Reportable Conduct Scheme

The Victorian government has passed legislation introducing a Reportable Conduct Scheme. The Children Legislation Amendment (Reportable Conduct) Act 2017 requires organisations that exercise care, supervision and authority over children, to report allegations of reportable conduct by an employee to the Commission for Children and Young People (‘the Commission’). This will allow for independent scrutiny of the way organisations investigate misconduct involving children.

Reportable conduct will include the following acts committed by an employee whether or not they are alleged to have occurred during the course of the person’s employment:

* sexual offence committed against, with or in the presence of a child, whether or not criminal proceedings have been commenced or concluded.
* sexual misconduct
* physical violence
* significant neglect of a child
* any behaviour that is likely to cause significant emotional or psychological harm to a child

The organisation must have systems in place to prevent, report and investigate reportable conduct alleged to have been committed by an employee. The Commission must be notified of an allegation of reportable conduct by the organisation and the outcome of the investigation. The Commission will have powers to:

* investigate an allegation of reportable conduct
* investigate the response by an organisation to an allegation of reportable conduct
* conduct interviews in the course of its investigation
* monitor an investigation conducted by a regulatory body
* request that the Victoria Police advise whether it is investigating a reportable allegation, and the result of any investigation
* issue a notice to produce information or documents to an organisation. Failure to comply may result in a civil penalty being awarded by the Magistrates’ Court.

The Commission will be able to disclose information about an allegation and investigation into reportable conduct to the Victoria Police and with relevant professional bodies and regulators. If the Commission makes a finding that an employee has committed reportable conduct it must notify the Department of Justice and Regulation for the purposes of a Working with Children Check.

The Commission must include a review of the operation of the reportable conduct scheme in its annual report. A copy of the report may be tabled in Parliament. The reportable conduct scheme will be reviewed after 5 years.

The reportable conduct scheme will apply to organisations in three phases:

**From 1 July 2017 the scheme will apply to:**

* Government and non-government schools and other secondary education providers
* Registered overseas student exchange organisations.
* Disability service providers that provides residential services for children with a disability.
* Mental health service providers that provides in-patient beds for children and young people.
* Drug or alcohol treatment services that provide in-patient beds for children and young people.
* Housing or homelessness services that provides overnight beds for children and young people, such as youth refuges.
* Child protection services.
* Out-of-home care services.
* Government departments providing services to children (including youth justice and corrective services).

**From 1 January 2018 the scheme will apply to:**

* Religious organisations.
* Residential facilities of boarding schools.
* Overnight camps for children.
* Public, denominational and private hospitals.
* Other disability service providers that provide services for children, including those registered with the National Disability Insurance Scheme.

**From 1 January 2019 the scheme will apply to:**

* Approved education and care services (e.g. kindergartens, after hours care services).
* Children’s services (e.g. occasional care providers).
* Statutory bodies that have responsibility for children, such as public museums and galleries.

 Checklist for organisations: What do you need to do[[1]](#endnote-1)?

* Ensure that the person in a relevant position of authority (such as the Chief Executive Officer) in the organisation is made aware of and reports any allegation of reportable conduct made against a worker or volunteer to the Commission.
* **In all circumstances, allegations of criminal conduct must be reported to Victoria Police as the first priority.**
* Ensure appropriate investigation of the allegation. This may be undertaken by a government department or statutory body or through internal investigation practices, depending on the type of organisation.
* Report any findings and the reasons for the outcome of an investigation to the Commission at the conclusion of the investigation.

1. For more information go to the Commission for Children and Young People website at: <http://www.ccyp.vic.gov.au/reportableconduct/index.htm>

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