# Reporting requirements for early childhood services

| Scheme | Who must report | What must be reported | Report to | Age of child | Further information |
| --- | --- | --- | --- | --- | --- |
| Mandatory reporting | Mandatory reporters, as defined in section 182 of the *Children, Youth and Families Act 2005* | Child physical and sexual abuse in the family setting, actual or likely, parents have not protected or are unlikely to protect | Child Protection | Children under 17 years | [www.dhhs.vic.gov.au/child protection](https://services.dhhs.vic.gov.au/child-protection)  |
| Reportable conduct*Child Wellbeing and Safety Act 2005* | Head of an organisation | Child abuse and neglect by a worker or volunteer | Commission for Children and Young People | Children under 18 | [www.ccyp.vic.gov.au/reportable conduct scheme](https://ccyp.vic.gov.au/reportable-conduct-scheme/)  |
| Failure to protect*Crimes Act 1958* | Head of an organisation  | Allegations or concerns of the sexual abuse of a child by an adult associated with the organisation | Victoria Police | Children under 16 | [www.justice.vic.gov.au/failure to protect fact sheet](https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to) |
| Failure to disclose*Crimes Act 1958* | All adults  | Sexual abuse of a child by an adult regardless of whether the adult:* Has a child related job;
* Comes across the information in the profession or private lives
 | Victoria Police | Children under 16 | [www.justice.vic.gov.au/failure to disclose fact sheet](https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence)  |
| *Education and Care Services National Law Act 2010* | The approved provider  | Serious incidents, circumstances posing a risk to the safety, health and wellbeing of children, complaints, and allegations relating to physical or sexual abuse occurring at the service. | Quality Assessment & Regulation Division (DET) | Any child being educated and cared for in an education and care service  | [www.education.vic.gov.au/childhood providers](https://www.education.vic.gov.au/childhood/providers/Pages/default.aspx)[www.acecqa.gov.au](http://www.acecqa.gov.au) |
| *Children’s Services Act 1996* | The licensee | Serious incidents and complaints relating to contraventions of the law or where the health, safety or wellbeing of any child may have been compromised. | Quality Assessment & Regulation Division (DET) | Any child being cared for or educated by a children’s service  | www.education.vic.gov.au/childhood/providers/regulation/Pages/vcs.aspx |
| Victorian teacher registration *Education and Training Reform Act 2005* | The employer | * A registered teacher is charged, committed for trial or convicted or found guilty of a sexual offence.
* Action taken against a registered teacher in response to allegations of serious incompetence, serious misconduct, lack of fitness to teach, a physical or mental impairment that adversely affects the teacher’s ability to teach
 | Victorian Institute of Teaching | Any child being educated and cared for in service operating under the: *Children’s Services Act 1996*; or*Education and Care Services National Law Act 2010* | [www.vit.vic.edu.au/notifying the institute about teacher concerns](https://www.vit.vic.edu.au/professional-responsibilities/investigations/notifying-the-institute-about-teacher-concerns) |
| Sexually abusive behaviour by a child over 10 but under 15 years of age*Crimes Act 1958* | Any Person | Child exhibits sexually abusive behaviour using power, authority or status to engage another party in sexual activity that is unwanted or where the other party is unable to consent. | Victoria Police | Children under 18 | www.education.vic.gov.au/childhood/professionals/health/childprotection/Pages/ecguidance.aspx |