

# Information sheet 3

## Responsibilities of the head of an organisation

### Who is the 'head of an organisation'?

The head of an organisation is the person who is primarily responsible for an organisation's compliance with the Reportable Conduct Scheme (the Scheme). Depending on the particular structure or type of organisation, the head of the organisation may be:

- the Chief Executive Officer (CEO)
- the Secretary, if the organisation is a Victorian Government department, or their delegate
- the Principal Officer of the organisation.

Determining who the Principal Officer is of a particular organisation may depend on that organisation's structure, governance arrangements and legal obligations. Some organisations may wish to obtain their own legal advice to assist them to identify their Principal Officer, in order to ensure they fulfil their organisation's obligations under the scheme.

While heads of organisations are responsible for ensuring their organisations comply with the Scheme, the Commission does not expect heads to carry out their responsibilities alone. Heads of organisations can get help from other people within their organisation to fulfil their obligations under the Scheme. This may include creating and developing systems, sending approved notifications to the Commission, and conducting investigations on their behalf. While heads of organisations can seek internal support and assistance from within their organisations, it is ultimately their responsibility to ensure the Commission is notified of any reportable allegations they become aware of.

### What does the head of an organisation need to have in place?

Section 16K of the *Children Wellbeing and Safety Act 2005* requires the head of an organisation to:

- **Take a preventative approach to keeping children safe**

This includes acknowledging children are vulnerable to abuse and taking steps to reduce this risk in their organisation.

An organisation's response to meeting their obligations under Child Safe Standards will help the organisation take a preventative approach to child safety.
- **Have systems in place to enable anyone to notify their concern or allegation that conduct in line with reportable conduct may have occurred**

This includes having clear and well communicated systems to facilitate and support the reporting of concerns.

Your organisation's work to meet [Child Safe Standard 5 – Processes for responding to and reporting suspected child abuse](#) will mean you will have internal reporting processes in place to notify allegations.
- **Have systems in place to allow other people to report to the Commission if the reportable allegation concerns the head of the organisation**

As there may be instances in which the actions of concern are alleged to have been taken by the head of your organisation, organisations must have policies and systems that enable other people in your organisation to notify the Commission of alleged reportable conduct.
- **Have investigation processes clearly defined and developed**

Once an allegation has been made, organisations must have processes in place to investigate the matter.

In meeting [Child Safe Standard 5 – Processes for responding to and reporting suspected child abuse](#), your organisation should have developed systems and processes to respond to allegations and report the matter internally, to Victoria Police and other relevant authorities as required.

## What the head of an organisation must report to the Commission

Section 16M requires the head of an organisation to initially notify the Commission of a reportable allegation within three business days and update the Commission of progress within 30 calendar days. They must also investigate the reportable allegation and provide the findings of the investigation to the Commission. The Commission will seek the following information at various milestones.

| Three business day notification   | 30 calendar day update   | Advice on investigation  | Outcomes of investigation   | Additional documents   |
|---|--|--|---|--|
| <ul style="list-style-type: none"><li>• Name of the worker or volunteer</li><li>• Date of birth</li><li>• Police report</li><li>• Organisation contact details</li><li>• Head of organisation's name</li><li>• Initial advice on the nature of the allegation</li></ul> | <ul style="list-style-type: none"><li>• Details of the allegation</li><li>• Details of your response to the allegation</li><li>• Details about any disciplinary or other action proposed</li><li>• Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other</li></ul> | <ul style="list-style-type: none"><li>• Name of investigator</li><li>• Contact details</li><li>• <b>As soon as practicable</b></li></ul> | <ul style="list-style-type: none"><li>• Copy of findings and reasons for the findings</li><li>• Details about any disciplinary or other action proposed</li><li>• Reasons for taking or not taking action</li><li>• <b>As soon as practicable</b></li></ul> | <ul style="list-style-type: none"><li>• The Commission may request further documents from the head of the organisation</li></ul> |



**It is an offence to fail to notify and update the Commission about reportable allegations.**

The Commission will also publish *Investigation Standards* to help guide the approach of organisations. An organisation's regulator or government funder may also have investigation requirements and supports.

The head of the organisation must provide information to the Commission about any of these systems described above, if the Commission requests this in writing.

The Commission may make recommendations to the organisation to improve their practices and processes.

### Where to get help

Organisations covered by the Scheme should contact the Commission for clarification and guidance, and to talk through any issues of concern.

- Telephone: 8601 5281
- Email: [childsafestandards@ccyp.vic.gov.au](mailto:childsafestandards@ccyp.vic.gov.au)

Further information is also available on the Commission for Children and Young People's website at [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)