

# Reporting past harm or abuse as an adult

## All children have the right to be safe

All children and young people have the right to be safe when they are in the care of organisations, but we know that this does not always happen.

In recent years, we have learnt a lot more about the extent and impacts of abuse against children and young people in organisations. The Victorian Government now has laws that require organisations who have children in their care to prevent child abuse and to respond seriously if an allegation of child abuse is raised. These laws establish, among other things, the Reportable Conduct Scheme (the Scheme) which aims to improve the way organisations respond to allegations of child abuse or neglect.

The Scheme does not cover every set of circumstances or all types of complaints. You can contact the Commission for Children and Young People with any questions you have about the Scheme and whether it applies in your situation.

This information sheet is for adults who may wish to make a notification about an allegation of abuse, neglect or child-related misconduct that they experienced as a child within an organisational context.

Note: This information sheet contains content that may be distressing. Details of some organisations that you can contact for support are provided below.

## What is the Reportable Conduct Scheme?

The Scheme started in 2017 and requires certain organisations to keep children safe by:

- having systems in place to prevent children from being abused
- having clear and fair processes for responding to and investigating any complaints of abuse that relate to the behaviour of workers and volunteers in an organisation
- notifying the Commission about any complaints they receive so the Commission can monitor the way the organisation responds to and investigates the complaint.

You can see what types of organisations are covered by the Scheme [here](#)

The Scheme also makes sure that important information about risks to children is shared when it is necessary to prevent harm in the future.

Further information is available in [Information sheet 1: About the Reportable Conduct Scheme](#)

## What is 'reportable conduct'?

Not every type of harm to children is included in the Scheme. Behaviours (known as 'reportable conduct') that are included in the Scheme are:

- sexual offences\*
- sexual misconduct\*
- physical violence\*
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.



\*Sexual offences, sexual misconduct and physical violence are considered reportable conduct if they are committed against, with or in the presence of a child. This means that you may have been directly involved as the alleged victim or indirectly involved, for example as a witness.

Further information is available in [Information sheet 2: What is reportable conduct?](#)

## **Who can I make a notification of reportable conduct about?**

The Scheme applies to the behaviour of every worker and volunteer 18 years of age or older in organisations operating in Victoria included in the Scheme, even if their work does not relate to children. Allegations can also be made about a worker or volunteer's behaviour outside the organisation, such as in their personal life.

This can include:

- an employee or volunteer of an organisation that works with children (such as a school, sporting or recreational club)
- a minister of religion, religious leader or employees or volunteers working for a religious body
- a foster or kinship carer.

## **Can I report an allegation about abuse that happened when I was a child?**

Yes, if certain criteria are met. In some circumstances an allegation fits under the Scheme and therefore must be investigated, even if it happened before the Scheme started. For the purposes of the Scheme, we often call these 'historical allegations'.

This is a complex part of the Scheme. Whether an allegation is covered can depend on several factors, including whether the person who harmed you is still a worker or volunteer for any organisation covered by the Scheme.

We encourage you to contact the Commission to discuss whether your historical allegation is covered by the Scheme. General guidance on [historical allegations](#) is also provided in an information sheet.

It can be harder to investigate allegations from a long time ago, but if the Scheme applies an organisation is still required to do its best with oversight by the Commission.

## **What happens if the person who abused you is deceased, or the organisation does not exist anymore?**

An organisation does not have to investigate or report allegations about a person who is deceased. However, you can still choose to notify the organisation of your allegation so that they are aware of what happened.

As the Scheme places responsibility on the organisation to investigate an allegation, this cannot occur if the organisation does not exist anymore. However, if the person works for another organisation covered by the Scheme, that organisation may be required to do the investigation.

## **Can my allegation be covered by the Scheme if the person no longer works at the organisation where the conduct happened?**

If the person no longer works at the organisation where you were harmed, but now works or volunteers for another organisation that is covered by the Scheme, then you may still be able to report an allegation.



## **If I am unhappy about how an organisation dealt with my allegation before the Scheme started, can I report it again?**

If you are unhappy about how an organisation dealt with your allegation before the Scheme started, and the person is still a worker or volunteer at an organisation covered by the Scheme, then you may be able to report the allegation again.

The organisation may need to notify the Commission and conduct an investigation even if:

- they knew about the abuse, and previously investigated it, before the Scheme started, or
- they did not know about the abuse because it occurred at a different organisation.

## **Can I give information or documents to the Commission if I signed a settlement agreement?**

Yes, if you do it in good faith. The law protects any person from liability who gives information or documents to the Commission in good faith for the purposes of the Scheme. This includes a person who has signed a settlement agreement with a third party settling a civil claim (in their personal capacity or on behalf of a child) which contains confidentiality or non-disparagement clauses – even if it was approved by a court.

This means it is likely that you can still make a notification to the Commission about a reportable allegation and participate in a Reportable Conduct Scheme investigation.

If you signed a settlement agreement, we encourage you to contact the Commission to discuss your specific circumstances.

## **How do I report my allegation?**

You can report your allegation directly to the organisation involved. The head of the organisation has three business days to notify the Commission that an allegation has been made. It is a criminal offence for the head of an organisation to not do this.

If you would prefer not to report the allegation with the organisation directly, you can notify the Commission by filling out the online [Reportable Conduct notification form](#), or by calling or writing to the Commission. Our contact details are at the end of this information sheet.

If you believe the behaviour that happened to you may be a crime, you should also make a report to Victoria Police.

The Commission will also notify Victoria Police if the alleged behaviour may be criminal.

## **What happens after I report an allegation?**

- If you report the allegation to the organisation, the head of the organisation has three business days to notify the Commission of the allegation. The Commission will oversee the management of the organisation's response, including any investigation, and make sure it complies with all its obligations to investigate and act on safety issues.
- If you report to the Commission, we will let you know your report has been received. We will work with you to determine whether it is covered by the Scheme. If it is, we will notify the relevant organisation about your allegation and ask the organisation to take appropriate action, and we will monitor the management of your allegation.
- If you report to police, they will let you know what steps will be taken to investigate your allegation. A report to police does not mean that other investigations (for example, by the organisation) cannot happen, but the police investigation will be given priority.



The organisation and/or investigator may contact you to get further information about what happened to you. They will need to do that in a way that is safe, sensitive and supports your needs. You can decide how you want to be involved.

### What happens after an investigation?

Within 30 days, the head of the organisation must provide the Commission with an update. This might include:

- more detailed information about your allegation
- the progress of the investigation.

At the conclusion of the investigation, the head of organisation must provide the investigation findings to the Commission, as well as information about steps taken in response.

Under the Scheme, important information about risks to children is shared between organisations, where required. This helps to prevent perpetrators of abuse moving between organisations undetected. This means the Commission may share information about investigations with Victoria Police, the Working with Children Check Victoria or industry regulators.



### What is the Commission for Children and Young People?

The Commission for Children and Young People is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. Our aim is to ensure that the rights of all children and young people in Victoria are recognised, respected and defended.

We have a range of roles and functions; these include administering both the Child Safe Standards and the Reportable Conduct Scheme.

### Where do I get help or more information or assistance?

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.

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](http://www.relayservice.gov.au)

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

#### Support services

Lifeline on 13 11 14, 1800 Respect on 1800 737732, 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 [here](#).

