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| Reportable conduct scheme |
| Factsheet |
| OFFICIAL |

# What is the reportable conduct scheme?

The Victorian Government is committed to driving cultural change in organisations across the state to make Victoria safer for all children. To improve oversight of how organisations prevent and respond to allegations of child abuse, the Victorian Government introduced a reportable conduct scheme (the scheme) that commenced on 1 July 2017. The scheme requires centralised reporting to the Commission for Children and Young People by relevant organisations of allegations of child abuse and misconduct towards children made against their workers or volunteers.

The reportable conduct scheme requires allegations of suspected criminal conduct to be reported to Victoria Police as the first priority and maintains the primacy of an investigation by Victoria Police of any allegations of criminal misconduct.

As an independent statutory body, the Commission for Children and Young People oversees the reportable conduct scheme. It has the power to:

* monitor investigations into abuse and report on trends
* share information with key organisations to improve child safety
* inquire into the safety systems of organisations engaged in child-related work.

The benefits of a reportable conduct scheme include:

* identifying individuals who pose a risk to children, but do not have criminal records, and enabling them to be excluded from working with children
* independent oversight of responses to allegations of child abuse and misconduct involving children against workers and volunteers in organisations
* building the capacity of organisations to respond appropriately and effectively to allegations of child abuse and misconduct involving children.

Where possible, the scheme builds on and can be integrated into existing requirements, including Victorian and national professional registration, employee misconduct procedures and reporting obligations.

# What is reportable conduct?

Under the reportable conduct scheme, reportable conduct includes allegations against workers or volunteers of child abuse and misconduct involving children. For example, reportable conduct includes sexual misconduct or offences, grooming, ‘sexting’, inappropriate physical contact with a child or other conduct that crosses professional boundaries concerning children.

Any allegations of [criminal conduct](http://www.police.vic.gov.au/content.asp?a=internetBridgingPage&Media_ID=116042) must be reported to Victoria Police as the first priority <https://www.police.vic.gov.au/homepage>.

‘Reportable conduct’ is defined in the *Child Wellbeing and Safety Act 2005* to include:

* a sexual offence committed against, with or in the presence of a child; or
* sexual misconduct, committed against, with or in the presence of a child; or
* physical violence committed against, with or in the presence of a child; or
* any behaviour that causes significant emotional or psychological harm to a child; or
* significant neglect of a child.

Further guidance is available in [resources and support](https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets/) on the website of the Commission for Children and Young People to ensure organisations are aware of matters that must be reported to the Commission as alleged reportable conduct <https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/>

# Which organisations does the scheme apply to?

The scheme requires the centralised reporting of allegations of child abuse against workers or volunteers in relevant organisations with a high level of responsibility for children. The scheme applies to:

* child protection,
* out-of-home care services
* residential services for children with a disability
* certain education providers
* government and non-government schools
* government departments (including youth justice services)
* hospitals
* other disability services for children
* providers of overnight camps
* religious bodies
* residential facilities of boarding schools
* early childhood services and
* certain statutory bodies that have responsibility for children, such as public museums and galleries.

A full list of the types of organisations to which the scheme applies is on the website of the [Commission for Children and Young People](https://ccyp.vic.gov.au/reportable-conduct-scheme/who-does-the-scheme-apply-to/) < https://ccyp.vic.gov.au/reportable-conduct-scheme/who-does-the-scheme-apply-to/>.

The scope of the scheme is narrower than the Child Safe Standards, capturing organisations with the closest care, supervision and authority over children, or that have limited or no independent oversight.

# What does an organisation need to do?

The reportable conduct scheme requires allegations of suspected [criminal conduct](http://www.police.vic.gov.au/content.asp?a=internetBridgingPage&Media_ID=116042) to be reported to Victoria Police as the first priority and maintains the primacy of an investigation by Victoria Police <https://www.police.vic.gov.au/homepage>.

Notifications of reportable conduct must also be made to the Commission for Children and Young People. This does not replace any existing requirement for organisations to report client incidents or professional misconduct to a relevant government department or statutory body.

The scheme requires in scope organisations to have in place processes for reporting allegations against workers, contractors and volunteers of child abuse and misconduct towards children. These processes must ensure that the head of the entity, such as the President or Chair of the Board is made aware of the allegation and that there are procedures for appropriately responding to the allegation.

The head of an entity needs to ensure:

* appropriate investigation of the allegation by the organisation, in accordance with existing employee misconduct processes, or
* permit an investigation by an existing regulator, for example the Australian Health Practitioner Regulation Agency, or the Victorian Institute of Teaching, as appropriate, and in accordance with existing laws. A
* Any employment action taken by an organisation against a worker or volunteer will need to be in accordance with existing employment laws, relevant legislation, industrial agreements and employment contracts.

# What are the timeframes for reporting allegations of reportable conduct?

The head of an organisation must report any allegation of reportable conduct to the Commission for Children and Young People within **three business days** of becoming aware of the allegation. This initial report must include the following information:

* the name (including any former name and alias, if known) and date of birth, if known, of the employee concerned;
* whether Victoria Police has been contacted about the reportable allegation;
* the name, address and telephone number of the organisation; and,
* the name of the head of the entity.

**As soon as practicable**, the head of the entity must report to the Commission for Children and Young People the details of who will conduct the investigation.

Within **30 days** or as soon as practicable after becoming aware of the reportable allegation, the head of the entity must report to the Commission for Children and Young People:

* detailed information about the reportable allegation, including the type of conduct alleged, details of the alleged victim;
* whether or not the organisation proposes to take any disciplinary or other action against the employee and the reasons for this decision; and,
* any written submissions made by the employee used in determining what action was taken by the organisation

As soon as practicable **after an investigation** has concluded, the Commission for Children and Young People must be notified of the findings of the investigation, the reasons for those findings and details of any disciplinary or other actions proposed against the employee.

# How does the reportable conduct scheme better protect children?

The Commission for Children and Young People is able to share relevant information to better protect children from the risks of abuse, including by referring certain findings of reportable conduct to:

* the Working with Children Check Unit, enabling assessment or reassessment of a person’s suitability to hold a Working with Children Check
* relevant professional bodies, enabling this information to be considered in deciding a person’s suitability to hold professional registration.

The Commission for Children and Young People is also able to provide information and advice to an organisation and make recommendations about how to improve child safety practices.

# More information

The Commission for Children and Young People will continue to work with peak bodies and other stakeholders to assist them to support organisations to understand their obligations under the scheme.

Information is currently available on the websites of the Department of Families, Fairness and Housing and the Commission for Children and Young People:

* <https://ccyp.vic.gov.au/reportable-conduct-scheme/>
* <https://providers.dffh.vic.gov.au/creating-child-safe-organisations>

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