



REPORTABLE CONDUCT SCHEME

Reference Guide

WHAT IS THE REPORTABLE CONDUCT SCHEME

Victoria has a Reportable Conduct Scheme that requires eligible organisations to respond to, and investigate, allegations of child abuse and other child-related misconduct made against their workers and volunteers. The Reportable Conduct Scheme requires eligible organisations to notify the Commission for Children and Young People (CCYP) of these allegations.

Requirements of Reportable Conduct Scheme enable CCYP to independently oversee an organisations response to allegations of child abuse and other child-related misconduct. CCYP can also help to facilitate relevant and appropriate information sharing between organisations, their regulators, Victoria Police and the Department of Government Services' Working with Children Check.

Please note that this is a separate reporting requirement to Victorian Mandatory Reporting legislation and other reporting requirements relating to Child Protection and/or Police. Please see the "Reporting Suspected Child Abuse" information on the Basketball Victoria website for more information on these requirements

WHO NEEDS TO REPORT TO CCYP UNDER THE REPORTABLE CONDUCT SCHEME?

Basketball organisation's who run programs for children and young people with disabilities need to report certain allegations to CCYP.

If your club or association (club) runs a wheelchair or an all-abilities program which includes participants who are children or young people (under 18) with a disability, your club is required to report certain allegations or complaints to the CCYP.

Under the Reportable Conduct Scheme, heads of organisations are responsible for reporting complaints or concerns that have been raised. Heads of organisations are CEOs/GMs, Presidents or their equivalent.

WHICH COMPLAINTS NEED TO BE REPORTED?

If your club has received a complaint that involves allegations of behaviour against a child that involves a possible sexual offence, sexual misconduct, physical violence, behaviour that could cause significant emotional or psychological harm or significant neglect, please initially refer to the 'Reporting Suspected Child Abuse' information on the Basketball Victoria website:

[CLICK HERE: Reporting Suspected Child Child Abuse](#)

After following the steps outlined in the 'Reporting Suspected Child Abuse' information sheet, please review the following information to determine whether a CCYP report must also be made.

Please note that if you are in doubt about whether to report or have further questions, the Basketball Victoria Child Safety Advisor can be contacted via child.safety@basketballvictoria.com.au or 9837 8025.



REPORTING CHECKLIST

CONSIDERATION	YES	NO
Has your organisation received a complaint regarding a child or young person being the alleged victim of a sexual offence, sexual misconduct, physical violence, behavior that could cause significant emotional or psychological harm or has suffered significant neglect? <i>Definitions for these can be found at the end of this document.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Was the alleged behaviour perpetrated by an adult (over 18) towards a child (under 18) and that the person holds an official role within your organisation. Please note that official roles are any Employee, volunteer or contractor who holds a role within your organisation or who has done so in the recent past	<input type="checkbox"/>	<input type="checkbox"/>
Does your organisation deliver a Disability Services program that would be included under the Reportable Conduct Scheme?	<input type="checkbox"/>	<input type="checkbox"/>

NB: The allegations do not have to involve conduct that has occurred in a basketball setting.

If you have ticked Yes to all of the statements outlined in the table above, then you are required to report the incident to CCYP under the Reportable Conduct Scheme.

If the complaint does not involve all of the above allegations, please refer back to the Reporting Suspected Child Abuse decision tree and follow the steps outlined.

WHEN TO REPORT

Heads of organisations (or their delegate) must report to CCYP within three days of being notified of the allegations.

At the initial stage of reporting you do not have to have investigated or determined whether or not the allegations are true. If you are able to form a reasonable belief that the allegation could be true then you must make a report. Making a reasonable belief that an allegation could be true could include but is not limited to

- What the young person or their family have told you about what has happened.
- Whether the behaviour could reasonably have happened because of the role the adult is in and the contact they may have had with the child or young person.

- Any evidence you have been provided in the initial complaint that supports the allegations made.
- Any credible witness that has reported the conduct to you.

If you determine that you are required to make a report to CCYP under the Reportable Conduct Scheme you can do this through the portal below:

[CLICK HERE: 'Notify about a reportable allegation'](#)

Please also ensure that you have contacted Basketball Victoria regarding the allegations and the report you have made to CCYP.

Once you have made the initial report, CCYP and Basketball Victoria have resources that can support you with your investigation.

DEFINITIONS OF TERMS FROM CCYP

What types of conduct are reportable?

There are five types of 'reportable conduct' listed in the Child Wellbeing and Safety Act 2005:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

A short description of the types of reportable conduct is provided below.

What are sexual offences?

In Victoria, it is an offence to engage in certain sexual behaviours against, with or in front of, a child. Many of these behaviours are reportable conduct under the Reportable Conduct Scheme. This includes:

- sexual assault
- indecent acts
- possession of child abuse material
- 'grooming' a child in order to commit a sexual offence.

A full list of the relevant sexual offences is set out in clause 1 of Schedule 1 to the Sentencing Act 1991.

A worker or volunteer does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be reportable conduct.

The terms worker and volunteer are used to cover a range of people subject to the scheme. Further details are provided in Information Sheet 1 – About the Victorian Reportable Conduct Scheme, under the heading Who can a reportable allegation be made about under the scheme?

What is sexual misconduct?

'Sexual misconduct' captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal.

Sexual misconduct refers to conduct that:

- amounts to misconduct
- is of a sexual nature, and
- occurred against, with, or in the presence of, a child.

What is physical violence?

Physical violence committed against, with or in the presence of a child can fall into two categories.

Physical violence can be either:

- actual physical violence - a worker or volunteer intentionally or recklessly uses physical force against, with, or in the presence of a child without a lawful reason, which has the ability to cause injury or harm to the child. Actual physical violence can include hitting, punching, kicking, pushing or throwing something that strikes a child or another person.
- apprehended physical violence - a worker or volunteer intentionally or recklessly engages in conduct or behaviour against, with, or in the presence of a child that is capable of causing a child to think that physical force is about to be used against them or another person. This could include words, gestures or actions that cause a child to believe physical force is about to be used against them, regardless of whether or not the worker or volunteer actually intended that any physical force would be applied.

What is behaviour that causes emotional or psychological harm to a child?

Each allegation of this type of reportable conduct should be considered carefully, keeping in mind the context in which the behaviour occurred and the child's circumstances. In determining whether behaviour has caused significant emotional or psychological harm, you should consider the following:

1. What were the worker's or volunteer's behaviours? It is important to clearly identify the behaviour. The investigation must find that the behaviour was either intentional or reckless.
2. Did the behaviour cause emotional or psychological harm that is significant? If a child was harmed, consideration should be given to:
 - whether that harm amounts to emotional or psychological harm that is significant, and
 - whether the behaviour caused the harm.

(If there is nothing to indicate that the child was harmed then it will not be necessary to consider the two dot points above.)

DEFINITIONS OF TERMS FROM CCYP (CONTD.)

What is significant neglect?

Significant neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child, or could have understood those needs if they had turned their mind to the question, and had the opportunity to meet those needs but failed to do so.

Examples of different types of neglect could include:

- Supervisory neglect: This may occur when a person responsible for the care of a child is unable or unwilling to exercise adequate supervision or control of the child or young person, or fails to seek or comply with appropriate medical treatment.
- Physical neglect: This may occur where there is the failure to meet a child's physical needs including the provision of adequate and appropriate food, clothing, shelter or physical hygiene needs.
- Educational neglect: This may occur when there is a failure to ensure that a child's formal education needs are being met.

For more information please see the link below:

[CLICK HERE: 'What is reportable conduct under the Reportable Conduct Scheme](#)

