

The Reportable Conduct Scheme (the Scheme) requires certain allegations of past or historical reportable conduct to be notified to the Commission.

This information sheet will help organisations that are covered by the Scheme to consider whether the Commission needs to be notified about an allegation that concerns conduct which occurred before your organisation was covered by the Scheme, or for allegations raised after a worker or volunteer has left the organisation. This is a complex part of the Scheme, and organisations are encouraged to contact the Commission to discuss individual cases if advice is needed.

The timing of the following may affect whether the Commission needs to be notified about an allegation:

- when an allegation is made (or remade)
- the employment or engagement of a worker or volunteer by an organisation
- when conduct is alleged to have occurred.

Who might historical allegations apply to?

A reportable allegation can be made about certain workers or volunteers¹ 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 worker or volunteer supplied by a provider
- a secondee
- a company director
- an individual who carries on a business and engages or employs people to provide services.

Many organisations will have been operating long before the Scheme started. Some of those organisations may be aware of, or have records of, allegations about reportable conduct by their workers or volunteers that were made before the start of the Scheme.

Only for allegations made from 1 July 2024

The Scheme commenced on 1 July 2017 and organisations were covered by the Scheme in four phases. Timing for commencement of the four phases can be found on the Commission's website [here](#).

¹ See [Information sheet 1: About the Reportable Conduct Scheme](#) and [Information sheet 19: New types of workers and volunteers covered by the Reportable Conduct Scheme](#) for details on which workers and volunteers are covered by the Scheme.



You may need to notify the Commission and investigate reportable allegations made against any of your workers or volunteers, regardless of whether they perform services for or in relation to children as part of their role.

How to decide if the Commission needs to be notified about an allegation

When deciding if an allegation must be notified to the Commission under the Scheme, it is helpful to consider:

- the timing of the allegation
- if the alleged conduct was within the course of the worker's or volunteer's employment or engagement with the organisation
- the timing of that employment or engagement
- the timing of the alleged conduct.

Allegations about the conduct of a worker or volunteer may need to be notified to the Commission under the Scheme even when the alleged conduct happened before they started working for the organisation or when the allegation is raised after they have left the organisation.



Heads of organisations do not need to report and investigate allegations concerning workers or volunteers who are deceased.

Timing of allegations

Allegations made before the Scheme covered an organisation

The Scheme does not require organisations to notify the Commission about every allegation that has ever been known to an organisation prior to the organisation being covered by the Scheme. Rather, the Scheme only requires that allegations be reported to the Commission if that allegation was made, and the head of organisation becomes aware of it, after the organisation was covered by the Scheme.

An allegation will be made, for the purposes of the Scheme, when either:

- the allegation is conveyed or communicated to another person or organisation, or
- the head of an organisation personally witnessed relevant conduct.²

In other words, if an allegation of reportable conduct has only ever been made before the worker's or volunteer's organisation was covered by the Scheme, it does not need to be reported to the Commission.

² See [Information sheet 2: What is reportable conduct?](#), [Information sheet 3: Responsibilities of the head of an organisation](#) and [Frequently asked questions](#) for more detailed information about reportable allegations that must be notified to the Commission and the obligations of heads of organisations.



Type of allegation	Timeline	Could a report be required?
Allegation made after the organisation was covered by the Scheme		✓
Allegation made before the organisation was covered by the Scheme		✗

Remaking allegations

If, after an organisation started being covered by the Scheme, an allegation is ‘remade’ or repeated (for example, an allegation previously made before the organisation was covered by the Scheme, is again conveyed or communicated after the organisation started being covered by the Scheme) that allegation may need to be reported to the Commission. Remade allegations may need to be reported to the Commission even if the allegation concerns the same or substantially the same conduct that was alleged before the organisation was covered by the Scheme.

In cases where allegations are remade, an organisation will not always need to conduct a new investigation. For example, if an organisation is satisfied that it has already properly investigated and made findings about the alleged reportable conduct, it may submit the findings from its previous investigation to the Commission. In cases where allegations are remade and new relevant evidence comes to light, organisations are encouraged to contact the Commission for guidance on whether a fresh investigation should be conducted.



If an allegation has only ever been made before an organisation was covered by the Scheme, a head of an organisation may choose to report the allegation to the Commission. Once that allegation has been reported to the Commission by the head of an organisation, that head must investigate the allegation, provide the 30 day update and make reportable conduct findings.

Worker or volunteer employment or engagement

Whether the worker or volunteer about whom an allegation is made (the subject of allegation) is currently employed or engaged by your organisation impacts whether an allegation must be notified to the Commission.

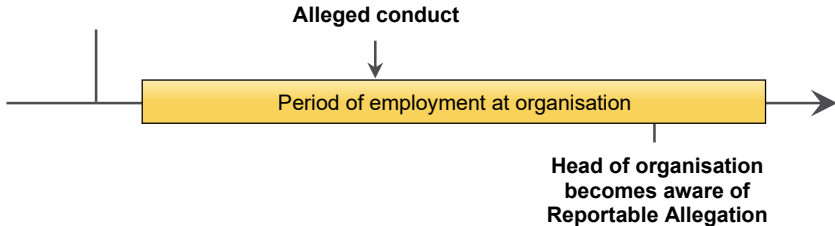
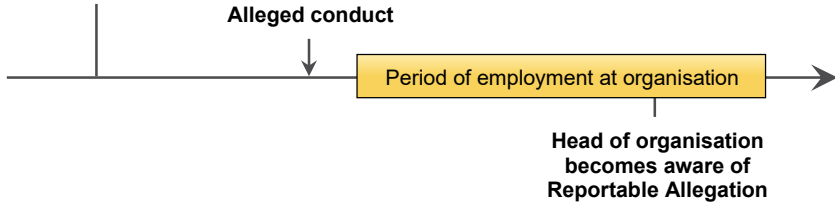
Workers or volunteers currently employed or engaged by organisation

Allegations made about workers or volunteers currently engaged or employed by an organisation currently covered by the Scheme must be notified to the Commission and investigated under the Scheme regardless of:

- whether or not the alleged conduct occurred in the course of the person’s employment or engagement or in their private lives
- when the conduct is alleged to have occurred.

Current worker or volunteer where the alleged conduct occurred <u>before</u> the organisation was covered by the Scheme		
Type of allegation	Timeline	Could a report be required?
Allegation about current worker employed both before and after the organisation was covered by the Scheme , and conduct was prior to the organisation being covered by the Scheme	<p style="text-align: center; color: red;">Date organisation was covered by the Scheme</p> <p>Alleged conduct</p> <p style="text-align: center;">Period of employment at organisation</p> <p style="text-align: right;">Head of organisation becomes aware of Reportable Allegation</p>	✓
Allegation about current worker who was employed both before and after the organisation was covered by the Scheme , conduct was prior to worker’s employment with the organisation and prior to the organisation being covered by the Scheme	<p style="text-align: center; color: red;">Date organisation was covered by the Scheme</p> <p>Alleged conduct</p> <p style="text-align: center;">Period of employment at organisation</p> <p style="text-align: right;">Head of organisation becomes aware of Reportable Allegation</p>	✓

Current worker or volunteer where the alleged conduct occurred after the organisation was covered by the Scheme

Type of allegation	Timeline	Could a report be required?
<p>Allegation about current worker who was employed after the organisation was covered by the Scheme. The conduct was while employed and after the the organisation was covered by the Scheme</p>	<p>Date organisation was covered by the Scheme</p> 	<p>✓</p>
<p>Allegation about current worker who was employed after the organisation was covered by the Scheme, conduct was prior to worker's employment with the organisation and after the organisation was covered by the Scheme</p>	<p>Date organisation was covered by the Scheme</p> 	<p>✓</p>

Worker or volunteer not currently employed or engaged by organisation

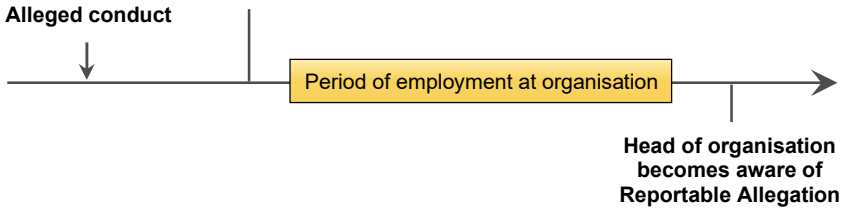
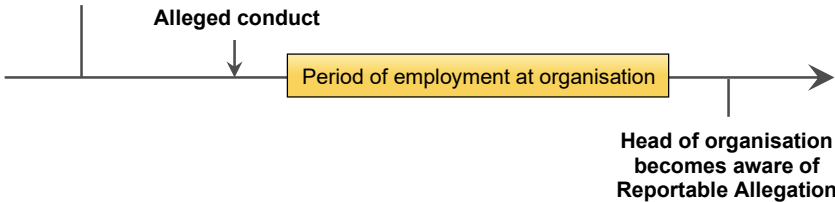
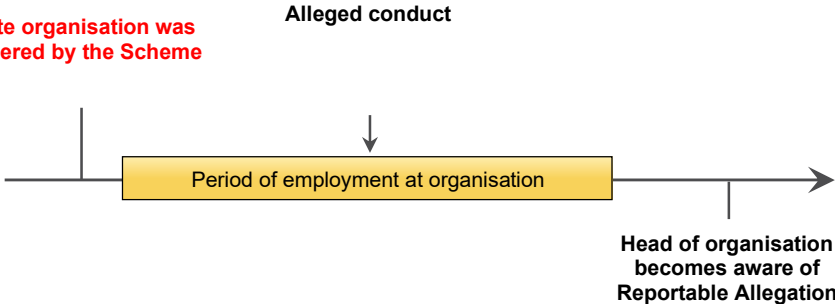
Allegations made about workers or volunteers who are no longer employed or engaged by the organisation must be notified to the Commission and investigated under the Scheme:

- where the alleged conduct occurred after the organisation was covered by the Scheme regardless of whether the conduct is alleged to have occurred within the course of employment or engagement with the organisation, or in their private life, or
- where the alleged conduct occurred before the organisation was covered by the Scheme and is alleged to have occurred within the course of employment or engagement with the organisation.

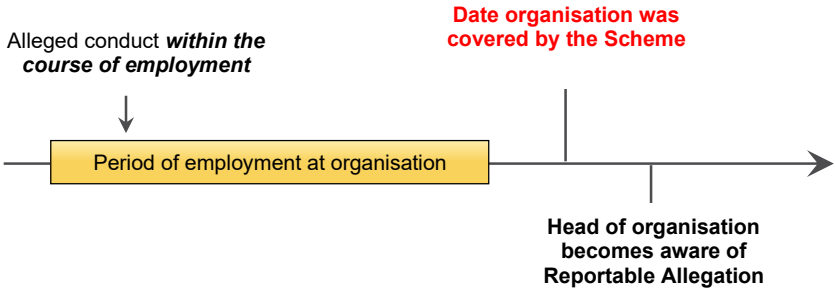
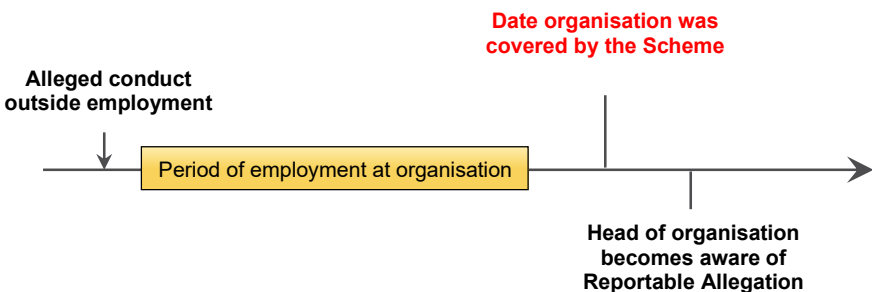
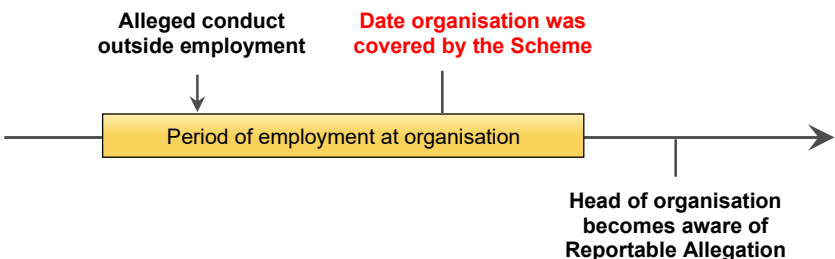
Reportable allegations concerning former workers or volunteers are not required to be reported to the Commission:

- if the alleged conduct occurred before the organisation was covered by the Scheme and is alleged to have occurred outside the course of employment or engagement with the organisation.

Former worker or volunteer employed after the organisation was covered by the Scheme

Type of allegation	Timeline	Could a report be required?
<p>Allegation about former worker who was employed after the organisation was covered by the Scheme, conduct was before that time and while the former worker was either unemployed or employed by an organisation not covered by the Scheme, and prior to the organisation being covered by the Scheme</p>	<p style="text-align: center;">Date organisation was covered by the Scheme</p>  <p style="text-align: center;">Head of organisation becomes aware of Reportable Allegation</p>	<p style="color: red; font-size: 2em;">✘</p>
<p>Allegation about former worker who was employed after the organisation was covered by the Scheme, conduct was prior to worker's employment and after the organisation was covered by the Scheme</p>	<p style="text-align: center;">Date organisation was covered by the Scheme</p>  <p style="text-align: center;">Head of organisation becomes aware of Reportable Allegation</p>	<p style="color: green; font-size: 2em;">✔</p>
<p>Allegation about former worker who was employed after the organisation was covered by the Scheme, conduct was within the course of employment</p>	<p style="text-align: center;">Date organisation was covered by the Scheme</p>  <p style="text-align: center;">Head of organisation becomes aware of Reportable Allegation</p>	<p style="color: green; font-size: 2em;">✔</p>

Former worker or volunteer employed before the organisation was covered by the Scheme

Type of allegation	Timeline	Could a report be required?
<p>Allegation about former worker who was employed before the organisation was covered by the Scheme, conduct was within the course of employment and prior to the organisation being covered by the Scheme</p>	<p>Alleged conduct <i>within the course of employment</i></p>  <p>Period of employment at organisation</p> <p>Date organisation was covered by the Scheme</p> <p>Head of organisation becomes aware of Reportable Allegation</p>	<p>✓</p>
<p>Allegation about former worker who was employed before the organisation was covered by the Scheme, conduct was prior to worker's employment with the organisation and prior to the organisation being covered by the Scheme. Conduct was outside of employment</p>	<p>Alleged conduct <i>outside employment</i></p>  <p>Period of employment at organisation</p> <p>Date organisation was covered by the Scheme</p> <p>Head of organisation becomes aware of Reportable Allegation</p>	<p>✗</p>
<p>Allegation about former worker who was employed both before and after the organisation was covered by the Scheme, conduct was outside the course of employment, while employed and prior to the organisation being covered by the Scheme</p>	<p>Alleged conduct <i>outside employment</i></p>  <p>Period of employment at organisation</p> <p>Date organisation was covered by the Scheme</p> <p>Head of organisation becomes aware of Reportable Allegation</p>	<p>✗</p>





Even if a worker or volunteer has resigned, is dismissed, or otherwise stops providing services for an organisation at the time that an allegation is made, the head of that organisation may still need to report and investigate an allegation into reportable conduct allegedly committed by that worker or volunteer.

You also may still be required to:

- report to Child Protection if you form a reasonable belief that a child is in need of protection from physical injury or sexual abuse.
- report to Victoria Police if a criminal offence may have occurred
- take all reasonable steps to remove or reduce risks of sexual abuse, especially if you are in a position of authority.

Where to get help

For further information about the Reportable Conduct Scheme, the Child Safe Standards, to talk through issues of concern, or to make a notification:



Telephone us on: 1300 78 29 78



Email us at: contact@ccyp.vic.gov.au



Visit the Commission's website: www.ccyp.vic.gov.au

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 1300 782 978.

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit: www.relayservice.gov.au

