

OVERVIEW OF THE REPORTABLE CONDUCT SCHEME

Following the [Betrayal of Trust Report](#), the Victorian Government passed legislation in February 2017 to introduce a [Reportable Conduct Scheme](#) in Victoria. The scheme complements the [Child Safe Standards](#) and aims to improve oversight of how organisations respond to allegations of child abuse and child-related misconduct by employees. The [Commission for Children and Young People \(CCYP\)](#) are responsible for administering the Reportable Conduct Scheme, including overseeing workplace investigations into allegations of child abuse which are undertaken by the school.

What is reportable conduct?

An allegation of reportable conduct is where a person forms a reasonable belief that there has been:

- a sexual offence, sexual misconduct, or physical violence committed, against, with, or in the presence of a child,
- any behaviour causing significant emotional or psychological harm to a child, or
- significant neglect of a child.

A reportable allegation means information that leads a person to form a reasonable belief that an employee has committed reportable conduct, or misconduct that may include reportable conduct. An employee can include a principal, teacher, support staff, school council member, contractor, or volunteer. A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty.

Further details on what is reportable conduct can be found [here](#).

Reporting an allegation of reportable conduct

As “head of an organisation”, the Chief Executive of Mercy Education Ltd (MEL) is responsible for compliance of the Reportable Conduct Scheme, however will be supported by the Emmanuel College Principal. Any allegation of reportable conduct must be reported to the Principal or a member of the College Management Team for immediate action, as outlined in the ECW PROTECT Reporting Obligations Procedures.

Investigation process

An investigation into a reportable allegation is a workplace investigation aimed at gathering and examining information to establish facts and make findings in relation to allegations of child abuse against an employee. In Catholic schools an investigation is undertaken in conjunction with Clause 13 of the Catholic Education Multi-Enterprise Agreement (CEMEA) 2022. An effective investigation requires a systematic approach to assessing and managing an allegation, followed by a sound decision-making framework that enables procedural fairness for all parties in the investigation process.

The head of organisation must notify the CCYP of a reportable allegation within three business days and update the Commission within 30 calendar days with the details and outcome of the investigation undertaken, along with recommendations around what disciplinary or other actions should be taken (if any). The CCYP has the power to refer any findings to professional registration bodies, such as the Victorian Institute of Teaching (VIT) and the Working with Children Check (WWCC) Unit.

If the reportable allegation involves suspected criminal behaviour, the Victoria Police must be notified and clearance gained before beginning an investigation. It is a criminal offence to fail to disclose to the Victoria Police any reasonable belief that a sexual offence has been committed by an adult against a child under 16 years old.

Further details on investigating a reportable conduct allegation can be found [here](#).

Related documents

MEL/ECW Child Safety and Wellbeing Policy and School Procedure
ECW PROTECT Reporting Obligations Procedures
MEL Code of Conduct for Employees and Volunteers