

Identifying the head of an organisation

The role of the head of an organisation

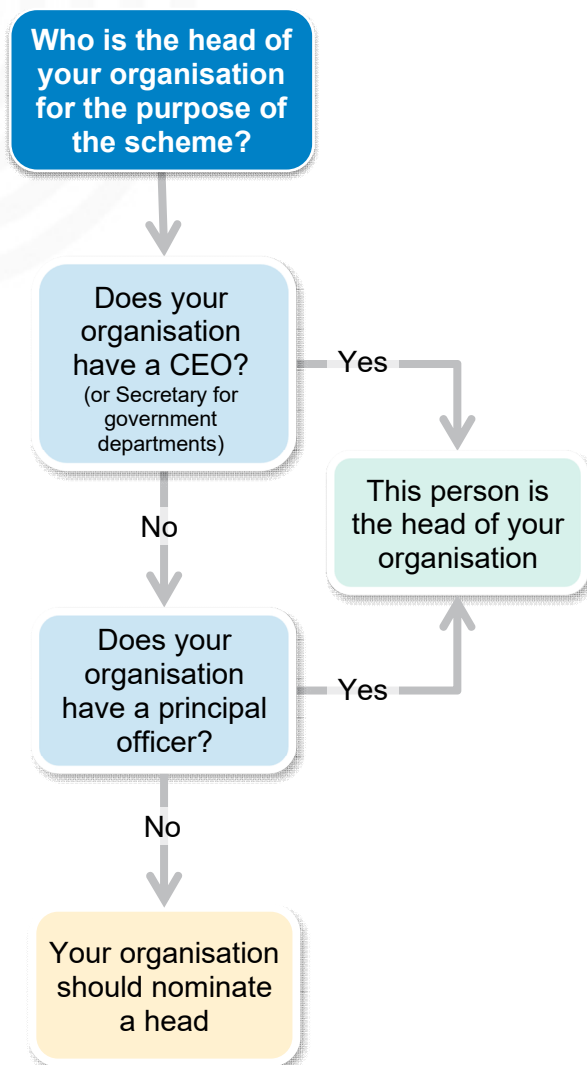
The head of the organisation carries all of the legal obligations under the Reportable Conduct Scheme (the scheme) and is ultimately responsible for the organisation's compliance with the scheme.

The head of organisation will be required to notify the Commission for Children and Young People of reportable allegations and investigate these allegations, among other responsibilities. Heads of organisations are also required to have systems in place to prevent reportable conduct within their organisation, and systems to enable staff to make reportable allegations.

For further information, see: [Information Sheet 3: Responsibilities of the head of an organisation](#)

Identifying the head of an organisation

The *Child Wellbeing and Safety Act 2005* identifies the head of an organisation for the scheme as below:



The Chief Executive Officer (CEO) or Secretary

- The CEO will ordinarily be the highest-ranking executive in an organisation, with power over all major organisational decisions and administration.
- For government departments, the Secretary of the department is the head.

The principal officer

- A 'principal officer' is the most senior officer in an organisation that does not have a CEO.
- The title and responsibilities of principal officer roles vary within different organisations. A principal officer can usually be recognised by their responsibilities and authority.
- In identifying the principal officer, consider whether there is an officer in your organisation who:
 - is the most senior or high-ranking officer from the organisation
 - has ultimate responsibility for organisation policies relevant to the scheme
 - has ultimate responsibility and the powers of an employer in relation to the organisation's workers or volunteers
 - has sufficient authority within the organisation to access and disclose information relevant to a reportable allegation made against one of their workers or volunteers.
- If a person or role meets all the above criteria, they are likely to be the principal officer.

If an organisation does not have a CEO or principal officer, the organisation should nominate a person to be the head of the organisation for the purposes of the scheme.

How to nominate a head of organisation

Step one: before nominating

Consider your organisation's governance: you must be satisfied that there is no CEO or principal officer. **The Commission cannot approve a nominated head for an organisation with an existing CEO or principal officer.**

If the previously nominated head of your organisation has left the organisation or changed roles, you should use the form linked below to nominate a new head.

Step two: decide who to nominate

In deciding who to nominate, organisations should consider whether the nominee:

- is an appropriately senior person in the organisation.
The nominated head of the organisation should be one of the most senior people in the organisation. It is not intended that the role and its legal obligations be delegated to more junior positions
- is able to exercise some of the relevant powers for the purposes of the scheme, such as sharing information with the Commission, investigating allegations and embedding reporting and prevention systems within the organisation
- is able to coordinate the other senior people in the organisation who hold other relevant powers for the purposes of the scheme. Sometimes powers can be split between different senior people in an organisation, however a single head needs to be identified
- where possible, is based in Victoria,
- consents to the nomination, which confers on them statutory responsibility under the scheme.

Step three: Lodge the nomination

To nominate a head of organisation, complete the form online through the Commission's website: <https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations>

You will require the following information to make a nomination:

Nominee's details

- Full name, date of birth, position title, contact details (telephone, email, street address, postal address).

Organisation's details

- Full name of the organisation making the nomination, organisation's support for the nomination.

Supporting statement

- Why the Commission should approve the nominee.

Declaration

The nominee and a witness will need to sign the declaration form. It can be downloaded from: <https://ccyp.vic.gov.au/assets/forms/Declaration-form-RCS.docx>

Supporting documents

Please provide all supporting documentation to the Commission when you submit your nomination. The following documents may be relevant to the Commission's consideration of the nomination:

- The nominee's position description, statement of duties, or other documents describing their role
- Your organisation chart
- Documents that show the organisation's current processes for responding to and reporting suspected child abuse
- Documents that show any changes to the organisation's processes for responding to and reporting suspected child abuse that will be made if the nominee is approved
- Certified copies of official government-issued documents that confirm the nominee's identity (e.g. passport, driver's licence, working with children check card)
- Evidence of the organisation's endorsement of the nomination (e.g. minutes of a board meeting or Annual General Meeting)

If you are unable to complete the form online, please contact the Commission for assistance.



After lodging your nomination

The Commission will provide email confirmation of the application and will consider the nomination.

The Commission will confirm in writing if it:

- approves the nominee, or
- intends to refuse the nominee.

A notice of intention to refuse will outline the Commission's views on the nomination and give the organisation 10 business days to respond. A notice of intention to refuse may be given either where the Commission needs more information or where it considers that the nominee is not appropriate. The Commission will consider any further information or response to that notice, then proceed to approve or refuse the nomination and confirm its decision in writing.

This process can take up to 30 business days or more.

A person is not a head of organisation until the Commission has approved the nomination.

Please contact the Commission should any concerns arise during this period.

Refused nominations

A decision by the Commission to refuse a nomination is not subject to internal review or review by the Victorian Civil and Administrative Tribunal. If the Commission refuses a nomination, organisations should seek independent legal advice about identifying options for review on a point of law by the Supreme Court of Victoria. The Minister for Families and Children also has some powers to prescribe the head of an organisation.

Integrity of the nomination

It is an offence under section 16ZF of the *Child Wellbeing and Safety Act 2005 (Vic)* for a person to knowingly give information that is false or misleading to the Commission.




Privacy

The Commission uses the nomination form to collect information, including personal information, before deciding whether to approve a person to be the head for the purposes of the scheme, and to fulfil other functions under the scheme and the Child Safe Standards. If all or part of the information requested in the form is not provided, the Commission may not be able to approve the nomination.

The Commission's privacy policy is available on our website at <https://ccyp.vic.gov.au/about-the-commission/privacy-policy/>

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
-  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

