

This information sheet is for parents and carers who want to know more about investigations under the Reportable Conduct Scheme (the Scheme). This may be because their child is involved in a reportable conduct investigation, either as an alleged victim or witness.

For more general information about the Scheme see [Information for parents and carers about the Reportable Conduct Scheme](#).

There are also [information sheets for children and young people about the Scheme](#).

### What happens when an allegation is made?

Children and young people have a right to be safe and feel safe wherever they are. Child abuse is never their fault. It is important that allegations about child abuse or child related misconduct are looked into so that all children and young people can be kept safe.

When an allegation about child abuse or child related misconduct is made, the head of an organisation must respond by:

- taking any action needed to keep children safe while the allegations are looked into
- checking if there are any reportable conduct allegations
- notifying the Commission for Children and Young People (the Commission) about any reportable conduct allegations
- thoroughly and fairly investigating
- keeping the Commission updated on progress
- making findings following the investigation
- telling the Commission about the result of the investigation, the findings made, and what it will do next and why.

Investigations under the Scheme are usually conducted by the organisation.

The head of an organisation is responsible for making sure their organisation complies with the Scheme. However, they can get help from other people, either at their organisation or externally. They might receive help from an investigator, arrange people to support the alleged victim or ask someone in the organisation to keep the alleged victim, parents or carers updated about the investigation.

### Allegations involving possible criminal conduct

Where an allegation involves possible criminal conduct, the organisation and the Commission must report it to Victoria Police. Police will look at whether any crimes may have been committed, and if the case should be taken to court. A police investigation takes priority over a reportable conduct investigation. The organisation must wait for police permission to start their investigation.

Even if the allegation has already been investigated by police, the organisation must still do their own investigation under the Scheme. Sometimes the organisation can use the evidence gathered by police so they don't have to repeat the steps police have already taken.

Reportable conduct investigations have a lower standard of proof than criminal investigations and cover a broader range of behaviours. This is because the Scheme aims to respond to possibly harmful, but not necessarily criminal, behaviour by adults.



## What are the steps in the investigation?

The head of the organisation must decide who will conduct the investigation. The investigator could be:

- the head of the organisation
- another person who works at the organisation with relevant skills to conduct the investigation
- a person with professional skills external to the organisation. For example, an investigator they engage.

The head of the organisation needs to check the investigator does not have a conflict of interest that could lead to them being biased or make people think they are biased when they conduct the investigation.

The investigator collects and considers the evidence, makes a finding about whether they think there has been reportable conduct and then prepares a report about their findings.

Some of the kinds of evidence the investigator could collect include interviewing relevant witnesses and gathering documents, emails and photos. They will usually ask the alleged victim what happened as well as the worker or volunteer the allegation is about. There could also be other witnesses they speak with, both children and adults. They may also visit the location of the alleged conduct or seek expert views if necessary.

If you or your child have questions or concerns about an investigation, you should speak with the organisation or investigator.

For further information about investigations, see [Guidance for Organisations Investigating a Reportable Conduct Allegation](#).

Investigations under the Scheme are undertaken by the organisation, not the Commission. Find out more about Commission investigations in [Information sheet 14: Commission own motion investigations](#).

## How will my child be involved in the investigation?

It is helpful if parents and carers explain the Scheme and what an investigation involves to children and young people. The Commission has [information sheets for children and young people about the Scheme](#) that can help. There are also resources to help parents and carers talk to children and young people about child sexual abuse from the [National Office for Child Safety](#).

It is important that children and young people be given a choice about whether they want to be involved in an investigation. It is their right to participate, or not.

Children and young people should never be forced to take part in an investigation, and they can also stop participating at any time.

Organisations deciding to exclude children and young people from investigations without good reason can send a damaging message to them that their voice is not valued. It can contribute to them not feeling listened to or heard. It also potentially deprives investigators of valuable evidence relevant to deciding whether an adult has engaged in child related misconduct or abuse.

The Commission tells organisations that children and young people involved in an investigation into a reportable allegation, whether they are alleged victims or witnesses, should be interviewed unless there is a good reason why this should not occur. We also tell organisations that it is usually helpful to the child if parents and carers are well-advised about the investigation process.

Children and young people may attend a face-to-face interview, or be interviewed remotely via video. The approach to interviewing a child or young person is different to interviewing an adult and requires careful thought and planning by the organisation. When a child or young person is being interviewed the investigator should interview them in a child-focused and trauma-informed way.

If there is a good reason not to interview a child or young person, the Commission tells organisations to consider other ways to include them, such as giving them the chance to provide a written statement. We also advise organisations that they should talk with parents or carers about how best to support the child or young person.

The Commission has resources to help organisations include children in investigations and to help organisations plan interviews. See [Including children and young people in reportable conduct investigations](#).

## Support, safety and wellbeing

Organisations should plan for the safety of all children participating in an investigation. They should anticipate any support needs for children, and check in regularly to make sure the support being provided is appropriate.

As a parent or carer, you can let the organisation and the investigator know how they can best support your child's individual needs. They should take your ideas into account. If you have concerns about the investigation process or the support being offered, contact the organisation or the investigator to explore ways to safely include your child in the investigation.

You can find some supports for children and young people on the [Commission's website](#). Sexual and child abuse specific services can be found [here](#). It is important that parents and carers take care of themselves too. It can be challenging to advocate for children and young people, and child abuse impacts those that care for children and young people too. The [Blue Knot Helpline](#) offers support to the families of those who have suffered childhood trauma or abuse: 1300 657 380. [Lifeline](#) offers support to people experiencing emotional distress: 131 114.

## Sharing information and outcomes of investigations

As a parent or carer of a child who is an alleged victim, the organisation may share certain information with you. The organisation should share information with you at key stages of the investigation. This information could include:

- the progress of the investigation, such as:
  - when and how your child will be interviewed
  - the stage of the investigation
  - how long the investigation may take
- the findings of the investigation
- reasons for the findings
- any recommendations made at the conclusion of the investigation.

Sometimes there may be valid reasons why information cannot be shared by an organisation during an investigation (for example, where police have requested that information not be shared). If the behaviour of the parent or carer is being investigated as reportable conduct, there may be limits on what can be shared with you.

The organisation may also not be able to share some documents and information because of privacy laws and the confidential nature of investigations. These may include:

- personal or sensitive information about other witnesses
- personal information about the worker or volunteer the allegation is against, including employment information
- investigation documents, such as:
  - copies of witness statements
  - evidence
  - the investigation report.

Personal information about your child and other witnesses should not be shared with anyone unless it is appropriate and permitted by law.

## Findings that can be made under the Scheme

At the end of an investigation the head of the organisation must make a finding as to whether the allegations are substantiated or not based on all the evidence.

Findings must be based on the evidence gathered and are made on the 'balance of probabilities.' This is a legal test that involves deciding whether it is more likely than not that the conduct occurred and if the behaviour met the threshold of reportable conduct.

There are five findings that can be made, these are:

- substantiated
- unsubstantiated – insufficient evidence
- unsubstantiated – lack of evidence of weight
- unfounded
- conduct outside Scheme.

An unsubstantiated finding does not mean your child has not been believed. It may mean there isn't enough evidence to make a finding that there is reportable conduct.

For more information about each finding type see [Information Sheet 8 – Investigation Findings](#).

Organisations must provide the following to the Commission:

- the findings
- the reasons for the findings
- the actions to be taken to keep children safe.

Sometimes, the head of the organisation may decide the behaviour was inappropriate, but it was not reportable conduct. Findings could also be made that there was professional misconduct or a breach of an organisation's policy, standards or other laws.

If you need some more information to better understand the findings, speak with the organisation or the investigator.

## What does the Commission do with the organisation's finding?

The Commission usually refers substantiated findings of reportable conduct to the Secretary to the Department of Government Services (DGS) to reassess the person's Working with Children Check (WWCC). This may lead to the person's WWCC being revoked by DGS

The Commission also notifies the Victorian Institute of Teaching (VIT) about the allegation and findings, if the worker or volunteer of a reportable allegation is a registered teacher. Information may also be shared with other relevant regulators.

## What if you disagree with the findings or actions taken by the organisation?

If you disagree with a finding or the action taken by the organisation after their investigation, you should contact the organisation to discuss your concerns.

## What is the Commission's role in reportable conduct investigations?

The Commission is responsible for administering, overseeing and monitoring the Scheme. We independently oversee and monitor organisations' investigations and, where appropriate, make recommendations to improve the responses of those organisations to allegations of reportable conduct. This can include providing guidance before, during and after an investigation. We may:

- request information and updates from the organisation to oversee their investigation

- support and provide advice to organisations to assist them to identify reportable conduct and to report and investigate reportable allegations
- share information with other regulators, child protection and law enforcement bodies to help them take action to promote children's safety.

The Commission has the ability to release some limited information about investigations to alleged victims, parents and carers. We can't release documents such as investigation reports due to restrictions in legislation.

We do not have the ability to:

- approve or reject findings made by organisations
- direct an organisation to take a particular action during an investigation
- make an organisation change a finding.

The Commission's role is to manage the Scheme and there are limits to any involvement we can have outside of this role.

## What can parents and carers expect from the Commission?

Parents and carers are welcome to contact the Commission to discuss any child safety concerns.

Since the Scheme started in 2017, we have seen many organisations improve their ability to identify, report and investigate allegations of abuse of children. Others still require further improvement.

Increased awareness of the Scheme has led to an increase in notifications to the Commission from organisations and members of the public. This has also led to an increase in organisations, parents, carers, victim survivors and other people seeking our support, guidance and engagement on individual matters.

We are a small organisation with regulatory responsibility for tens of thousands of organisations across Victoria. We believe that the safety of children in these organisations is maximised when everyone plays their part. We therefore conduct our work in a way that focuses on improving the capability of all organisations, empowering the public to hold them to account, referring to other regulators where relevant and having a more active oversight role when needed most.

Due to the volume of notifications we receive, we cannot intervene or provide direct support for every case. We direct our limited resources to the most serious matters, based on the level of risk to children.

Our experience and research tells us that cases involving sexual abuse and sexual misconduct present a significant risk to children and particular challenges for organisations investigating these allegations. These will generally be cases where we will consider a more active oversight role.

If a parent or carer is seeking updates about an investigation, the best person to respond is almost always the investigator or the head of the organisation as they will have the most up to date information. It is also part of good practice for them to provide updates to the relevant people involved in an investigation.

If you have questions or concerns about an organisation's investigation, we recommend raising these directly with the organisation or investigator. If you don't know who to contact, we will try and connect you with the right person at the organisation who is managing the investigation so you can raise your concerns or request information. We encourage you to review the resources on the Commission's website to help you speak directly with the organisation on reportable conduct matters.

We understand that there will be times where a parent or carer is unhappy with the outcome of an investigation. In these cases, we encourage you to raise your concerns directly with the organisation.

We acknowledge that for some, it can be traumatic to engage directly with an organisation where they have experienced abuse. In these cases, the Commission will assist you as far as we are able within our resources and share information when we can.

If the Commission has serious concerns about the quality of the investigation or that risks to children are not being adequately addressed, we may decide to respond as part of our oversight activities. However, this will usually be reserved for cases involving significant risk to children.

## Where to get help

**If you are concerned about the immediate safety of a child or young person, call police on 000.**

To talk through any incidents or issues of concern about a reportable conduct investigation, contact the organisation directly.

For further information about the Reportable Conduct Scheme, to talk through issues of concern with the Commission or to make a notification you can contact the Commission:

☎ 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)

You can notify the Commission of a reportable allegation by filling out the online [Reportable Conduct notification form](#)

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, hard of hearing or have communication difficulties, contact us through the **National Relay Service**.

- **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](#)

### 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](#).