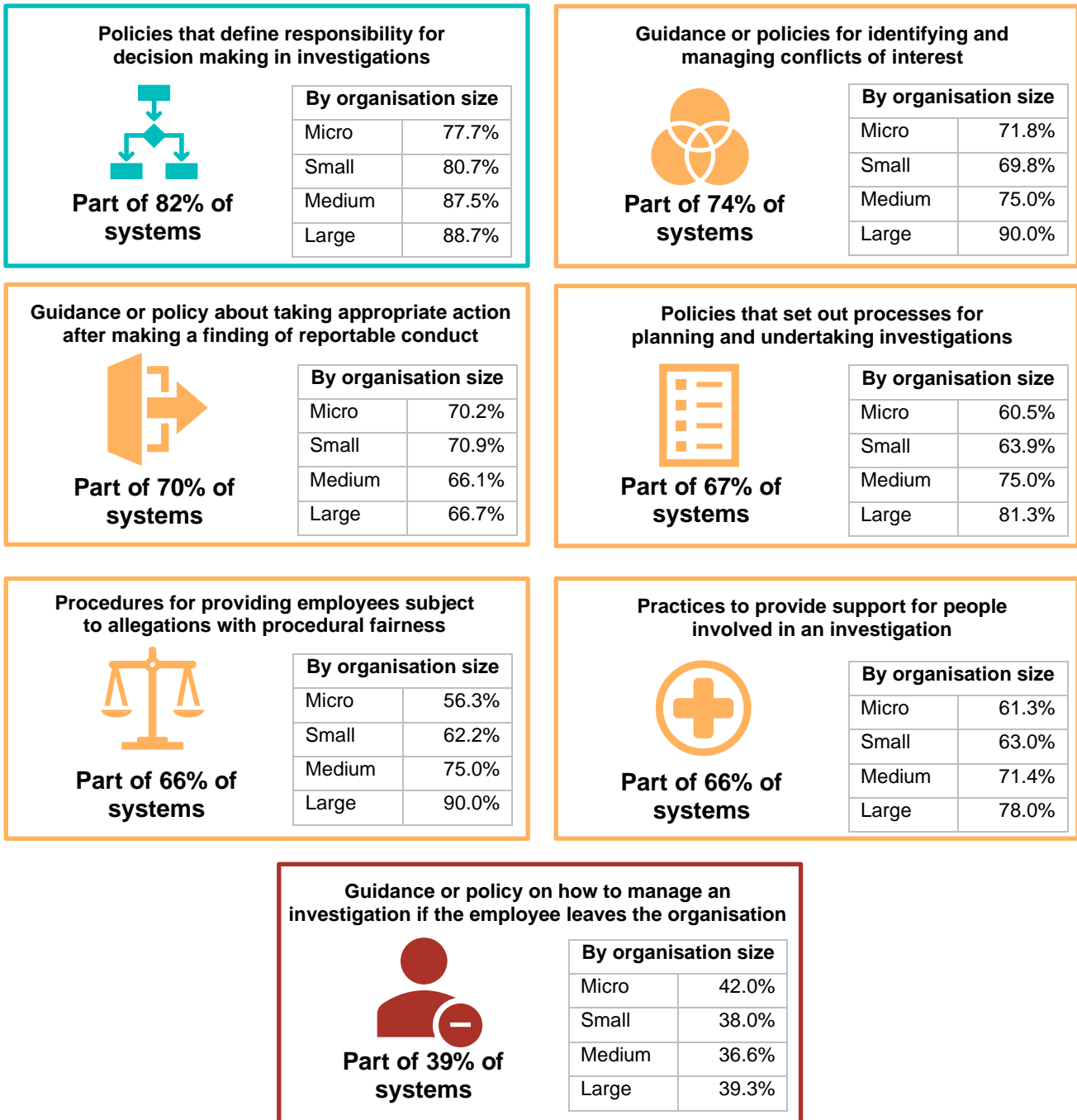
A significant minority of respondents did not have policies or procedures concerning key risks to the integrity and fairness of the investigation, with 74 per cent of respondents reporting guidance and policies for identifying and managing conflicts of interest and 66 per cent of respondents reporting procedures for providing employees subject to allegations with procedural fairness. Consistent with the overall results, smaller organisations were considerably less likely to have policies or guidance in relation to these matters compared to larger organisations. Noting that conflicts of interest are a particular risk in many smaller organisations⁶¹ and the Act has specific requirements in relation to procedural fairness, these are matters that need to be proactively considered by organisations of all sizes.

A minority of organisations (39%) reported having guidance or policy on how to manage an investigation if the employee leaves the organisation. These results were largely consistent across all organisation sizes and indicate a low level of awareness and/or understanding of the obligation to complete an investigation and make a finding even if the employee leaves the organisation following a report being made.

⁶⁰ Data was missing for seven respondents.

⁶¹ Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 7, Improving institutional responding and reporting*, 2017, p. 277.

Figure 12: Policies and procedures reported to constitute a system to investigate a reportable allegation or reportable conviction and take appropriate action in response to a finding



Source: Ombudsman Western Australia

Observation 6

Many organisations were not adequately prepared to investigate a reportable allegation. Smaller organisations were considerably more likely to lack procedures concerning key risks to the integrity and fairness of investigations.

5.4.4. Further observations

Documents reviewed as part of the survey follow-up process indicated that organisations generally had procedures to undertake investigations in relation to misconduct, grievances, complaints and/or abuse allegations. However, these procedures were commonly not updated to reflect the specific requirements of the Scheme.

More specifically, areas for improvement observed during the survey follow-up process included:

- **Procedural fairness requirements not consistent with Scheme:** The Scheme has procedural fairness requirements that may differ from a standard workplace investigation. The Act requires the head of the organisation to provide the employee with an opportunity to make submissions at three stages:
 - when they are informed that they are the subject of an investigation;
 - of any proposed adverse finding; and
 - of proposed action to be taken as a result of the finding.⁶²

These additional requirements were not commonly observed in the procedures of organisations subject to review and were a common source of non-compliance in investigation reports provided to the Ombudsman.

- **Use of findings not available under the Scheme:** The Scheme has two findings available to the head of the organisation following an investigation, being:
 - Substantiated: The head of the organisation has formed the view, on reasonable grounds, that the alleged reportable conduct occurred on the balance of probabilities.
 - Unsubstantiated: The head of the organisation did not form the view, on reasonable grounds, that the alleged reportable conduct occurred on the balance of probabilities.

The findings available under the Scheme were not commonly observed in the procedures of organisations subject to review. The use of findings not available under the Scheme, such as “Partially substantiated”, was further observed to have resulted in organisations needing to revise and resubmit their investigation reports to the Ombudsman.

- **Discontinuation of investigation following departure of employee:** The Scheme requires an investigation to be completed even if the employee leaves the organisation following the allegation being made (unless an exemption is provided by the Ombudsman). As reflected in the survey results, this was not a widely known element of the Scheme and has resulted in the Ombudsman receiving non-compliant investigation reports where the investigation was discontinued, and no finding made, as a result of the employee leaving the organisation.

It is critical that allegations under the Scheme are properly investigated – not only for the protection of children but to ensure a fair process for the employee the subject of the allegation. Organisations establishing or reviewing their systems under the Scheme are encouraged to review the Ombudsman’s guidance material and update their processes for

⁶² *Parliamentary Commissioner Act 1971*, s. 19X. For further information please refer to Ombudsman’s information sheet, [Procedural Fairness Guidelines](#).

planning and undertaking investigations, including use of the Ombudsman's template documents as required.



Guidance Note: Support for organisations undertaking investigations

Some organisations may face capability and cost constraints in undertaking investigations. While these challenges are acknowledged, the need to undertake an investigation is a core requirement of the Scheme. As the Act provides flexibility in how an investigation is managed (for example, an investigation may be undertaken by the head of the organisation, an employee or an external contractor), this requirement can be met in a way that reflects the organisation's specific circumstances.

A range of guidance materials are available on the Ombudsman's website that specifically relate to investigations:

- [Information Sheet 8 – Reportable Conduct investigations](#)
- [Information Sheet 9 – Undertaking inclusive investigations](#)
- [Information Sheet 12 - Procedural Fairness Guidelines](#)

The Ombudsman has further published template documents to guide organisations through all stages of the investigation process. The template documents specifically address the procedural fairness requirements of the Scheme and include:

- [Template Investigation Plan](#)
- [Template Letter of Allegation](#)
- [Template Letter of Proposed Findings and Actions](#)
- [Template Outcome Letter](#)
- [Template Investigation Report](#)

Organisations are encouraged to contact the Ombudsman via the dedicated enquiries line if they require further assistance on managing an investigation within the limitations of their resources.

5.5. System Five – Receipt, handling and disclosure of investigation information

System Five – Receipt, handling and disclosure of information

The head of the organisation must ensure that the organisation has in place a system for the receipt, handling and disclosure of investigation information.

5.5.1. Overview of system

Under the Act, 'investigation information' broadly encompasses information relating to a reportable allegation or reportable conviction; the progress, conduct or findings of an investigation; and, any actions taken as a result of the findings of an investigation.⁶³ Proper record keeping and appropriate and lawful disclosure of information therefore must be demonstrated at all stages of the reportable conduct scheme process.

The Royal Commission, in its *Final Report: Recordkeeping and information sharing*, Volume 8, described the importance of good record keeping:

The creation of detailed and accurate records and the exercise of good recordkeeping practices are important elements of good governance. They help promote consistency of practice, retention of organisational memory and institutional accountability. They also help institutions to maintain descriptions of their processes, decisions, activities and responses to critical incidents, providing a level of transparency and evidence of practices that can be relied on in the future.⁶⁴

Failure to keep appropriate records or the inappropriate disclosure of information can result in serious consequences for an organisation, including the loss of key evidence, the challenging of investigation findings and failures in managing or identifying risks to children.⁶⁵ Organisations should therefore thoroughly document all decisions and evidence arising from allegations as well have appropriate processes in place for the storage (e.g. how information is kept secure), access (e.g. who can access information and under what circumstances) and disclosure of this information (e.g. who can disclose information and under what circumstances).

The Act has specific requirements in relation to the disclosure of information (see section 5.5.4). Organisations will also need to be mindful of any other legal, contractual or other obligation relating to the recording and disclosure of information relevant to their circumstances.⁶⁶

5.5.2. Implementation of system

Just over half (55.4%) of respondents reported having this system in place. A further 26.6 per cent of respondents reported that this system was partially in place while 18 per cent reported that this system was not in place. This system demonstrated the lowest level of reported implementation among all systems.

⁶³ *Parliamentary Commissioner Act 1971*, s.19C.

⁶⁴ Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 8, Record keeping and information sharing*, 2017, p. 38.

⁶⁵ Office of the Children's Guardian (NSW), *Keeping Records: The NSW Reportable Conduct Scheme – Fact sheet 6*, August 2022, p. 3.

⁶⁶ The National Office for Child Safety, *Complaint Handling Guide: Upholding the rights of children and young people*, 2019, p. 89.

Table 12: Self-reported implementation of a system for the receipt, handling and disclosure of investigation information

Size of organisation	System implemented?		
	No	Partially	Yes
Micro (0 – 9 employees)	70 (23.7%)	74 (25.1%)	151 (51.2%)
Small (10 – 99 employees)	119 (19.3%)	166 (26.9%)	333 (53.9%)
Medium (100 – 249 employees)	12 (10.2%)	37 (31.4%)	69 (58.5%)
Large (Over 250 employees)	12 (7.7%)	39 (25.2%)	104 (67.1%)
Total	213 (18.0%)	316 (26.6%)	657 (55.4%)⁶⁷

Source: Ombudsman Western Australia

5.5.3. Policies and procedures reported to constitute system

Figure 13 summarises the practices and policies that were reported to constitute this system.

Of those organisations that reported having this system in place or partially in place, most respondents (87%) reported having guidance or policy about what information should be documented and how it should be stored. Fewer organisations had policies or procedures concerning subsequent steps in the record keeping process, including the management of access (72%) and disclosure (75%) of investigation information.

Respondents were least likely to report having guidance or policies about recording allegations that do not meet the threshold of reportable conduct (61%) or where there is no finding of reportable conduct (57%). The Royal Commission noted that the safety of children can be promoted when 'records about seemingly minor or isolated incidents are available to be viewed holistically and provide a cumulative picture of risks to children'.⁶⁸ The results indicate that such practices to identify concerning patterns or trends are not widespread.

Given that 18 per cent of respondents reported not having this system in place and a further 13 per cent to 28 per cent of respondents reported not having policies or guidance concerning the storage, access or disclosure of investigation information, the results indicate that nearly half of organisations do not have a fully functional system in place. This presents an ongoing risk to the integrity of investigations and to the safety of children.

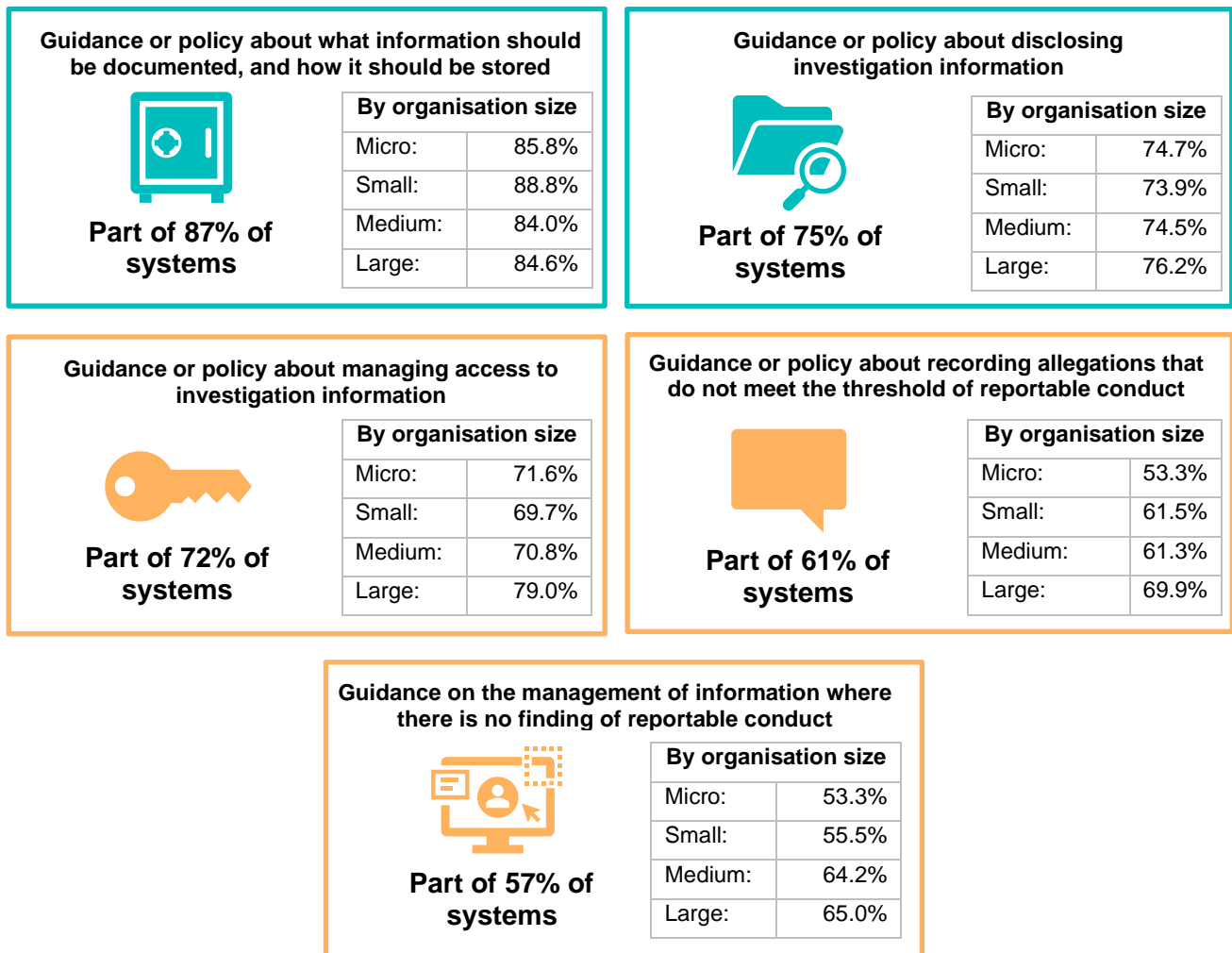
Observation 7

Organisations were least likely to report having a system in place for the receipt, handling and disclosure of investigation information, with many organisations lacking sufficiently robust recordkeeping procedures or guidance.

⁶⁷ Data was missing from five respondents.

⁶⁸ Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 8, Record keeping and information sharing*, 2017, p. 38

Figure 13: Policies and procedures reported to constitute a system for the receipt, handling and disclosure of investigation information



Source: Ombudsman Western Australia

5.5.4. Further observations

Documents reviewed as part of the survey follow-up process indicated that organisations were aware of the importance of appropriately storing information, with policies and procedures generally noting, at a minimum, the importance of maintaining confidentiality and privacy. As would be expected, the sophistication of record keeping policies varied considerably depending on the size of the organisation and its pre-existing record keeping obligations.

The Scheme includes specific requirements regarding the disclosure of information which were rarely observed in the documents reviewed. These include:

- **Disclosure of information to a child or person with parental responsibility:** The Act empowers organisations to disclose certain information to a child who is the subject of a report and to persons with parental responsibility for the child. The matters that can be disclosed are:
 - the progress of an investigation;

- the findings of an investigation; or
- any action taken as a result of the investigation.

The provision of this information is consistent with the Scheme's principle of child participation and recognises the important support and advocacy role of families and caregivers.⁶⁹ Accordingly, it is expected that this information should be shared unless there is a reason not to, with the Act prohibiting disclosure under certain circumstances, such as where it would put the wellbeing of the child, or the safety of any other person, at risk.⁷⁰

- **Prohibition on publishing certain information:** The Act prohibits the publishing of information that identifies or is likely to identify a person who has made a report or who is the subject of conduct that forms the basis of a report or a finding of reportable conduct.⁷¹ This restriction is intended to protect the identify of reporters as well as promote the wellbeing of children by ensuring their anonymity.
- **Consultation in relation to the Scheme:** The Act provides for consultation with the WA Police Force, the Commissioner for Children and Young People and the Department of Communities regarding reportable allegations or convictions; investigations undertaken under the Scheme; and, any other matters relevant to the functions of the head of the organisation under the Scheme.⁷² The Act further requires consultation with the WA Police Force (or other relevant investigatory bodies) regarding decisions to suspend an investigation and the steps taken to manage risks while an investigation is suspended so as to avoid compromising an investigation undertaken by the other body.⁷³

Organisations establishing or reviewing their systems under the Scheme are encouraged to consider the adequacy of their processes for the receipt, handling and disclosure of investigation information, including consideration of the Scheme's specific disclosure requirements. Further information on these requirements can be found in the Ombudsman's information sheet, [Reportable Conduct Scheme Investigations](#).

⁶⁹ *Parliamentary Commissioner Act 1971*, s. 19J(2). The Royal Commission noted that '[c]hild safe institutions understand the importance of keeping parents, guardians and carers of children who are the subject of a complaint informed of the progress and actions of the complaint handling process, where appropriate'. See Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 7, Improving institutional responding and reporting*, 2017, p. 177.

⁷⁰ *Parliamentary Commissioner Act 1971*, s. 19ZH.

⁷¹ *Parliamentary Commissioner Act 1971*, s. 19ZJ.

⁷² *Parliamentary Commissioner Act 1971*, s. 22AA(3).

⁷³ *Parliamentary Commissioner Act 1971*, s. 19ZG.



Guidance Note: Record Keeping Checklist

The Royal Commission's final report and guidance published by the National Office for Child Safety outlines good practice in relation to record keeping.⁷⁴ The New South Wales Office of the Children's Guardian has further published specific guidance on record keeping under the New South Wales reportable conduct scheme. Much of this guidance is relevant to the Western Australian context, including their checklist for recording allegations reported under the Scheme, which may serve as a useful quick reference source for organisations:

- Clearly record the initial and any subsequent allegation(s)
- Document the planning process
- Ensure all records are legible, signed and dated
- Confirm accuracy and consistency
- Avoid subjective language
- Include all notes (however rough) in the file
- Document all discussions and place on file (including emails sent and received)
- Document all advice, both given and received
- Document all decisions and their rationale
- Issue clear guidelines for staff about record keeping
- Be mindful of confidentiality and who should be able to access the records
- Keep records in a safe and secure place for the required period...⁷⁵

Organisations are encouraged to contact the Ombudsman's office if they require further advice on the handling of investigation information or their disclosure obligations under the Scheme.

⁷⁴ Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 8, Record keeping and information sharing*, 2017; Commonwealth of Australia, The National Office for Child Safety, *Complaint Handling Guide: Upholding the rights of children and young people*, 2019.

⁷⁵ Office of the Children's Guardian (NSW), *Keeping Records: The NSW Reportable Conduct Scheme – Fact sheet 6*, August 2022, p. 4.

5.6. Overall results and barriers to compliance

5.6.1. Overall extent of compliance

Heads of organisations covered by the Scheme are responsible for ensuring all systems required under the Act are in place. The extent of implementation of all required systems is set out in Table 13.

Table 13: Self-reported implementation of systems required under the Scheme, by size of organisation

Size of organisation	Number of respondents	Respondents reporting all systems at least partially implemented ⁷⁶	Respondents reporting all systems fully implemented
Micro: 0 – 9 employees	291	190 (65.3%)	107 (36.8%)
Small: 10 – 99 employees	609	431 (70.8%)	231 (37.9%)
Medium: 100 – 249 employees	117	95 (81.2%)	46 (39.3%)
Large: More than 250 employees	154	134 (87.0%)	76 (49.4%)
Total	1171⁷⁷	850 (72.6%)	460 (39.3%)

Source: Ombudsman Western Australia

Overall, 72.6 per cent of respondents reported at least partially implementing all systems required under the Act. A minority of organisations (39.3%) reported implementing all systems. The extent of implementation increased with organisation size, with 65.3 per cent of micro-organisations reporting at least partial implementation of all systems compared to 87 per cent of large organisations. Similarly, 36.8 per cent of micro-organisations reported fully implementing all systems compared to 49.4 per cent of large organisations.

Further analyses were undertaken on the extent to which each sector reported implementing systems required under the Scheme. As certain sectors may generally comprise larger or smaller sized organisations, Table 14 further provides comparisons by organisation size.

⁷⁶ A system was 'at least partially implemented' if the organisation responded 'Yes' or 'Partially' to the survey question asking if the system had been implemented in their organisation. A system was fully implemented if the organisation responded 'Yes' to this question.

⁷⁷ Twenty respondents had missing data for at least one system and have been excluded from the analysis.

Table 14: Self-reported implementation of systems required under the Scheme, by sector and size of organisation⁷⁸

Sector and organisation size	Number of respondents	Respondents reporting all systems at least partially implemented	Respondents reporting all systems fully implemented
Education services	151	122 (80.8%)	74 (49.0%)
< 100 employees	83	61 (73.5%)	33 (39.8%)
≥ 100 employees	68	61 (89.7%)	41 (60.3%)
Out-of-home care services	14	12 (85.7%)	8 (57.1%)
< 100 employees	4	3 (75.0%)	2 (50.0%)
≥ 100 employees	10	9 (90.0%)	6 (60.0%)
Early childhood education and care services	293	241 (82.3%)	154 (52.6%)
< 100 employees	256	206 (80.5%)	132 (51.6%)
≥ 100 employees	37	35 (94.6%)	22 (59.5%)
Youth justice services	7	6 (85.7%)	3 (42.9%)
≥ 100 employees	7	6 (85.7%)	3 (42.9%)
Health services	19	16 (84.2%)	11 (57.9%)
< 100 employees	4	3 (75.0%)	3 (75.0%)
≥ 100 employees	15	13 (86.7%)	8 (53.3%)
State government department or authority (excluding agencies in other sectors listed)	10	9 (90.0%)	3 (30.0%)
< 100 employees	1	1 (100%)	1 (100%)
≥ 100 employees	9	8 (88.9%)	2 (22.2%)
Local government	88	49 (55.7%)	17 (19.3%)
< 100 employees	46	20 (43.5%)	6 (13.0%)
≥ 100 employees	42	29 (69.0%)	11 (26.2%)
Accommodation and residential services	10	7 (70.0%)	5 (50.0%)
< 100 employees	7	4 (57.1%)	4 (57.1%)
≥ 100 employees	3	3 (100%)	1 (33.3%)
Disability services	201	153 (76.1%)	83 (41.3%)
< 100 employees	150	111 (74.0%)	64 (42.7%)
≥ 100 employees	51	42 (82.4%)	19 (37.3%)
Religious institutions	378	235 (62.2%)	102 (27.0%)
< 100 employees	349	212 (60.7%)	93 (26.6%)
≥ 100 employees	29	23 (79.3%)	9 (31.0%)
Total	1171⁷⁹	850 (72.6%)	460 (39.3%)

Source: Ombudsman Western Australia

⁷⁸ Given the lower number of respondents in certain sectors, organisations were categorised as having either <100 employees or ≥ 100 employees to facilitate meaningful comparisons.

⁷⁹ Twenty respondents had missing data for at least one system and have been excluded from the analysis.

The results indicate that smaller organisations were, consistently across sectors, less likely to report implementing all required systems. This may reflect differences in both awareness of the Scheme and the capacity to implement required systems. The results further indicate that Phase 1 organisations, which are generally more accustomed to regulatory oversight, were more likely to report implementing all required systems.

The notable exception to this was local governments, which reported the lowest level of compliance out of all sectors. Only 55.7 per cent of local governments reported at least partially implementing all required systems and fewer than one in five (19.3%) reported implementing all systems. Larger local governments performed more poorly than smaller organisations in other sectors covered in Phase 1 of the Scheme.

Religious organisations also demonstrated lower levels of compliance, with 62.2 per cent of respondents reporting at least partial implementation of all required systems and 27 per cent reporting implementing all required systems. Noting the recent commencement of the Scheme; the smaller size of religious organisations and larger reliance on a volunteer workforce, these results are not unexpected and reflect similar challenges observed in other jurisdictions.⁸⁰

Observation 8

Overall, 72.6 per cent of organisations reported at least partially implementing all required systems and 39.3 per cent reported fully implementing all required systems. Local governments and religious organisations reported the lowest level of compliance with requirements to have systems in place under the Scheme.

5.6.2. Barriers to compliance

Organisations were also requested as part of the survey to provide feedback on barriers to the implementation of systems and the management of their obligations under the Scheme.

The most common barrier reported by organisations was understanding the systems that needed to be put in place under the Scheme (35.0% of respondents). As set out in Table 15, other commonly reported barriers included:

- managing the Reportable Conduct Scheme obligations alongside other reporting obligations (31.8% of respondents);
- availability of employees to manage reporting obligations (30.3% of respondents); and
- understanding how to undertake investigations/engage an investigator (29.3% of respondents).

A similar proportion of respondents (34.7%) reported that no issues were identified.

⁸⁰ ACT Ombudsman, *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*, August 2023, Canberra, p. 10.

Table 15: Self-reported barriers to implementation of systems required under the Scheme, by sector and size of organisation⁸¹

Sector and organisation size	Number of organisations reporting barrier					
	Availability of employees (staffing resources)	Managing Scheme alongside other obligations	Knowing what systems need to be put in place	Knowing what reportable conduct includes	Knowing how to investigate	Knowing how to manage information
Education services	30 (20.1%)	52 (34.9%)	32 (21.5%)	24 (16.1%)	40 (26.8%)	31 (20.8%)
< 100 employees	19 (22.9%)	26 (31.3%)	19 (22.9%)	11 (13.3%)	28 (33.7%)	24 (28.9%)
≥ 100 employees	11 (16.7%)	26 (39.4%)	13 (19.7%)	13 (19.7%)	12 (18.2%)	7 (10.6%)
Out-of-home care services	2 (16.7%)	6 (50.0%)	2 (16.7%)	2 (16.7%)	3 (25.0%)	3 (25.0%)
< 100 employees	1 (33.3%)	1 (33.3%)	1 (33.3%)	1 (33.3%)	2 (66.7%)	2 (66.7%)
≥ 100 employees	1 (11.1%)	5 (55.6%)	1 (11.1%)	1 (11.1%)	1 (11.1%)	1 (11.1%)
Early childhood education and care services	72 (24.9%)	97 (33.6%)	116 (40.1%)	83 (28.7%)	95 (32.9%)	62 (21.5%)
< 100 employees	65 (25.6%)	82 (32.3%)	105 (41.3%)	75 (29.5%)	89 (35.0%)	55 (21.7%)
≥ 100 employees	7 (20.0%)	15 (42.9%)	11 (31.4%)	8 (22.9%)	6 (17.1%)	7 (20.0%)
Youth justice services	2 (28.6%)	1 (14.3%)	-	1 (14.3%)	-	-
≥ 100 employees	2 (28.6%)	1 (14.3%)	-	1 (14.3%)	-	-
Health services	-	3 (16.7%)	4 (22.2%)	1 (5.6%)	2 (11.1%)	2 (11.1%)
< 100 employees	-	-	1 (25.0%)	1 (25.0%)	1 (25.0%)	1 (25.0%)
≥ 100 employees	-	3 (21.4%)	3 (21.4%)	-	1 (7.1%)	1 (7.1%)
State government department or authority (excluding agencies in other sectors listed)	5 (50.0%)	4 (40.0%)	1 (10.0%)	1 (10.0%)	1 (10.0%)	1 (10.0%)
< 100 employees	-	1 (100%)	-	-	-	-
≥ 100 employees	5 (55.6%)	3 (33.3%)	1 (11.1%)	1 (11.1%)	1 (11.1%)	1 (11.1%)
Local government	53 (60.2%)	35 (39.8%)	41 (46.6%)	25 (28.4%)	27 (30.7%)	21 (23.9%)
< 100 employees	28 (60.9%)	21 (45.7%)	18 (39.1%)	14 (30.4%)	14 (30.4%)	12 (26.1%)
≥ 100 employees	25 (59.5%)	14 (33.3%)	23 (54.8%)	11 (26.2%)	13 (31%)	9 (21.4%)
Accommodation and residential services	5 (50.0%)	3 (30.0%)	6 (60.0%)	6 (60.0%)	4 (40.0%)	4 (40.0%)
< 100 employees	3 (42.9%)	1 (14.3%)	4 (57.1%)	4 (57.1%)	2 (28.6%)	3 (42.9%)
≥ 100 employees	2 (66.7%)	2 (66.7%)	2 (66.7%)	2 (66.7%)	2 (66.7%)	1 (33.3%)
Disability services	42 (21.4%)	66 (33.7%)	69 (35.2%)	32 (16.3%)	44 (22.4%)	36 (18.4%)
< 100 employees	34 (23.3%)	48 (32.9%)	60 (41.1%)	26 (17.8%)	41 (28.1%)	30 (20.5%)
≥ 100 employees	8 (16.0%)	18 (36.0%)	9 (18.0%)	6 (12.0%)	3 (6.0%)	6 (12.0%)
Religious institutions	137 (37.0%)	98 (26.5%)	131 (35.4%)	77 (20.8%)	121 (32.7%)	98 (26.5%)
< 100 employees	126 (37.0%)	88 (25.8%)	123 (36.1%)	75 (22%)	114 (33.4%)	92 (27%)
≥ 100 employees	11 (37.9%)	10 (34.5%)	8 (27.6%)	2 (6.9%)	7 (24.1%)	6 (20.7%)
Total	348 (30.3%)	365 (31.8%)	402 (35.0%)	252 (21.9%)	337 (29.3%)	258 (22.5%)

Source: Ombudsman Western Australia

⁸¹ Given the lower number of respondents in certain sectors, organisations were categorised as having either <100 employees or ≥ 100 employees to facilitate meaningful comparisons.

Barriers to the implementation of systems were dependent on the size and sector of the organisation – no single predominant barrier was reported. Smaller organisations identified more barriers compared to larger organisation and were more likely to report barriers associated with the undertaking of investigations.⁸² Conversely, larger organisations were more likely to report issues with managing the Scheme's obligations alongside other reporting obligations.⁸³

For local government and religious organisations, the two sectors with the lowest level of reported compliance, the most common barrier reported was the availability of employees to manage reporting obligations. Alternatively, the education sector more commonly reported difficulties in managing the Scheme's obligations alongside other reporting obligations and the early childhood education and care sector more commonly reported difficulties in understanding the systems that need to be put in place under the Scheme.

5.6.3. Conclusion and next steps

The results of the survey indicate promising initial progress in implementing systems required by the Scheme. Considerable room for improvement remains given that many organisations are yet to implement compliant systems. While 72.6 per cent of organisations reported at least partially implementing all required systems, most organisations have yet to fully implement required systems and survey responses indicate still developing awareness and understanding of the Scheme's requirements. Accordingly, actual (rather than self-reported) compliance with these legal requirements is certain to be even lower. Organisations are therefore encouraged to reflect upon the findings and areas for improvement set out in this report when establishing or reviewing their systems under the Scheme.

Areas of particular concern include:

- the lack of integration of the Scheme into the reporting systems of organisations;
- the readiness of organisations to investigate allegations of reportable conduct; and
- the adequacy of procedures in place for the storage, access and disclosure of investigation information.

These are not minor administrative matters – they reflect contributing factors to child abuse.

In noting these concerns, it is observed that the maturity of systems is not uniform across all sectors and organisation sizes. Just as systems should be implemented in a way that reflect the individual circumstances of an organisation, the difficulties that organisations face, and the support they require, similarly depend on their individual circumstances.

The Ombudsman will continue to educate and build capacity of organisations covered by the Scheme through its guidance materials, webinars, training sessions and dedicated enquiries line, as well as through individual engagement with organisations that have submitted notifications. Noting the findings of this report, these education and capacity building strategies will be further targeted to reflect areas of greatest need and risk.

⁸² Out of a maximum of six potential barriers, the average number of reported barriers for micro-organisations (0-9 employees) was 1.9; small organisations (10-99 employees) was 1.8; medium organisations (100-249 employees) was 1.5; large organisations (250+ employees) was 1.3. In addition, 75.9 per cent of micro-organisations reported difficulties in understanding how to undertake investigations/engage an investigator versus 45.8 per cent of large organisations.

⁸³ 72.6 per cent of large organisations reported this as a barrier compared to 55.3 per cent of micro-organisations.

Observation 9

Reported barriers to the implementation of required systems varied depending on the size and sector of the organisation, indicating the importance of targeted and risk informed education and capacity building strategies.

Appendix: Systems self-assessment survey



Organisations covered by the Western Australian Reportable Conduct Scheme (the **Scheme**) must have certain systems in place to prevent reportable conduct and to respond to reportable allegations and reportable convictions relating to their employees (including contractors and volunteers).

In this self-assessment survey, you are asked to indicate what practices or policies constitute your organisation's systems under the Scheme. We acknowledge that there is no one-size-fits-all approach to the implementation of systems – organisations may implement a variety of practices or policies to prevent and respond to allegations of child abuse depending on their functions, size, risk and level of resources.

This survey will need to be completed in one session by the head of your organisation (or delegate) and will take approximately 10-15 minutes to complete.

If you have any questions, please do not hesitate to contact the project team at OWAprojects@ombudsman.wa.gov.au.

Please complete the survey by 26 April 2024.

1. *What is the name of your organisation?

2. Who is the contact person for this survey?

Please provide a name, email address and phone number.

3. What is the approximate number of employees in your organisation?

Please note, under the Scheme the term 'employee' also refers to volunteers and contractors who provide services to children. [please select one]

- 0 – 9
- 10 – 99
- 100 – 249
- More than 250 employees

⁸⁴ Ombudsman Western Australia wishes to thank the ACT Ombudsman's office for their assistance in relation to the development of the survey.

Systems Self-Assessment Survey

4. *Which sector best describes your organisation? [please select one]
- Education services
 - Out-of-home care services
 - Early childhood education and care services
 - Youth justice services
 - Health services
 - State government department or authority (excluding agencies in the other sectors listed i.e., health, out-of-home-care, education, youth justice)
 - Local government
 - Accommodation and residential services
 - Religious institutions
 - Disability services
 - Other
-
5. *Does your organisation provide services in more than one region in Western Australia?
- Yes [please go to Q6]
 - No [please go to Q7]
6. In what regions does your organisation provide services?
Select all that apply.
- Perth Metro
 - Gascoyne
 - Goldfields
 - Great Southern
 - Kimberley
 - Mid West
 - Peel
 - Pilbara
 - South West
 - Wheatbelt
7. In what region does your organisation provide services? [please select one only]
- Perth Metro
 - Gascoyne
 - Goldfields
 - Great Southern
 - Kimberley
 - Mid West
 - Peel
 - Pilbara
 - South West
 - Wheatbelt

Systems Self-Assessment Survey

8. Under the Scheme, organisations must have in place a system for preventing reportable conduct by employees of the organisation in the course of their employment.

Has this system been implemented in your organisation?

- Yes [please go to Q9]
- Partially [please go to Q9]
- No [please go to Q10]

9. Please indicate which of the following practices or policies constitutes this system in your organisation.

Select all that apply (noting that the below policies and practices are provided for illustrative purposes only – the list is neither exhaustive nor reflective of what is required or appropriate for your organisation).

- Implementation of the National Principles for Child Safe Organisations
- Pre-employment screening procedures
- Ongoing monitoring of Working with Children Checks
- Communication to employees about the organisation's commitment to child safety
- Guidance to employees about appropriate and inappropriate behaviour, such as a Code of Conduct
- Guidance to employees on the use of online environments, including social media
- Guidance that clearly defines the roles and responsibilities of employees when working with children
- Ongoing training and awareness raising about the Reportable Conduct Scheme and other child safety matters
- Review of findings of reportable conduct investigations to identify and address contributing factors to conduct
- Risk management strategies addressing physical risks, including the nature of physical spaces and ways in which the physical environment might promote safety (e.g. visibility and clear line of sight, monitoring of access to physical spaces)
- Other [please specify]

10. Under the Scheme, organisations must have in place a system for:

- enabling any person, including an employee of the organisation, to report to the head of the organisation a reportable allegation or reportable conviction involving an employee of the organisation;
- enabling any person, including an employee of the organisation, to report to the Ombudsman a reportable allegation or reportable conviction involving the head of the organisation.

Has this system been implemented in your organisation?

- Yes [please go to Q11]
- Partially [please go to Q11]
- No [please go to Q12]

Systems Self-Assessment Survey

11. Please indicate which of the following practices or policies constitute this system in your organisation.

Select all that apply (noting that the below policies and practices are provided for illustrative purposes only – the list is neither exhaustive nor reflective of what is required or appropriate for your organisation).

- Guidance for employees on the types of conduct covered by the Reportable Conduct Scheme
- Guidance on which employees are covered by the Reportable Conduct Scheme
- Establishment of a designated point of contact for reportable conduct matters within the organisation
- Reporting systems that enable employees to report reportable allegations or reportable convictions involving an employee of the organisation to the head of the organisation
- Guidance to employees on reporting reportable allegations or reportable convictions involving the head of the organisation to the Ombudsman
- Reporting systems that enable any other person (e.g. a member of the public) to report reportable allegations and reportable convictions involving an employee to the organisation or the Ombudsman
- Reporting systems that are designed for children or are child-friendly
- Guidance to employees about how the Reportable Conduct Scheme interacts with other reporting obligations
- Reporting systems that allow for anonymous reporting
- Other *[please specify]*

12. Under the Scheme, organisations must have in place a system for notifying the Ombudsman of a report to the head of the organisation of a reportable allegation or reportable conviction involving an employee of the organisation.

Has this system been implemented in your organisation?

- Yes *[please go to Q13]*
- Partially *[please go to Q13]*
- No *[please go to Q14]*

13. Please indicate which of the following practices or policies constitute this system in your organisation.

Select all that apply (noting that the below policies and practices are provided for illustrative purposes only – the list is neither exhaustive nor reflective of what is required or appropriate for your organisation).

- Procedures that enable the head of the organisation to make a notification to the Ombudsman within 7 days of becoming aware of the allegation
- Procedures for notifying other bodies about allegations where there is an obligation to do so (e.g. WA Police, Department of Communities)
- Guidance or policy about the assessment of risk to children after an allegation is made

Systems Self-Assessment Survey

- Guidance or policy about taking appropriate risk management actions after an allegation is made
- Other [please specify]

14. Under the Scheme, organisations must have in place a system for investigating a reportable allegation or reportable conviction relating to an employee of the organisation and taking appropriate action in response to a finding of reportable conduct.

Has this system been implemented in your organisation?

- Yes [please go to Q15]
- Partially [please go to Q15]
- No [please go to Q16]

15. Please indicate which of the following practices or policies constitute this system in your organisation.

Select all that apply (noting that the below policies and practices are provided for illustrative purposes only – the list is neither exhaustive nor reflective of what is required or appropriate for your organisation).

- Policies that define responsibility for decision making in investigations
- Policies that set out processes for planning and undertaking investigations (e.g. developing an investigation plan, appointing an investigator, preparing a report and making findings)
- Guidance or policies for identifying and managing actual, potential and perceived conflicts of interest
- Procedures for providing employees subject to allegations with procedural fairness and information about review or appeal mechanisms
- Guidance or policy on how to manage an investigation if the employee leaves the organisation
- Practices to provide support for people involved in an investigation (e.g. children; parents, carers and people with parental responsibility; employees the subject of an investigation; affected staff)
- Guidance or policy about taking appropriate action after making a finding of reportable conduct (e.g. action in relation to the employee involved; informing the child and family involved of the outcome; improving the prevention, identification and response to reportable conduct)
- Other [please specify]

Systems Self-Assessment Survey

16. Under the Scheme, organisations must have in place a system for the receipt, handling, and disclosure of investigation information.

Has this system been implemented in your organisation?

- Yes [please go to Q17]
- Partially [please go to Q17]
- No [please go to Q18]

17. Please indicate which of the following practices or policies constitute this system in your organisation.

Select all that apply (noting that the below policies and practices are provided for illustrative purposes only – the list is neither exhaustive nor reflective of what is required or appropriate for your organisation).

- Guidance or policy about what information should be documented, and how it should be stored
- Guidance or policy about managing access to investigation information
- Guidance or policy about disclosing investigation information
- Guidance or policy about recording allegations that do not meet the threshold of reportable conduct
- Guidance or policy about the management of information after an investigation is concluded and there is no finding of reportable conduct
- Other [please specify]

18. Are there any particular barriers to the implementation of systems and the management of your obligations under the Reportable Conduct Scheme?

Select all that apply.

- Availability of employees to manage reporting obligations (staffing resources)
- Managing the Reportable Conduct Scheme obligations alongside other reporting obligations
- Understanding what systems need to be put in place under the Scheme
- Understanding what reportable conduct does and does not include
- Understanding how to undertake investigations/engage an investigator
- Understanding how to manage information used in investigations
- No issues identified
- Other [please specify]

19. If you can provide an example of good practice in your organisation's management, prevention, identification, or investigation of reportable conduct, please describe it

Reportable Conduct Scheme: Guidance available

Information Sheets

[Information Sheet 1 - Overview of the Reportable Conduct Scheme](#)

[Information Sheet 2 - About the Reportable Conduct Scheme](#)

[Information Sheet 3 - Identifying Reportable Conduct](#)

[Information Sheet 4 - Responsibilities of the head of the organisation](#)

[Information Sheet 5 - Self Assessment Guidance](#)

[Information Sheet 6 – Risk management following a reportable allegation](#)

[Information Sheet 7 – Information for employees](#)

[Information Sheet 8 – Reportable Conduct investigations](#)

[Information Sheet 9 – Undertaking inclusive investigations](#)

[Information Sheet 10 - Exemptions](#)

[Information Sheet 11 - Information for volunteers and volunteer organisations](#)

[Information Sheet 12 - Procedural Fairness](#)

[Frequently Asked Questions](#)

Templates

[Investigation Plan \(Word\)](#)

[Investigation Report \(Word\)](#)

[Letter of Allegation \(Word\)](#)

[Letter of Proposed Findings and Actions \(Word\)](#)

[Outcome Letter \(Word\)](#)

Posters

[Reportable Conduct Scheme - General Overview](#)

[Early Childhood Education and Care Sector Reporting Obligations](#)

[Non-Government School Sector Reporting Obligations](#)

Ombudsman Western Australia

Level 2, 469 Wellington Street Perth WA 6000

PO Box Z5386 St Georges Terrace Perth WA 6831

Tel 08 9220 7555 • Freecall (free from landlines) 1800 117 000 • Fax 08 9220 7500

Email mail@ombudsman.wa.gov.au • Website www.ombudsman.wa.gov.au