

This information sheet provides general information about the Commission for Children and Young People's (Commission) powers to investigate reportable allegations under the Victorian Reportable Conduct Scheme (the Scheme) set out in the *Child Wellbeing and Safety Act 2005* (the Act).

### The Reportable Conduct Scheme

One of the purposes of the Act is to provide for a Scheme for organisations to report to the Commission and to appropriately respond to and investigate allegations of reportable conduct or misconduct that may involve reportable conduct.

The Commission has a variety of functions under the Scheme, including to:

- oversee the investigation of reportable allegations
- educate and provide advice to entities in order to assist them to identify reportable conduct and to report and investigate reportable allegations
- share information about substantiated findings with Working with Children Check Victoria and other regulators
- monitor compliance with the Scheme.

Heads of organisations have the obligation to report and investigate reportable allegations about the conduct of their workers or volunteers.

In very limited circumstances, the Commission may conduct investigations as set out below.

### Own motion investigations

The Commission may commence an own motion investigation into a reportable allegation if the Commission:

- considers it is in the public interest for the Commission to investigate and there is evidence to support a belief, on reasonable grounds, that the alleged conduct occurred, or
- is advised by an organisation or regulator they will not, or are unable to, investigate the reportable allegation.

The Commission may also investigate any inappropriate handling of, or response to, a reportable allegation by an organisation or a regulator if the Commission considers it is in the public interest.

The Commission has some limited powers to gather information and make findings and recommendations when conducting an investigation. In certain circumstances it must consult with other regulators before making findings.

Once the own motion investigation has concluded, the Commission:

- must make findings and give reasons for the findings
- must make recommendations for actions to be taken (if any)
- must provide the organisation with the findings, reasons and any recommendations, and
- may, for example if the individual is regulated by another body such as the Victorian Institute of Teaching (VIT), provide the relevant regulator with any recommended actions to be taken by the regulator.



If the own motion investigation finds that reportable conduct is substantiated, the Commission must (subject to some exceptions) notify the Secretary to the Department of Government Services for the purposes of a Working with Children Check Assessment or Reassessment.

## Decision to conduct an investigation

The threshold for conducting an investigation is high and the Commission's power is exercised rarely.

Even if the legal requirements that enable the Commission to investigate are met, the Commission may decide not to conduct an investigation. The decision to investigate is at the Commission's discretion, and we take a number of factors into account.

We are a small organisation with limited funding, and we must consider whether we have resources available for an investigation when we consider all the many different activities we must undertake in the interests of children. We are unable to intervene in all cases and have to direct our limited resources to the most serious cases.




In deciding whether to conduct an investigation, the Commission considers factors including:

- the requirements of s 16O of the Act
- the objectives of the Commission including to strengthen an organisation's capacity to report and investigate reportable allegations and to ensure that reportable allegations are properly investigated
- the fundamental principles of the Scheme (including that the protection of children is the paramount consideration in the context of child abuse or employee misconduct involving a child)
- the risks of harm to children and young people (the level of risk should be high when compared with other cases being considered for investigation by the Commission or overseen by the Commission).



## 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 782 978
-  Email us at: [contact@ccyp.vic.gov.au](mailto:contact@ccyp.vic.gov.au)
-  Visit the Commission's website: [www.ccyp.vic.gov.au](http://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.

### National Relay Service (NRS)

If you are d/Deaf, hard of hearing, or have a speech/communication difficulty please contact us by:

**step 1** - contacting the NRS through your preferred NRS call channel detailed on [NRS call numbers and links](#)

**step 2** - provide the NRS with the Commission for Children and Young People's number 1300 782 978.

For more information visit: [About the National Relay Service](#)

**For help in an emergency call police on 000.**

### Support services

Lifeline on 13 11 14, 1800 Respect on 1800 737 732, the Blue Knot Foundation on 1300 657 380 (9-5 AEST Mon-Sun) and Beyond Blue on 1300 224 636.

Further information about support services is also available on the [Commission for Children and Young People's website](#).

