

Information sheet 5

Other reporting obligations

Reportable Conduct Scheme and other reporting obligations

This information sheet has been developed to help heads of organisations understand the range of legislative reporting responsibilities when providing services to children.

There are a number of pieces of legislation that all play a role to help keep Victorian children safe from abuse.

The *Child Wellbeing and Safety Act 2005 (Vic)* is the legislative basis for the Reportable Conduct Scheme, which requires heads of organisations with a high degree of responsibility for children to:

- have in place systems to prevent child abuse, and in case child abuse occurs, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the Commission is notified of a reportable allegation and given updates on the organisation's response to that allegation
- report to Victoria Police as soon as they become aware that a reportable allegation may involve criminal conduct.

Any person can play a role in the Reportable Conduct Scheme by making an allegation to the Commission.

Other legislation contains reporting obligations in regard to child safety. These include:

- *Crimes Act 1958 (Vic)*
- *Children, Youth and Families Act 2005 (Vic)*
- *Family Law Act 1975 (Cth)*.

This legislation sets out certain reporting obligations relating to the safety of children, which are discussed below.

Crimes Act 1958 (Vic)

Failure to Disclose

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to Victoria Police. It is a criminal offence to fail to disclose that information to Victoria Police.

Failure to Protect

If you are a staff member in a position of authority, and you become aware that an adult associated with your organisation (such as a worker or volunteer) poses a risk of sexual abuse to a child who is under the care, authority or supervision of the organisation, you must take all reasonable steps to remove or reduce the risk. If you fail to take reasonable steps in these circumstances, this may amount to a criminal offence.

Children, Youth and Families Act 2005 (Vic)

Doctors, nurses, midwives, teachers (including early childhood teachers), principals, and police are all 'mandatory reporters'. They must report to Child Protection if they form a reasonable belief that a child is in need of protection from physical injury or sexual abuse.

Family Law Act 1975 (Cth)

Family consultants, family counsellors, family dispute resolution practitioners or arbitrators, independent children's lawyers and certain other people whose work is related to the Family Court of Australia are also mandatory reporters. They must report to Child Protection if they suspect on reasonable grounds that a child has been abused or is at risk of being abused.

Other reporting requirements

Organisations operated, funded and/or regulated by Government may have separate obligations to comply with departmental standards, program requirements and policies on preventing, reporting and responding to child sexual abuse.

Reporting crimes to Victoria Police

Any suspected criminal behaviour should be reported to police.

If a reportable allegation involves suspected criminal behaviour, both Victoria Police and the Commission must be notified.

A police investigation into any matter takes priority over a reportable conduct investigation, and may require an organisation's investigation to be put on hold until the police investigation is complete.

Heads of organisations should consult with Victoria Police before beginning an investigation to gain their advice and find out if police are, or will be, conducting an investigation.

- If you want to report a child in **immediate** risk or danger of a sexual offence please call Triple Zero (000).
- If the report is not in relation to an immediate risk, please contact your [local police station](#).
- If you have general concerns about the safety of wellbeing of a child or young person, please contact the Child Protection Crisis Line on 13 12 78.

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