REPORTABLE CONDUCT SCHEMES IN AUSTRALIA

Notifying and Reporting Allegations of Workplace Child Abuse – Reportable Conduct Schemes in Australia.

In 1999, the New South Wales (NSW) Reportable Conduct Scheme was established to provide independent oversight by the Ombudsman of the handling of child abuse and neglect allegations against employees. On the 1st July 2017, the Victorian Commission for Children and Young People and the ACT Ombudsman, administered new Reportable Conduct Schemes in the related jurisdictions, to oversee how organisations prevent and respond to allegations of child abuse and misconduct by workers and volunteers. All three Reportable Conduct Scheme’s address employment-related child protection.

On the next page is a summary of the three Schemes across NSW, ACT and Victoria. Although all three schemes have the similar responsibilities, there are differences in the management of the reporting and assessment processes.

Please note:

1. The reportable conduct schemes do not interfere with mandatory reporting obligations. If employers suspect criminal conduct has occurred, they should report to child protection or the police in the first instance.
2. The information provided above is a summary for general reference only. If you are unsure of your reporting obligations you should seek direction from the ombudsman/commissioner in your jurisdiction.

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<td>ACT, from 1st July 2017</td>
<td>• Ill-treatment of a child (including emotional abuse, and hostile use of force)</td>
<td>Employers covered by the scheme are referred to as ‘designated entities’ and include:</td>
<td>Ombudsman</td>
<td>Employers in the reportable conduct scheme need to notify the Ombudsman about any reportable conduct allegations or convictions involving an employee by submitting a 170 Notification as soon as possible, but no later than 30 days after the employer becomes aware of the conduct.</td>
<td>The employer must investigate any allegations of reportable conduct and provide a final report to the Ombudsman. They must also report to other entities as required (for example, ACT Police, CYFS, Access Canberra, Teacher Quality Institute, Children’s Education and Care Assurance, Human Rights Commission etc.). The employer must adjust their policies and procedures to reflect their new responsibilities under the scheme and educate employees about these.</td>
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<td>VIC, from 1st July 2017</td>
<td>Any offence or misconduct involving children, including:</td>
<td>•设计ated government agencies, includes, but is not limited to, the Departments of Education, Family and Community Services, Health, and Justice.</td>
<td>Ombudsman</td>
<td>The head of relevant agencies must notify the Ombudsman of reportable allegations and convictions as soon as practicable and, in any event, within 30 days of becoming aware of them.</td>
<td>Agencies are expected to respond to allegations by conducting an investigation, and undertaking any risk management or other action which may be required.</td>
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<td>NSW, from 1999</td>
<td>• Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material);</td>
<td>There are three types of agencies that must notify the Ombudsman of reportable allegations or convictions against employees: 1. designated government agencies, includes, but is not limited to, the Departments of Education, Family and Community Services, Health, and Justice. 2. all other public authorities 3. designated non-government agencies including schools, child care centres, out of school hours’ services and agencies providing substitute residential care.</td>
<td>Ombudsman</td>
<td>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 for Children and Young People through the designated webpage.</td>
<td>The organisation must ensure an appropriate independent* investigation of the allegation is undertaken. Any findings and the reasons for the outcome of an investigation must be reported to the Commission for Children and Young People at the conclusion of the investigation.</td>
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*Independent body or person with appropriate qualifications, training or experience to investigate reportable allegations.