

Information sheet 1

About the Victorian Reportable Conduct Scheme

The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the *Child Wellbeing and Safety Act 2005* (the Act).

The Commission for Children and Young People is responsible for administering the scheme. Our role includes:

- supporting and guiding organisations that receive allegations in order to promote fair, effective, timely and appropriate responses
- independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations.

The Reportable Conduct Scheme has been designed to ensure that the Commission will be aware of every allegation of certain types of misconduct involving children in relevant organisations that exercise care, supervision and authority over children.

 A child is anyone who is under 18 years of age.

The Commission will also be able to share information where appropriate, including with the Working with Children Check Unit, relevant regulators and Victoria Police, to better prevent and protect children from abuse.

Importantly, a finding that a person has engaged in reportable conduct can trigger an assessment of whether that person is suitable to continue to work or volunteer with children. In turn, this may lead the Working with Children Check Unit to revoke a person's Working with Children Check card.

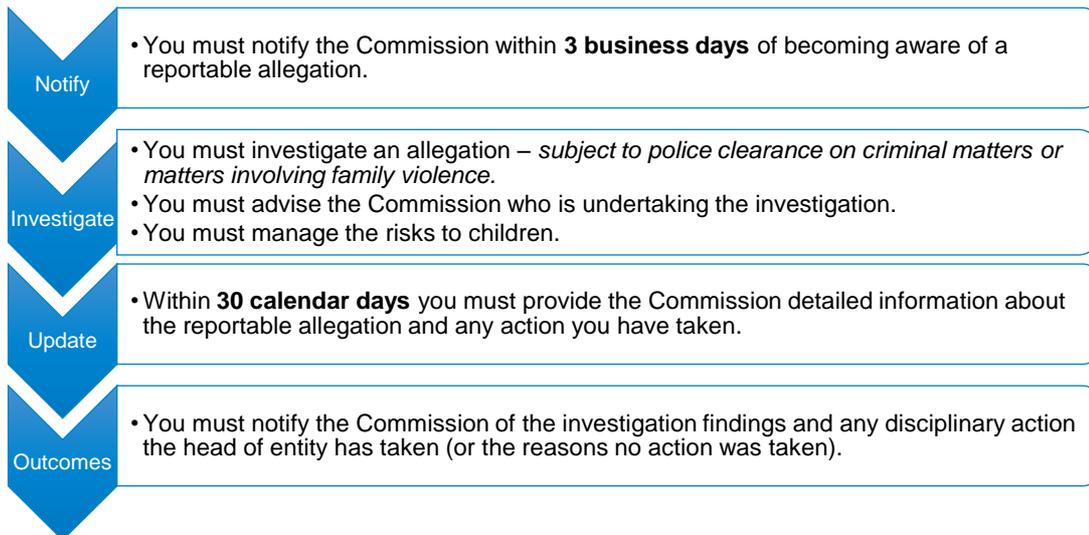
Requirements of heads of organisations

The Reportable Conduct Scheme imposes new obligations on heads of organisations that are within the scheme. This includes requirements to:

- have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the Commission is notified and given updates on the organisation's response to an allegation.

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.

A snapshot of a head of organisation's obligations under reportable conduct



What does the Commission do with the allegations it receives?

The Commission will carefully consider each allegation that it receives under the Reportable Conduct Scheme. Based on the information available, the Commission may decide to:

- give the organisation responding to the allegation support and guidance
- check that the organisation is handling the allegation in a timely manner
- refer a substantiated allegation to Working With Children Check or a professional accreditation body.

Who can an allegation be made about under the scheme?

A reportable allegation can be made about certain workers or volunteers over 18 years of age who are or were:

- an employee of an organisation covered by the scheme
- a minister of religion, religious leader or officer of a religious body
- a foster or kinship carer
- a volunteer, contractor, office holder, officer or other position directly engaged by an organisation covered by the scheme to provide services.

A reportable allegation can only be made against a volunteer if they have been *engaged* by an organisation covered by the scheme. To 'engage' a volunteer means to enter into an agreement, either verbally or in writing, for a person to provide a service without that person (the volunteer) receiving financial gain. There is no minimum period for the engagement. For example, the following would be considered volunteers under the scheme:

- a community member who volunteers at a hospital for half a day each week, after submitting an application to the hospital, passing the screening requirements and undertaking an induction
- a parent who volunteers in a school canteen at lunch time once a month for a term, after responding to an email from the school calling out for helpers
- a university foreign language student who volunteers from time to time for a student exchange program by completing a monthly roster prepared and collected by the provider
- a parishioner who volunteers by assisting with one Sunday school activity at their church, after verbally offering the priest their help.

You should also consider the agreed duration of the volunteer's engagement. For example, did the volunteer and the entity reach an agreement that the volunteer would:

- perform services regularly for a year (in which case the volunteer would be 'engaged' for 12 months), or
- perform services for one day (in which case the volunteer would only be 'engaged' for that day).

An organisation is not required to notify the Commission about an allegation involving a volunteer who performed services without the organisation's knowledge.

People who are not employed or engaged by an organisation covered by the scheme may not be within scope of the scheme. You should take particular care when considering whether a reportable allegation can be made about a person who performs services for your organisation under a labour-hire arrangement, as an agency worker, a secondment agreement or as a subcontractor. This is because those people may be employed or directly engaged by a third party rather than your organisation.

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

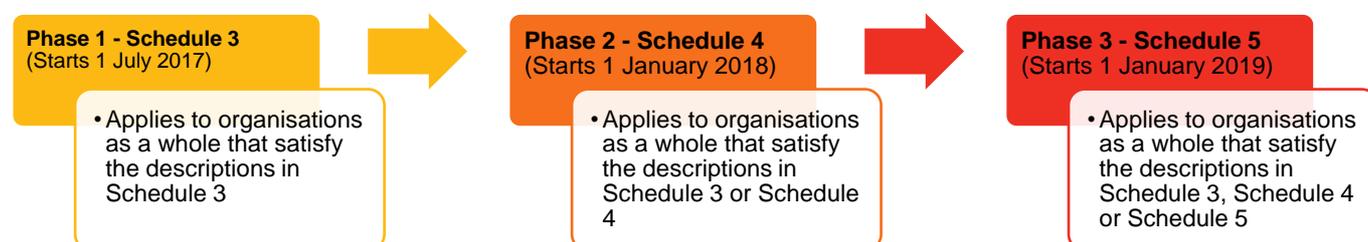
- they do not have direct contact with children
- the conduct occurred outside of their work.

If you are unclear whether a reportable allegation can be made about a person, please do not hesitate to contact the Commission.

Which organisations are covered by the scheme?

Organisations in scope are required to comply with the scheme in one of three phases over an 18 month period from 1 July 2017. The first phase focuses on organisations that operate schools and provide government services.

The following diagram shows how the phases work, as set out in Schedule 3, Schedule 4 and Schedule 5 of the *Child Wellbeing and Safety Act 2005* and the *Child Wellbeing and Safety Regulations 2017*:



Phase 1: 1 July 2017 (Schedule 3)

- An organisation that operates a registered government or non-government school
- An organisation that is registered in respect of an accredited senior secondary course or registered senior secondary qualification
- An organisation that is approved to:
 - provide certain courses to students from overseas
 - operate an overseas student exchange program
- An organisation that is:
 - a disability service provider that provides residential services for children with a disability
 - a mental health service provider with in-patient beds

- An organisation that receives State Government funding and:
 - is a drug or alcohol treatment service with in-patient beds
 - is a housing service or other assistance to homeless persons with overnight beds for children and young people
 - provides child protection services
- An organisation that is an out-of-home care service
- Victorian Government departments

Phase 2: 1 January 2018 (Schedule 4)

- Religious bodies
- An organisation that:
 - operates a residential facility for a boarding school
 - provides overnight camps for children as part of its primary activity (except certain youth organisations)
 - is a public or denominational hospital or operates a private hospital
 - is a public health service¹
- An organisation that provides disability services, including but not limited to, registered disability service providers

Phase 3: 1 January 2019 (Schedule 5)

- approved education and care services (e.g. kindergartens, after hours care services)
- children's services (e.g. occasional care providers)
- certain prescribed art centres, libraries, museums, zoos, parks and gardens

An organisation may provide services or activities that put it in more than one phase of the Reportable Conduct Scheme. If your organisation falls into more than one phase, your organisation **as a whole** is within the scheme from the earliest phase relevant to your organisation.

This means that once part of your organisation is within the scheme, all of your organisation is within the scheme, and you must notify the Commission and investigate reportable allegations across your whole organisation.

If you are unsure about whether or when your organisation is or will be within the Reportable Conduct Scheme, you can call us or email for further advice.

When must an allegation be reported to the Commission under the scheme?

Once the scheme applies to an organisation, the head of the organisation must notify the Commission of any reportable allegations made against their workers or volunteers within **three business days** of becoming aware of the allegation.

Heads of organisations are not required to notify the Commission of all reportable allegations that they were aware of before the scheme applied to their organisation, except if:

- a person communicates or conveys a reportable allegation again after the scheme applies to an organisation, or
- the head of an organisation becomes aware of new information that causes them to form a reasonable belief that reportable conduct has been committed.

The head of an organisation is required to notify the Commission of a reportable allegation made against one of their *current* workers or volunteers, regardless of whether the alleged conduct occurred before, during, or outside the worker or volunteer's role with the organisation.

¹ Child Wellbeing and Safety Regulations 2017

The head of an organisation may notify the Commission about a reportable allegation they become aware of after the worker or volunteer has ceased employment or engagement with the organisation. However, they would only be required to notify the Commission of an allegation if it concerned conduct by the former worker or volunteer when they were employed or engaged by the organisation.

Our regulatory approach

The Commission is focused on providing information, guidance and support to organisations to help them meet their obligations under the Reportable Conduct Scheme.

In the initial stages of the Reportable Conduct Scheme, the Commission expects that organisations will use their best endeavours to meet the requirements of the scheme. During this time the Commission's approach will focus on working with organisations to ensure they understand their obligations to report and investigate reportable allegations.

Where to get help

Organisations covered by the Reportable Conduct Scheme should contact the Commission for clarification and guidance, and to talk through any issues of concern.

- Telephone: 8601 5281
- Email: childsafestandards@ccyp.vic.gov.au

Further information is also available on the Commission for Children and Young People's website at www.ccyp.vic.gov.au

Other relevant services and support

- Family Safety Victoria <http://www.vic.gov.au/familyviolence.html>
- Domestic Violence Victoria <http://dvvic.org.au/>