REPORTABLE CONDUCT SCHEME POLICY (Vic)

The Langwarrin Community Centre is committed to the safety, wellbeing, and support of all children in our care. On January 1, 2019, the Reportable Conduct Scheme was implemented in Victoria. This aims to complement the Child Safe Standards and other existing child safety measures and ensure that timely reports are made and investigated should there be allegations against employees, volunteers, or visitors of the Langwarrin Community Centre (State of Victoria [Commission for Children and Young People], 2018). The Langwarrin Community Centre promotes the wellbeing and safety of children, and as an authorised Information Sharing Entity (ISE) will share information and respond to requests for information from other ISEs when relevant requirements for sharing are met under the Information Sharing Schemes (the Schemes) and MARAM.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2	Safety	Each child is protected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented
2.2.3	Child Safety and Protection	Management, educators and staff are aware of their roles and responsibilities regarding child safety, including the need to identify and respond to every child at risk of abuse or neglect

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S 2A	Paramount Consideration
S 162A	Child Protection Training
S 174B	Offence for approved provider to fail to notify Regulatory Authority of any reportable sexual conduct committed by relevant staff members
84	Awareness of child protection law
145	Staff record
149	Volunteers and students

155	Interactions with children
168	Education and care service must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedure
358	Working with children check to be read

OTHER RELEVANT LEGISLATION

Failure to Disclose 2014 (Under Section 327 of the Crimes Act 1958 [Vic])	*Children's Services Act 1996*
Failure to Protect 2015 (Under Section 327 of the Crimes Act 1958 [Vic])	*Family Law Act 1975 (Cth)*
Child Wellbeing and Safety Act 2005	*Family Violence Protection Act 2008*
Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015	*Children Services Regulations 2020*
Children, Youth and Families Act 2005 (Amended 2014) (Vic)	*Reportable Conduct Scheme*
Commission for Children and Young People Act 2012	*The Worker Screening Act 2020*

RELATED POLICIES

Child Protection Policy Child Safety and Wellbeing Policy Code of Conduct Policy Dealing with Complaints Policy Privacy and Confidentiality Policy	Protected Disclosures (Whistleblower) Policy Recruitment Policy Safe Use of Digital Technologies and Online Environments Policy Supervision Policy

PURPOSE

Management, educators and staff are committed to identifying possible risk and significant risk of harm to children and young people at the Langwarrin Community Centre. We understand our duty of care to protect children from all types of abuse, including protecting them from potential abuse that could occur within the Langwarrin Community Centre by employees, visitors, students or contractors. It is therefore imperative that all staff have a thorough knowledge and understanding of the requirements of the Reportable Conduct Scheme, which seeks to improve the responses of organisations to allegations of child abuse and neglect by their employees or volunteers.

To promote and support the wellbeing and/or safety of a child or group of children, all staff and management are aware of the Child Information Sharing Scheme, Family Information Sharing Scheme and MARAM which enable ISEs to request and share confidential information with other ISEs when certain requirements for sharing are met. We believe that children's safety, rights, and best interests are the paramount consideration for all Service operations, decisions and functions.

SCOPE

This policy applies to management, Approved Provider, Nominated Supervisor, educators, staff, students, volunteers, contractors and allied health/support staff of the Langwarrin Community Centre.

DEFINITIONS

Reportable Conduct

There are five types of 'reportable conduct':

- Sexual offences committed against, with or in the presence of a child.
- Sexual misconduct committed against, with or in the presence of a child.
- Physical violence against, with or in the presence of a child.
- Any behaviour that causes significant emotional or psychological harm to a child.
- Significant neglect of a child.

  (Examples may include- inappropriate sexual comments, use of corporal punishment, persistent belittling causing emotional harm, grooming or sexting with a child, and neglect or failure to supervise or provide adequate health care).

  If the Head of the organisation becomes aware of a reportable conviction (a conviction or court finding of guilt for conduct that would be reportable conduct), they must notify the Social Services Regulator via the CCYP webform and provide documentation required.

Head of the organisation

The Approved provider.

Failure to disclose

Under the *Crimes Act 1958* (Vic) all adults must make a report to the Victoria Police if they hold a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 years.

Failure to protect

Under the *Crimes Act 1958* (Vic) a person in a position of authority in an organisation must act to reduce or remove a substantial risk to a child under 16 years of age who is under their care or supervision, who may become the victim of sexual abuse committed by an adult associated with their organisation.

Mandatory reporters

Professional groups, including early childhood teachers and workers, who are mandated under the *Children, Youth and Families Act 2005* (CYFA) (s. 182) are mandated to report their concerns for a child to child protection if they form a belief on reasonable grounds that a child is in need of protection (Source: Victorian Government: Child Protection Manual).

Reasonable grounds

A belief on reasonable grounds is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example,

- a child states they have been physically or sexually abused
- a child states they know someone who has been physical or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the child states the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads the mandated professional to form a belief the child has been abused or is likely to be abused
- signs of physical or sexual abuse leads to a belief the child has been abused

(Source: Victorian Government, CCYP)

IMPLEMENTATION

The Head of the organisation (Approved Provider) must:

- be fully aware of, and knowledgeable about the responsibilities of the Head of an organisation, which include all points below
- be aware of legislation relating to sharing of information regarding child health and wellbeing under the Child Information Sharing Scheme (CISS) or the Family Violence Information Sharing Scheme (FVISS) and MARAM
- ensure information regarding the health and wellbeing of a child is not shared with others unless consent has been provided, in writing, or provided the disclosure is required or authorised by law under relevant state/territory legislation (including Child Information Sharing Scheme (CISS) or the

Family Violence Information Sharing Scheme (FVISS)) - See *Child Protection Policy* for further information regarding legal obligations to sharing of information as per CISS or FVISS Schemes

- sign up and maintain a subscription for Social Services Regulator updates in order to maintain current knowledge on Child Safety issues in Victoria
- ensure there are systems in place to prevent child abuse (see: Child Safety and Wellbeing Policy; Child Protection Policy;)
- ensure allegations are brought to the attention of appropriate persons for investigation and response
- ensure that all allegations based on reasonable grounds are reported, including allegations made against employees who do not have direct contact with children, and conduct that allegedly occurred outside of their work
- contact 000 if they have immediate safety concerns about a child or young person
- Contact the Social Services Regulator if unclear on whether or not a reportable allegation should be made about a person: Phone **1300 78 29 78**
- gather the information required to complete the report - *Note: The types of information required can be found in information sheet 7 – reporting to the commission*
- notify the Social Services Regulator **within three business days** of becoming aware of a reportable allegation, via the CCYP secure online webform *Note: Prepare information in advance as you are not able to save the form once commenced: It must be completed in one session.*
- make a report to Victoria Police as soon as being aware that a reportable allegation may involve criminal conduct (if any reportable allegation involves suspected criminal behaviour, notify the Victoria police, Social Services Regulator and VECRA
- notify Victorian Early Childhood Regulatory Authority (VECRA) within 24 hours, via NQA-ITS, of:
    - any **incident** or allegation where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service
    - any complaints alleging that a serious incident has occurred or is occurring at the Service
    - a serious incident, which may include physical or sexual abuse where emergency services attended the Service
    - any reportable sexual conduct by a nominated supervisor, educator, staff member, student or volunteer against, with or in the presence of, a child
    - any allegation (observed or suspected or disclosures) that a staff member or volunteer is engaging or has engaged in appropriate conduct to a child
    - any change to a person's WWCC or any relevant risk information related to child safety

- understand that police investigations take priority over reportable allegation notifications, and as such the organisation's investigation may need to be deferred until the police investigation has been completed
- provide the Social Services Regulator with details of who is conducting the investigation
- begin an investigation using the CCYP Investigation Guide (see Resources)
- manage risks to children whilst undertaking the investigation
- maintain detailed and objective notes on all aspects of the investigation
- provide the Social Services Regulator with updates on the organisation's response to the allegation assess the evidence and make a decision based on the strength of the evidence as to whether or not the Reportable Conduct occurred
- provide the Commission with detailed information on the reportable allegation, and any action taken **within thirty calendar days** of the initial notification via the online forms - this should include (Source: CCYP Information sheet 8: Investigation findings):
    - The findings:
        - *Substantiated* - This finding should be used when a decision maker has decided that the reportable conduct has been proven to have happened on the balance of probabilities. **The evidence suggests it is more likely than not that the reportable conduct happened because there is enough reliable, convincing, evidence of weight.**
        - *Unsubstantiated - insufficient evidence* - This finding should be used when there was some evidence of weight to support the allegation, but not enough for the decision maker to make a substantiated finding. **The evidence does not suggest that it is more likely than not that the reportable conduct happened.**
        - *Unsubstantiated - lack of evidence of weight* - This finding should be used when there is not enough evidence to properly investigate the allegation, or the small amount of evidence available is contradictory or confusing. **There is not enough evidence to establish whether the reportable conduct did or did not happen.**
        - *Unfounded* - This finding should be used when there is strong evidence that the reportable conduct did not happen. **The evidence suggests that it is more likely than not that the reportable conduct did not happen.**
        - *Conduct outside scheme* - This finding should be used when the decision maker has investigated the conduct and, although the conduct occurred, **it does not fit any of the types of reportable conduct listed in the Act.** An example of this might be slapping a child's hand away from a hot stove.

- The reasons for the finding, which should explain:
    - How the investigation was done.
    - The evidence that was collected and how it was assessed.
    - Whether the evidence was relevant and reliable.
    - How the evidence supported or contradicted the allegation of Reportable Conduct.
    - How convincing the evidence was in all of the circumstances.

- Seek help from the Social Services Regulator if there are any concerns or guidance is required: Phone 1300 78 29 78.
- Understand that the Reportable Conduct Scheme does not replace the legal requirement to report allegations to the Victoria Police.

THE APPROVED PROVIDER/MANAGEMENT/ NOMINATED SUPERVISORS WILL ENSURE:

- a robust recruitment process is implemented with effective pre-employment screening including at least 2 reference checks, WWCC and National Police criminal history checks
- they have read each person's WWCC before engaging educators, staff or volunteers in the Service. The WWCC will be placed in the individual's file and continue to be updated as required.
- that they, and all educators and staff maintain a current WWCC
- require staff, educators, volunteers and students to notify the approved provider, within 24 hours of any changes to their WWCC status, changes to their teacher registration or fit and proper status (including show cause notice, suspension notice, supervision notice, disciplinary notices/orders or prohibition notices)
- induction includes relevant information and training on child safe practices adhering to the new Child Safe Standards, Code of Conduct, reportable conduct scheme, strategies that identify, assess and minimise risks to children and mandatory reporting procedures
- new employees (including the nominated supervisor and staff members), students and volunteers are to familiarise themselves with the Child Protection Policy to understand the Child Protection Law and their obligations and mandatory reporting duties to ensure the safety and well-being of children at the service
- that they, and all employees have an in-depth understanding of the Reportable Conduct Scheme, and how to notify reportable conduct
- all employees are aware of who holds the position of 'Head of organisation'
- there are systems in place to prevent child abuse
- that they, and all educators and staff maintain a current Working with Children Check

- that they, and all educators and staff follow policies and procedures concerning Child Protection, Child Safety and Wellbeing - including the Child Safe Standards for Victoria and Reportable Conduct
- allegations are immediately brought to the attention of the Head of the organisation
- that they will notify the Social Services Regulator of any alleged Reportable Conduct if the Head of the organisation fails to do so for any reason
- educators employ '*active supervision'* strategies at all times
- visitors, students are never left with children unsupervised
- All student and volunteer (over 18 years of age) WWCCs are verified prior to placement. Any visitor who has direct contact with children will be required to provide a WWCC for verification prior to coming into contact with children (*best practice*). The approved provider will keep a record for each day a student or volunteer participates in the service including date and hours of participation

EDUCATORS WILL ENSURE:

- that they have a thorough understanding of their duty of care in relation to Child Protection
- that they maintain a current Working with Children Check
- that they have an in-depth understanding of the Reportable Conduct Scheme, and how to notify Reportable Conduct
- they have a thorough understanding and follow all policies and procedures concerning Child Protection and the new Child Safe Standards.
- information regarding the health and wellbeing of a child is not shared with others unless consent has been provided, in writing, or provided the disclosure is required or authorised by law under relevant state/territory legislation (including Child Information Sharing Scheme (CISS) or the Family Violence Information Sharing Scheme (FVISS)) - See *Child Protection Policy* for further information regarding legal obligations to sharing of information as per CISS or FVISS Schemes.
- all allegations are immediately brought to the attention of the Head of the organisation and/or the Nominated Supervisor and/or Responsible Person
- they contact 000 if they have any immediate safety concerns about a child or young person
- that they will notify the Social Services Regulator of any alleged Reportable Conduct if the Head of the organisation and/or the Nominated Supervisor and/or Responsible Person fails to do so for any reason
- that they understand that failure to comply with the Reportable Conduct Scheme requirements may lead to their Working with Children Check being revoked
- they are always engaged in active supervision of children

PROTECTION FOR REPORTERS

All reporters are protected against retribution for making or proposing to make a report under amendments to the *Children Youth and Families Act 2005 and Crimes Act 1958* effective April 2021. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances. Provided the report is made in good faith:

- does not breach standards of professional conduct or ethics
- cannot lead to defamation and civil and criminal liability

A report is also an exempt document under the *Freedom of Information Act 1982.*

These protections are outlined within our *Protected Disclosures (Whistleblower) Policy,* which supports and protects individuals who report concerns in good faith about child safety, breaches of the National Law, or Service operations.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Reportable Conduct Scheme Policy* will be evaluated and reviewed on a biennial basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy. Feedback will be requested from children, families, staff, educators and management and notification of any change to policies will be made to families within 14 days.

RESOURCES

Subscription to Social Services Regulator updates:

https://ccyp.vic.gov.au/contact-us/sign-up-for-commission-updates/

Information sheets

Available from: https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/reportable-conduct-scheme-information-sheets/

Resources for early years providers on the Reportable Conduct Scheme

Reporting flowchart

Reportable Conduct Scheme poster

NOTIFICATION FORMS

Available from Report an Allegation

- Three-day notification – head of organisation
- 30-day update
- Investigation outcome update

- Investigator update
- Other information update

SOURCES

State of Victoria (Commission for Children and Young People). (2024*). Reportable conduct scheme*.
Victoria State Government. (2025). *Report child abuse in early childhood*
Victoria State Government. (2025). *Family Violence Information Sharing Scheme*
Victoria State Government. (2024) Information Sharing guides, templates and tools

REVIEW

POLICY REVIEWED BY	Carol Hopkins	CSO	OCT 2024
POLICY REVIEWED	Oct 2024	NEXT REVIEW DATE	OCT 2026
VERSION	• V4 09.26		
Modifications	• updated policy to include child safety reforms for Education and Care Services National Law, including paramount considerations • Protection for Reporters section added to policy • updated policy to reflect changes to the new Social Services Regulator replacing the Commission for Children and Young People (CCYP) • minor edits- legislation update/added new related policy • added early childhood related resources (deleted list of other resources available online) • appendix removed • sources updated as required		
APPROVED BY	Neil Kinsey		

POLICY REVIEWED BY	Carol Hopkins	CSO	OCT 2024
POLICY REVIEWED	Oct 2024	NEXT REVIEW DATE	OCT 2026
VERSION	• V3 10.24		
Modifications	• policy maintenance - no major changes to policy • additional information added re: students/volunteers' knowledge of Child Protection Law		

	• hyperlinks checked and repaired as required • minor formatting edits within text	

POLICY REVIEWED BY:	Samantha Neeman	Manager	May 2022
POLICY REVIEWED BY	Carol Hopkins	CSO	January 2023
POLICY REVIEWED	January 2023	NEXT REVIEW DATE	November 2023
Modifications	• policy maintenance - no major changes to policy • information related to Child Safe Standards and associated policy added • hyperlinks checked and repaired as required • minor formatting edits within text continuous improvement/reflection section added		

POLICY REVIEWED BY:	Samantha Neeman	Manager	May 2022
POLICY REVIEWED	MAY 2022	NEXT REVIEW DATE	MAY 2023
MODIFICATIONS	• additional related policies • addition of new Child Safe Standards Victoria (effective from July 2022) • inclusion of responsibilities under Child Information Sharing Scheme and Family Violence Information Sharing Scheme for Head of the Organisation and Educators • information related to recruitment and induction added • sources checked for currency		
APPROVED BY			