

# A guide for Faith Communities on the Reportable Conduct Scheme



Disclaimer: This guide provides general information only. It is intended to help Faith Communities comply with the Reportable Conduct Scheme. While all care has been taken in the production of this guide, it is not intended to be legal advice. Because legislation and legal requirements change over time, organisations should confirm the legal requirements that apply to them and seek legal advice about their specific situation.

## Protecting children from abuse

Child abuse is unacceptable. We all have a legal and moral obligation to protect children, and to ensure children are safe.

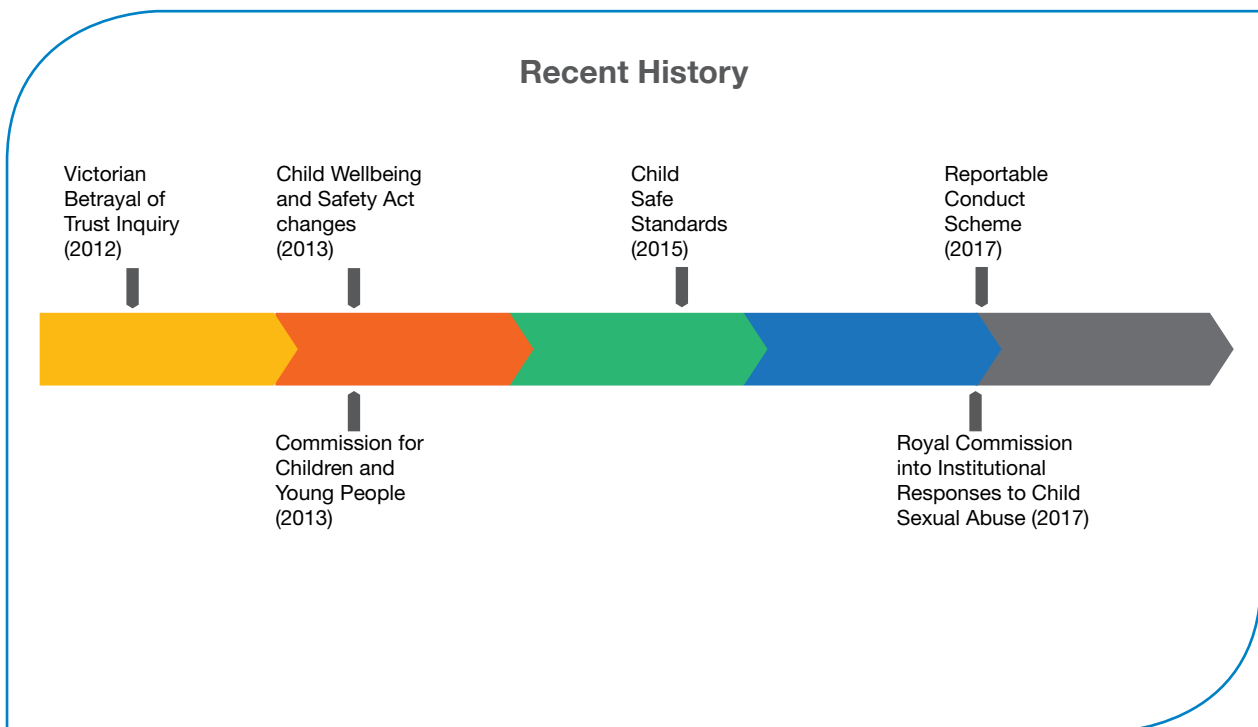
All of us, including our religious communities, need to establish practices and behaviours within our organisations to deter and prevent abuse. We need reporting mechanisms in our organisations and communities to deal with allegations of abuse, thoroughly, quickly and fairly. This document briefly describes how religious organisations should deal with allegations of abuse of children.

Laws and regulations have been introduced in Victoria that change what is expected of organisations in how

they prevent child abuse, and in how they manage allegations of abuse. All religious organisations are required to report and investigate all allegations of child abuse and child-related misconduct.

The **Commission for Children and Young People (the Commission)**, established in 2013 by the Victorian Government, administers the **Reportable Conduct Scheme (the Scheme)**<sup>1</sup> which requires organisations to report, investigate and respond to allegations of child abuse and child-related misconduct. Contact details for the Commission are provided at the end of this document.

<sup>1</sup> The Scheme is established by the *Child Wellbeing and Safety Act 2005* (the Act)



## What is the Reportable Conduct Scheme?

The Scheme has been designed to ensure that the Commission is aware of every allegation of serious misconduct involving children in certain organisations that have care, supervision and authority over children.

The Commission's role includes:

- independently overseeing and monitoring organisations' responses to allegations and making recommendations to improve these responses
- supporting and guiding organisations that receive allegations.

The Scheme seeks to improve organisations' responses to allegations of child abuse and child-related misconduct by their workers and volunteers.

## Requirements of religious organisations

Religious organisations are now obliged to:

- identify or nominate the **head of the organisation<sup>2</sup>** – the person who is primarily responsible for the organisation's management of any allegations of abuse of children, and
- establish, with the head of the organisation, systems to deter and prevent abuse, and procedures for responding to any allegations that may occur.

More information on nominating a head of organisation is available at <https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations/#TOC-1>

The law requires religious organisations to treat all allegations of child abuse and child-related misconduct seriously. If anyone has a reasonable belief that reportable conduct or misconduct that may involve reportable conduct has occurred, the head of

<sup>2</sup> When deciding who to nominate, you should consider whether the person:

- is a senior person in the organisation
- can fulfil the responsibilities of the head of organisation
- is located in Victoria
- consents to the nomination

the religious organisation must report this to the Commission. Here is a brief summary of how to recognise and deal with reportable conduct.

### Allegations which are reportable conduct

- **Sexual offences**
- **Sexual misconduct**
- **Physical violence**
- **Behaviour that causes significant emotional or psychological harm**
- **Significant neglect**

## Recognising an allegation

Organisations have to report and investigate allegations of reportable conduct or misconduct that may involve reportable conduct. There are five types of conduct that have to be reported to the Commission:

- Sexual offences against, with, or in the presence of, a child
- Sexual misconduct against, with, or in the presence of, a child
- Physical violence against, with, or in the presence of, a child
- Behaviour which causes significant emotional or psychological harm to a child
- Significant neglect of a child.

Allegations can be made against anyone who works at or is involved with a religious organisation – including employees, volunteers, officers, religious leaders, carers, or contractors. If you are unclear whether someone is covered by the Scheme, contact the Commission.

Allegations must be reported about the conduct of the people described above, even if:

- they do not have direct contact with children
- the conduct occurred outside of their work or responsibilities with the organisation.

Anyone can raise a reportable allegation. To raise a reportable allegation, someone must have reasonable belief that a worker or volunteer of the organisation committed the alleged reportable conduct.

A reasonable belief is more than suspicion but does not require proof. Once reasonable belief is established, the head of the organisation or nominee must report the allegation to the Commission and then

investigate, irrespective of whether they share the belief or not.

The head of organisation or nominee must notify the Commission of **all** reportable allegations and must also investigate each reportable allegation.

Reportable conduct can occur if an adult commits one of the five types of conduct listed above against any child under 18. This includes conduct involving a child, whether that child is involved in the organisation or not. A child cannot commit reportable conduct, however, the role of adults in a child on child incident may be reportable conduct.

### Initiation of action for Reportable Conduct



## When an allegation is made

All allegations should be brought to the attention of the head of the organisation or nominee who needs to report the allegation to the Commission within three (3) business days. The Commission also needs to be told about any actions which have been taken within thirty (30) calendar days.

If the allegation is of criminal behaviour, the police must be notified at once. There may also be officials within the religious organisation that need to be notified. If you are unsure if the allegation is about concerns of reportable conduct, you are encouraged to seek further guidance from the Commission.

### Process of an investigation

1. **Report the allegation to the police (if criminal)**
2. **Assess whether the allegation is reportable**
3. **Report the allegation to the Commission (3 business days)**
4. **Plan and establish an investigation**
5. **Conduct a thorough and fair investigation**
6. **Complete an investigation report**
7. **Make or recommend findings**
8. **Report findings to the Commission**

All reportable conduct and misconduct that may involve reportable conduct needs to be investigated. If the police decide to investigate the allegation, the religious organisation needs to wait for police clearance before conducting its own investigation. In all other cases the head of the organisation needs to appoint and supervise an investigation to establish the facts and make findings about the allegation (the reportable conduct).

## Initiating an investigation into reportable conduct

The head of the organisation or nominee needs to appoint a competent person to investigate an allegation of reportable conduct. This could be a person from within the organisation or an independent investigator. Investigators should not be appointed if they have a real or perceived conflict of interest with respect to the allegation or any of the people involved.

An investigation needs to have clear terms of reference and a plan, including identification of interviewees and sources of evidence. The approach to interviewing a child is different to interviewing an adult and requires careful thought and planning. Sometimes it may be desirable for the investigator to seek help from someone with specific training and expertise to interview the child. Care needs to be taken with the timing of any interview with the subject of the allegation.

### Evidence for investigations could include:

- **Physical evidence e.g. mobiles, emails**
- **Site inspection e.g. photos, drawings**
- **Direct evidence e.g. witnesses, interviews**
- **Expert evidence e.g. doctors, IT experts**

## Conducting an investigation into reportable conduct

There are a number of principles to guide the interviews conducted during an investigation, including:

- Protection of children is paramount
- Privacy and confidentiality – the content of each interview should be known only by those who need to know
- Cultural and religious sensitivity – traditions and beliefs should be respected
- Procedural fairness – people should be treated fairly and with respect.

The investigation should gather and assess the evidence, and consider whether it is more likely than not that reportable conduct has occurred.

The report to the head of the organisation or nominee from the investigator should indicate whether the allegation is substantiated, unsubstantiated, unfounded, or conduct outside the scope of the Scheme.

The Commission will usually refer substantiated findings to Working with Children Check Victoria for reassessment of the subject of allegation's Working with Children Check.

### Types of findings of an investigation report

On the balance of probabilities, the allegation is:

- Substantiated
- Unsubstantiated
- Unfounded
- Conduct outside the Scheme

More detail on types of findings can be found on the Commission's website.

Further information about the Reportable Conduct Scheme is available via:

Website: [ccyp.vic.gov.au/reportableconduct](http://ccyp.vic.gov.au/reportableconduct)

Email: [contact@ccyp.vic.gov.au](mailto:contact@ccyp.vic.gov.au)

Phone: 03 8601 5281 or 1300 782 978



If you need an interpreter, please call the Translating and Interpreting Service on 13 14 50 and ask them to contact the Commission for Children and Young People on 03 8601 5281.

# Reportable Conduct Scheme and Child Safe Standards Resources

## Reportable Conduct Scheme information sheets — Guidance for organisations

<https://ccyp.vic.gov.au/rcs-factsheets>

1. About the Reportable Conduct Scheme
2. What is Reportable Conduct?
3. Responsibilities of the head of an organisation
4. Investigation overview
5. Other reporting obligations
6. Child Safe Standards and Reportable Conduct Scheme
7. Reporting to the Commission
8. Investigations findings
9. Sexual Misconduct
10. Physical Violence
11. Significant Neglect
12. Historical Allegations
13. Workers and Volunteers
14. Commission own motion investigations

## Translated information sheets

<https://ccyp.vic.gov.au/child-safety/resources/translated-information-sheets>

- Arabic
- Burmese
- Chinese (Simplified)
- Chinese (Traditional)
- Dari
- Dinka
- English (plain)
- Greek
- Hindi
- Indonesian
- Korean
- Pashto
- Persian – Farsi
- Punjabi
- Somali
- Vietnamese



## Guidance for organisations — Investigating a Reportable Conduct Allegation

<https://ccyp.vic.gov.au/guides>



## A Guide for Creating a Child Safe Organisation



## Videos and Presentations

<https://ccyp.vic.gov.au/guides>





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