

### What is this information sheet about?

The purpose of this information sheet is to provide guidance to volunteers, employees of volunteer organisations and volunteer organisations about the Western Australian Reportable Conduct Scheme (**the Scheme**).

### About the Reportable Conduct Scheme

The Scheme makes Western Australian children safer by compelling 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 Western Australia (**Ombudsman**) and then investigate these allegations.<sup>1</sup> The Ombudsman will monitor and oversee the Scheme including reviewing these investigations.

### What is reportable conduct?

The Reportable Conduct 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

Behaviour that  
causes significant  
emotional or  
psychological harm to  
a child

Reportable conduct includes certain criminal convictions (**reportable convictions**) and **reportable allegations**.

A reportable allegation is any information that leads a person to form a **belief on reasonable grounds** that an employee has engaged in reportable conduct or conduct that may involve reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment. This includes where a reportable allegation is made against the head of the organisation.

Conduct that forms part of normal professional duties is not reportable conduct. For further information, please see our [Frequently Asked Questions](#).

For further information on identifying reportable conduct, reportable allegations and reportable convictions, please see our information sheet, [Identifying Reportable Conduct](#).

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<sup>1</sup> The Scheme was enacted as part of the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022*.

### Volunteers under the Scheme



If you are a **volunteer** of an organisation, and you are covered by the Scheme, you:

- **may** be the subject of a reportable conduct investigation; and
- are **encouraged** to report reportable allegations or reportable convictions to the head of your organisation as soon as practicable.

If you have reported the matter to the head of the organisation and you remain dissatisfied with the outcome of your report, you may also notify the Ombudsman.

Volunteers, covered by the Scheme, are defined as an 'employee' for the purposes of the Scheme. For further information about your rights and obligations, refer to [Information Sheet 7 – Information for employees](#).

### Obligations of employees of a volunteer organisation.

If you are an **employee** of a volunteer organisation, you:

- **may** be the subject of a reportable conduct investigation; and
- **must** report reportable allegations or reportable convictions to the head of your organisation as soon as practicable.

For further information about your rights and obligations, as an employee, refer to [Information Sheet 7 – Information for employees](#).

Further information on the organisations covered by the Reportable Conduct Scheme can be found in our information sheet, [About the Reportable Conduct Scheme](#).

### What protections do I have when I make a report?

There are protections under the [Parliamentary Commissioner Act 1971](#) for providing information under the Scheme, including protection from civil and criminal liability, provisions ensuring confidentiality and more.<sup>2</sup>

If you have concerns about the reporting culture in your organisation, or the systems in place to enable reporting, you may contact the Ombudsman directly.

### Should I talk to others (apart from the head of my organisation) first?

No. Immediate reports protect children, the subject of the allegation or conviction and yourself. When a report is received, steps can be taken to protect a child or children and address the conduct of the subject through proper investigation, training and support.

### I am a volunteer or an employee of a volunteer organisation, what if someone makes a report about me?

If an allegation is made against you, the head of the organisation must notify the Ombudsman about the allegation or conviction within 7 days of becoming aware of it. Action must also be taken to manage risks, investigate and to provide you with procedural fairness including informing you:

- that you are the subject of a reportable conduct investigation;
- the reportable allegation or reportable conviction being investigated;
- any proposed adverse findings; and
- any action that is proposed to be taken because of the findings.

You must also be given an opportunity to make submissions in relation to the reportable allegation, any proposed adverse findings, and any proposed action.

For further information, refer to the 'What if someone makes a report about me?' section in [Information Sheet 7 – Information for employees](#).

### What if the allegation is against the head of the organisation?

If the reportable conduct is about the head of your organisation, the allegation must be reported directly to the Ombudsman, which you can do by sending all relevant details to:

[reportableconduct@ombudsman.wa.gov.au](mailto:reportableconduct@ombudsman.wa.gov.au).

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<sup>2</sup> Sections 30AA 30B and 19ZJ of the *Parliamentary Commissioner Act 1971*.

## What are the consequences of a reportable conduct finding?

At the end of a reportable conduct investigation, the head of the organisation must make one of the following findings:

Finding	Definition
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.

If the head of an organisation makes a substantiated finding, it will be recorded by the Ombudsman and the Ombudsman may notify the Department of Communities' Working with Children Screening Unit of the finding of reportable conduct for the purposes of the *Working with Children (Screening) Act 2004*.

## I am the head of a volunteer organisation, what are my obligations under the Scheme?

If you are the head of a volunteer organisation that is covered by the Scheme you have reporting, systems, and investigation obligations. For further information refer to [Information Sheets 4, 6, 8 and 9](#).

## Who can I contact for guidance about the Scheme?

Your organisation should provide guidance to you about the Reportable Conduct Scheme.

If you have any questions about the Scheme, please contact us on:

- Telephone: 9220 7471
- Email: [reportableconduct@ombudsman.wa.gov.au](mailto:reportableconduct@ombudsman.wa.gov.au)
- Website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

