



Introduction

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This information sheet provides important information about the obligations of incorporated associations to identify, and in some cases nominate, a head of organisation to the Commission for Children and Young People (CCYP) under the Reportable Conduct Scheme.

DISCLAIMER

ELAA has made every effort to ensure the information provided in this fact sheet is accurate and current at the date of publication. The information and advice contained herein is advisory in nature and should be used and referenced by members in addition to advice from relevant Government and regulatory bodies.

What is the Reportable Conduct Scheme?

The Reportable Conduct Scheme (the scheme) requires early childhood education and care services to respond to allegations of child abuse and other child-related misconduct made against their workers and volunteers. 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.

The CCYP oversees the responses by services to allegations. The scheme facilitates information sharing between services, regulators, Victoria Police, the Department of Justice and Regulation's Working with Children Check Unit and CCYP.

CCYP has a [series of information sheets](#) about the scheme which provide guidance for providers services about their obligations.

What are the responsibilities of the Head of Organisation?

The scheme requires the head of an organisation to:

- respond to a reportable allegation made against a worker or volunteer from their service or organisation, by ensuring that allegations are appropriately investigated
- report allegations which may involve criminal conduct to the police
- notify CCYP of allegations within three business days after becoming aware of the allegation
- give CCYP certain detailed information about the allegation within 30 days after becoming aware of the allegation
- after the investigation has concluded, give CCYP certain information including a copy of the findings of the investigation
- ensure that their organisation has systems in place to:
 - prevent reportable conduct from being committed by a worker or volunteer within the course of their employment



- enable any person to notify the head of an organisation of a reportable allegation
- enable any person to notify CCYP of a reportable allegation involving the head
- investigate and respond to a reportable allegation against a worker or volunteer from that organisation.

For more details, please see the CCYP information sheet [Responsibilities of the head of an organisation](#).

Who can be a head of organisation?

The head of the organisation carries all of the legal obligations under the scheme and is ultimately responsible for the organisation's compliance with the scheme.

The head of organisation can be a Chief Executive Officer (CEO), or a principal officer, where there is no CEO. The principal officer:

- is the most senior or high-ranking officer from the organisation
- has ultimate responsibility for organisation policies relevant to the scheme
- has ultimate responsibility and the powers of an employer in relation to the organisation's workers or volunteers
- has sufficient authority within the organisation to access and disclose information relevant to a reportable allegation made against one of their workers or volunteers.

For incorporated associations that do not have a CEO or principal officer, the president or member of the committee's executive will most likely be the head of organisation. This role cannot usually be delegated to a staff member as the committee has ultimate responsibility for the organisations policies relevant to the scheme and has the power of an employer.

For more details, please see the CCYP information sheet [Identifying the head of organisation](#).

Nominating the head of organisation

Where there is no CEO or principal officer, the committee must agree on and who the head of organisation will be and nominate them to CCYP. The nomination is made by completing the [head of organisation nomination form](#). Information that is required to complete the nomination includes:

- position description
- organisational chart
- documented processes for responding to and reporting suspected child abuse
- evidence of the organisation's endorsement of the nomination.

ELAA recommends that the position of head of organisation for the Reportable Conduct Scheme is considered each year at its annual general meeting. If there is a change to the person occupying the role or another role is identified to take the place of the head of organisation, a new nomination must be completed.



More information and useful contacts

- Reportable Conduct Scheme: <https://ccyp.vic.gov.au/reportable-conduct-scheme/about-the-reportable-conduct-scheme/>
- Commission for Children and Young People: <https://ccyp.vic.gov.au/contact-us/>
- ELAA's Early Childhood Management Manual (ECMM): see Attachment 7 - Committee Handover Checklist
 - If your organisation has access to ECMM you can download this checklist [here](#)
 - To purchase ECMM click [here](#)
- ELAA – memberservices@elaa.org.au