

# Criminal conduct inside your organisation

Legal information for Victorian community organisations

## This fact sheet covers:

- what to do if you suspect that criminal conduct has occurred in your organisation, and
- a step-by-step process if you suspect criminal conduct has occurred or is occurring.

**This information sheet aims to provide Victorian not-for-profit community organisations with a step by step process to follow if you suspect that criminal conduct is occurring within your organisation.**

Criminal conduct is very serious. If your organisation is experiencing an emergency, call 000.

Otherwise we recommend that senior staff or the members of the board/committee take the following steps.

## Check your facts

First, try to make sure that your suspicions, or allegations that you have been alerted to, are correct.

### TIP

- Do you have appropriate reporting channels in place? Who would someone tell if they saw something illegal or suspicious?
- Avoid putting anyone at risk. Go straight to the police if you think there are risks of harm to anyone.
- Document concerns. Ensure file notes are kept of conversations or incidents. Ask relevant people to write down in their own words what has happened and what they think that means.
- Investigate if records support suspicions. For example, do the financial statements indicate that there are funds missing without authorisation?
- If there are suspicions someone is being harassed or threatened, has that person confirmed that's what happened and that they want to take it further?

## Call the police

If this is an emergency, call 000. Otherwise, call Victoria Police Switchboard from Monday to Friday, 8am to 5pm on: (03) 9247 6666.

You can go to [www.police.vic.gov.au](http://www.police.vic.gov.au) any time (under "contact us", then follow the links to your local police station).

## Call your insurer

Your organisation may have fidelity or fraud insurance, or a directors and officers policy which covers your organisation in this situation. If this is the case, read the policy carefully and notify your insurer immediately if you think it applies.

If you try to make a claim later and didn't notify the insurer when the incident occurred, you may not be covered.

Often, insurance companies have a panel of lawyers to assist with specific legal issues and you may be referred to one of these for further help.

## Seek legal advice

Make sure your organisation approaches serious situations in the right way. This is fairer to everyone involved.

## Make sure the right people know - but be careful who you tell

The board or committee of management should be informed about suspected criminal conduct, depending on the expert advice you receive. Check this with your lawyer.

### CAUTION

There may be reasons that you should not inform all staff or volunteers of suspected criminal conduct, eg:

- you may put staff at risk
- you could open yourself to a defamation claim, or
- you might be in breach of your legal obligations with respect to privacy.



# Resources

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## Related Not-for-profit Law Resources

▀ [Disputes and Conflict](#)

▀ [Risk and Insurance](#)

A Not-for-profit Law Information Hub resource. Access more resources at [www.nfplaw.org.au](http://www.nfplaw.org.au)

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