Guide to Queensland's Reportable Conduct Scheme

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QUEENSLAND Family & Child Commission
Child Safe Organisations

Queensland Government

About this document

The Queensland Family and Child Commission (the Commission) is a statutory body of the Queensland Government. Its purpose is to influence change that improves the safety and wellbeing of Queensland's children and their families. Under the *Child Safe Organisations Act 2024*, the Commission has been tasked by the Queensland Government to oversee the implementation of the Child Safe Organisations system and designated as the regulator.

Accessibility

The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty understanding these guidelines, you can contact Translating and Interpreting Service National on 13 14 50 to arrange for an interpreter to effectively explain it to you. Local call charges apply if calling within Australia; higher rates apply from mobile phones and payphones.

Acknowledgement

The Commission acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies on which we walk, live and work. We recognise Aboriginal and Torres Strait Islander peoples as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to their Elders past, present and emerging.

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Content from these Guideline should be attributed as: The State of Queensland (Queensland Family and Child Commission) *Guidelines for implementing a Reportable Conduct Scheme in Queensland.*

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This document is intended as a guide only. It is important that you and your organisation ensure compliance with all applicable laws and obligations, including those under the *Child Safe Organisations Act 2024* and any other relevant requirements specific to your organisation or sector.

Queensland's Reportable Conduct Scheme

Every child should be safe no matter where they are, and every parent and carer should have confidence in the systems in place to care for their children.

We have seen many cases across Australia where organisations have failed in their responsibility to protect children — where people have exploited system gaps, and where children have suffered. The impacts are devasting, they can be lifelong, and they can reach deep into communities in profoundly sad ways. As our children spend more and more time in organisational settings, we need to have the strongest safeguards in place that protect them from harm.

Queensland's Reportable Conduct Scheme (RCS) works to achieve this. It aims to create a culture where children, parents, carers and workers feel confident to raise concerns, knowing they will be heard and all reports will be recorded, assessed and investigated where needed. It plays a critical role in identifying concerning behaviour that could indicate a risk to children and, critically, it provides a system to connect that information with other organisations across Queensland.

The Reportable Conduct Scheme introduces a consistent, statewide approach to identifying, reporting and responding to allegations of harmful conduct involving children by workers and volunteers. It strengthens Queensland's child safeguarding system by requiring reporting entities to assess and manage risk, conduct fair and thorough investigations, and maintain transparent oversight of matters that affect children's safety.

The role of the Commission

The Queensland Family and Child Commission's (the Commission) role under the Reportable Conduct Scheme is to provide independent oversight and quality assurance of how reporting entities identify, respond to and investigate reportable conduct. As the independent oversight body, the Commission oversees the Reportable Conduct Scheme to ensure that reportable allegations are identified, reported and responded to in a way that prioritises children's safety. The Commission does not conduct investigations in most cases. Instead, it focuses on ensuring that investigations are timely, child-centred, fair and consistent with the *Child Safe Organisations Act 2024*.

The Commission uses information provided by reporting entities, sector regulators and other oversight bodies to connect information across systems, identify patterns or emerging risks, and promote continuous improvement in child-safe practices. Through this oversight role, the Commission supports reporting entities to strengthen their systems, build capability and improve responses to concerns, allegations and convictions involving children. The Commission will:

- receive notifications and reports
- monitor and assess reporting entities investigations
- conduct investigations where necessary
- work with police, child safety authorities and sector regulators
- provide guidance, education and sector support
- identify and address systemic child safeguarding issues
- undertake compliance and enforcement activities where required.

We are committed to working collaboratively with reporting entities to build capability and strengthen child safe practices across Queensland.

The purpose of this guide

This *Reportable Conduct Scheme guide* is intended to support reporting entities to understand, prepare for and meet their obligations under the *Child Safe Organisations Act 2024* (the Act).

This guide provides clear and practical direction to help organisations comply with the legislative requirements of the Reportable Conduct Scheme. Its purpose is to:

- provide an overview of what the Reportable Conduct Scheme is and why it matters
- support reporting entities to understand and implement their statutory responsibilities under the Act
- detail step-by-step guidance on receiving, assessing and managing allegations
- guide reporting entities to assess, respond to and report allegations in a timely, child-centred and procedurally fair manner
- outline how the Commission will monitor, review and conduct investigations
- explain the role of reporting entities, regulators, police and the Commission
- promote consistent, high-quality practices across sectors and service types
- strengthen the overall safety and wellbeing of children and young people in organisational settings
- provide practical tools, examples and best practice considerations.

The primary purpose of this guide is to help heads of reporting entities who have responsibilities under the Reportable Conduct Scheme to know what to do when they become aware of potential harm to children. This includes making an initial notification to the Commission, assessing and managing risk, and planning and conducting an investigation. This is explained across three stages:



This guide is intended to be used by:

- ***all reporting entities*** captured under the Act
- ***heads of reporting entities*** and delegated decision-makers
- ***workers*** who work for reporting entities
- ***sector regulators*** and oversight bodies
- ***investigation leads***, human resources teams and governance staff.

Reporting entities can use this guide to:

- train staff about their obligations under the Reportable Conduct Scheme
- review and develop internal policies and procedures
- assess readiness for the commencement of the Reportable Conduct Scheme
- ensure that investigations meet legislative and Commission expectations
- understand how the Commission will exercise its oversight powers.

This guide should be read in conjunction with:

- the *Child Safe Organisations Act 2024*
- the Commission's *Regulatory approach*
- the *Guidelines for Implementing the Child Safe Standards in Queensland* or the *Quick reference guide*
- any sector-specific regulatory requirements that apply to a reporting entity, including mandatory reporting requirements.

Key terms used throughout this guide are defined in the Glossary at Appendix 1.

1. What is the Reportable Conduct Scheme?

The Reportable Conduct Scheme requires reporting entities to identify, report and investigate allegations or convictions of child abuse or child-related misconduct made about their workers. It requires reporting entities to take all concerns seriously and respond appropriately.

The Reportable Conduct Scheme requires reporting entities to have systems in place to prevent, respond to, notify and investigate reportable conduct, including the ability to:

- assess if an allegation is reportable
- report a reportable allegation or reportable conviction to the Commission by any person
- complete an investigation in response to allegations about a worker's conduct towards or in the presence of children.

A key strength of the Reportable Conduct Scheme is its ability to identify and respond to concerning conduct that does not meet the threshold for a criminal or police response. The Reportable Conduct Scheme is designed to connect information across reporting entities, regulators and sectors to identify people who present a risk to the safety of children and young people. The Reportable Conduct Scheme also provides a mechanism for reporting entities to assess reportable convictions and take action to protect children as a result of that behaviour.

2. What is reportable conduct?

Reportable conduct refers to specific behaviours or actions by a worker of a reporting entity involving abuse or neglect of children and young people that must be reported due to their serious nature. Section 26(1) of the Act defines reportable conduct as including the following conduct:

- a child sexual offence
- sexual misconduct committed in relation to, or in the presence of, a child
- ill-treatment of a child
- significant neglect of a child
- physical violence committed in relation to, or in the presence of, a child
- behaviour that causes significant emotional or psychological harm to a child.

Importantly, reportable conduct may be one act or a series of acts (s26(3)).

More detail about the definitions of reportable conduct are included in section 3 of this guide. The Reportable Conduct Scheme applies to allegations or convictions that amount to reportable conduct of a worker of a reporting entity. The term worker is defined below.

Reportable conduct does not need to have occurred during the course of the worker performing work for the reporting entity (s27(2)). For example, it may occur while the worker is off duty or out of hours.

Reportable conduct may include allegations or convictions related to former workers of a reporting entity, where the conduct occurred during a period when the worker was performing work for the reporting entity (s32) (see below for more details).

The following section explores each type of reportable conduct, with examples to outline what this can look like in practice. These examples are not exhaustive and decision-makers are expected to use sound judgment and seek advice from the Commission as needed.

Reporting entities should outline in their policies and procedures the expectations and requirements of workers when conduct needs to be reported to:

- the entity
- the Commission
- the Queensland Police Service (QPS).

2.1 Obligation to report

Allegations or convictions must be reported to the Commission if they meet the definition of reportable conduct. These are called reportable allegations and reportable convictions.

2.2 Reportable allegations

A reportable allegation means an allegation or other information that leads a person to form a ***reasonable belief*** that a worker has committed reportable conduct or engaged in misconduct that may involve reportable conduct (s27).

What is a reasonable belief?

A reasonable belief does not mean it *needs* to be proven, only that a fair-minded and ordinary person, with the same information, would believe the conduct may have occurred. A reasonable belief exists when there is enough information that would lead a reasonable person to believe that the alleged conduct may have occurred. There is ***no requirement for certainty***, or for the allegation to be substantiated or investigated for a person to form a reasonable belief.

A reasonable belief is:

- based on facts and information, not suspicion, rumour or assumption
- formed after considering what is known at the time
- enough to justify taking action, such as reporting, investigating, or putting risk controls in place.

A reasonable belief is not:

- certainty or proof
- a final conclusion or finding about what happened
- the same as a substantiated finding.

How is a reasonable belief formed in practice?

When assessing whether a reasonable belief exists, a person may consider:

- the detail of the information received
- the source of the information (for example, a direct disclosure), noting that an anonymous disclosure does not mean a reasonable belief cannot be formed
- whether the information is plausible and credible
- any supporting information available at the time.

If the information is credible, it must be reported, even if you are unsure.

Allegations can come from anyone – children, families, workers or members of the public. If conduct is reported by a child or young person, they should feel equipped to know that the person will listen to and believe them, and that action will be taken.

When considering whether the threshold for reportable conduct is met, workers are encouraged to report matters to the head of a reporting entity. This is important, as while individual behaviours may not meet the threshold for reporting a reportable allegation to the Commission, they may be indicative of a pattern of behaviour when considered in context with other allegations made by other people that would meet the threshold.

If a reporting entity is unsure about whether an allegation should be reported, it should seek advice from the Commission.

2.3 Reportable convictions

The key investigative task is to determine how a reportable conviction impacts the worker's suitability to work with children and what steps are required to manage or eliminate any risk to children.

A worker has a ***reportable conviction*** if they have been convicted for an offence against a law of any state or territory in the Commonwealth of Australia that may involve reportable conduct (s28) (this is not inclusive of New Zealand or other Commonwealth countries). While reporting entities are more likely to investigate allegations rather than convictions, there are instances where the entity may only become aware of a concern after a worker's conviction.

The Commission would expect reporting entities to adopt a pragmatic approach when responding to reportable convictions, recognising that a conviction is a matter of legal fact rather than an allegation requiring fact-finding. Unlike allegations of reportable conduct, which require investigation to determine what occurred, investigations into reportable convictions are not concerned with re-examining the underlying offending or re-testing the findings of a court.

Where a reporting entity becomes aware of a reportable conviction, the Commission would expect the entity to focus its investigation on confirming the existence and relevance of the conviction, rather than conducting a full evidentiary inquiry. This includes verifying the conviction through reliable sources, such as information provided by the worker, court records, or information shared by relevant authorities, and confirming that the offence meets the definition of a reportable conviction under the Act.

Once a reportable conviction is confirmed, the Commission would expect the reporting entity to shift its attention to a risk-based assessment of the worker's current role, duties, and level of contact with children.

2.4 Private capacity

Under the Act, reportable conduct is not limited to conduct that occurs in the course of a worker performing work for the reporting entity.

If an allegation meets the definition of reportable conduct under the Act, it should be treated as reportable regardless of where or when it occurred.

The Commission would expect reporting entities to apply the same reporting, risk assessment, and response obligations to private-capacity allegations as they would to allegations arising in a work context. This includes making timely notifications to the Commission, considering interim risk management actions, and responding appropriately to safeguard children. The fact that another authority, such as police or child safety, may be involved does not remove the obligation to assess and manage risk within the reporting entity's own environment.

2.5 What conduct is ***not*** reportable?

The Act (s26(4)) provides that reportable conduct does not include behaviour that is reasonable for the discipline, management or care of a child. This is informed by the characteristics of a child, including the age, developmental stage and health of the child as well as any code of conduct or professional standard that applies to the conduct. For example, the following are not considered to be reportable:

- reasonable behaviour management consistent with codes of conduct that needs to be explicitly outlined for individual reporting entities to allow for contextual interpretation of thresholds
- accidents or incidents where no neglect or recklessness is involved
- trivial incidents with no risk of significant harm, for example, a worker briefly raises their voice to get attention without targeting a child or causing distress
- reasonable management or care of a child, particularly in circumstances where the child may have a disability or high-needs and be subject to restrictive practices or positive behaviour support.

Reporting entities that care for children with high-risk behaviours should have policies and procedures in place to clearly outline restrictive practice responses, particularly if a child is harmed during this process.

Examples: behaviour that is not considered reportable conduct

Reporting entities are encouraged to clearly outline in their policies and codes of conduct what constitutes reasonable behaviour and professional practice relevant to their organisational context and sector. Some examples of behaviour that is not considered reportable conduct include:

1. Reasonable behaviour management

A teacher raises their voice briefly to get the attention of a noisy group of students. No child is singled out or harmed, and the behaviour is consistent with the school's behaviour management policy.

Outcome: This is not reportable because it is reasonable behaviour management and does not cause significant harm.

2. Minor accident

During an arts and craft activity, a child trips and grazes their knee. The worker was supervising appropriately and acted immediately to provide first aid.

Outcome: This is not reportable — minor accidents with no neglect or recklessness are outside the Reportable Conduct Scheme.

3. Reasonable restrictive practice / positive behaviour support

A support worker uses a temporary, approved safety hold or action to prevent a child with high-risk behaviours from hurting themselves or others, following a behaviour support plan.

Outcome: This is not reportable because it is reasonable care consistent with professional standards and the child's individual plan.

4. Brief corrective feedback

A youth worker corrects a child for using inappropriate language and explains why the behaviour is not acceptable, without shaming or threatening the child.

Outcome: Not reportable — part of routine guidance and discipline within expected standards.

2.6 Putting it into practice: building a culture of reporting

It is important that workers identify and report concerning behaviour early and appropriately within reporting entities so they can be properly assessed and, if necessary, investigated.

Reporting entities should encourage and support workers to seek advice and promote reporting. This may include:

- Encouraging the discussion of observed behaviour with a supervisor or designated reporting officer if a worker is unsure whether it meets the definition of reportable conduct.
- Providing clear, accessible internal pathways for workers to raise concerns without fear of reprisal.
- Making it clear that raising concerns early — even when there is uncertainty — is valued and expected, because patterns, connections, or risks may only become clear when information is brought together.

To embed and support an organisational practice and culture of reporting, reporting entities should:

- Reinforce that it is better to report concerns that may not ultimately meet the threshold than to withhold information that could be essential when combined with other reports.
- Train workers to recognise indicators of harm and concerning behaviours and to understand how to report them internally.
- Communicate that reporting concerns provides the organisation and others with information that can be assessed holistically.

By creating a culture where concerns are raised early, documented thoroughly and shared appropriately, reporting entities improve ability to identify risks, protect children and meet their legal obligations under the Reportable Conduct Scheme.

3. Types of reportable conduct

The Reportable Conduct Scheme applies to specific behaviours or actions by a worker of a reporting entity involving abuse or neglect of children and young people that must be reported due to their serious nature. Section 26(1) of the Act defines reportable conduct as including the following conduct:

- a child sexual offence
- sexual misconduct committed in relation to, or in the presence of, a child
- ill-treatment of a child
- significant neglect of a child
- physical violence committed in relation to, or in the presence of, a child
- behaviour that causes significant emotional or psychological harm to a child

Explanations are provided below for what these behaviours might mean and what they may look like in practice.

3.1 A child sexual offence

Section 26(5) of the Act defines a ***child sexual offence*** to be:

- A child sexual offence under the Criminal Code, section 207A.
- An offence of a sexual nature committed in the presence of a child.
- An act or omission committed outside Queensland that would be an offence mentioned above if it were committed in Queensland.

What does this mean?

A child sexual offence is a criminal act of a sexual nature committed against, with, or in the presence of a child. Sexual offences can occur in many ways and are not limited to physical contact or penetration.

A child sexual offence includes:

- sexual acts by an adult (18 years or older) with a child aged 16 or 17 under one's care, supervision or authority
- engaging in penile intercourse with a child under 16
- indecent treatment of a child – this covers a range of conduct that is sexual in nature and includes taking sexual photographs of a child, showing pornography to a child, fondling a child in a sexual way, and having the child touch the genitals of another person
- using electronic communication, including the internet, with intent to recruit a child under the age of 16 years to engage in a sexual act
- grooming a child under 16 (or a person that has care of a child under 16) – this refers to the way adult offenders form relationships and build trust with a child or an adult who has care of the child with the intent to get close to a child and create the opportunity for sexual abuse. It can be difficult to identify because the behaviour itself may not be abusive or sexual
- repeated sexual conduct with a child
- possessing, distributing, making, or involving a child in making child exploitation material
- rape or sexual assault.

The above is not an exhaustive list and there may be other conduct that is considered to be a child sexual offence at law. If in doubt, consult with the Commission or the QPS.

What this might look like

A worker:

- touches a child's body in a sexual way and/or encourages a child to touch them
- sends sexual messages or images to a child or requests them from a child
- commences a sexual relationship with a 16- or 17-year-old within their care or supervision, even if the relationship is perceived to be consensual (if the worker is 18 years or older)
- grooms a child or their family. This may involves building an emotional connection with a child or their family to lower boundaries, frequent or inappropriate messaging, emailing or calling a child in a personal way. It may include giving a child gifts and compliments, arranging to meet the child alone and suggesting to the child that their conversations are kept secret. Sexual jokes and comments may start to be introduced. Grooming behaviour is intended to prepare and normalise the child for sexual activity.

3.2 Sexual misconduct committed to, or in the presence of, a child

Section 26(5) of the Act defines ***sexual misconduct, committed in relation to, or in the presence of, a child*** to mean conduct that is sexual in nature, other than conduct that constitutes a child sexual offence, including:

- inappropriate touching
- voyeurism
- use of sexual language without a legitimate reason.

What does this mean?

Sexualised behaviour that is inappropriate but may not reach the threshold of a criminal act.

Sexual misconduct includes a broad range of behaviours of a sexual nature that exploit the vulnerability of children and/or breach the professional boundaries expected of adults who work with them.

It may be one-off or a pattern of behaviour.

This can include sexualised comments, inappropriate touching, conversations with a child or young person that is sexualised in nature (i.e. has sexual undertones or sexual innuendo), watching a child undress (voyeurism), sexualised conversations or communications, boundary violations, or having inappropriate conversations with a child of a sexual nature or intention.

What this might look like

A worker:

- discusses personal sexual experiences with a child, such as telling a child about a date and describing a sexual act that took place
- massages a child's shoulders or sits a child on their lap when this is not required in their role or where it is not age appropriate
- makes sexual jokes or comments to a colleague in the presence of a child or young person, which include describing sexual activities, using words or phrases that are sexual in nature
- making comments that sexualises the young person or child's body or appearance
- tells a child what types of pornography exist and what they enjoy watching.

3.3 Ill-treatment of a child

Section 26(5) defines the ***ill-treatment of a child*** to mean conduct towards the child that is unreasonable and seriously inappropriate, improper, inhumane or cruel, including:

- making excessive or degrading demands
- a pattern of hostile or degrading comments or behaviour
- using inappropriate forms of behaviour management.

What does this mean?

Treating a child or young person in an overtly unfair, seriously inappropriate, unreasonable, mean or cruel way. This can be one-off conduct or a pattern of behaviour.

This includes behaviour that makes excessive or unreasonable demands of a child or young person, humiliating a child, verbally abusing a child, using inappropriate forms of behaviour management, a pattern of hostile or degrading comments or actions towards a child.

What this might look like

A worker:

- routinely yells at a young person or child, calling them 'useless', a 'waste of space'
- locks a child in a room for punishment and tells them they will keep them in the room unless they behave
- forces a child in their care to eat off the floor
- gives a child in their care the 'silent treatment' but does not do this to other children

- makes comments about the weight and appearance of a child in their care, controlling the portion size of their meals and providing them with significantly less food than others.
- engaging in discriminatory or degrading treatment of a child, including conduct that demeans, excludes or treats a child or young person unfairly on the basis of race, Aboriginal or Torres Strait Islander identity, culture, language, disability, religion, sex, gender identity or other personal characteristics, where the conduct causes harm or distress or undermines the child's dignity or wellbeing.
- Misuses restrictive practice and uses it as a punishment for discipline or worker convenience, for example, giving medication or using a medical intervention to control a child's behaviour or movement, rather than for a genuine therapeutic purpose.

3.4 Behaviour management

Workers may need to use behaviour management strategies to support children and young people, but some responses are inappropriate and may constitute reportable conduct.

Inappropriate behaviour management can look like:

- pulling a child's hair to make them comply or move faster
- unnecessarily pushing or physically steering a child in a way that causes distress or fear
- grabbing a child's arm or clothing to control their behaviour
- using physical force to stop a child from leaving an area when there is no immediate safety risk
- yelling at or physically intimidating a child as a way of managing behaviour
- continuing to use a disciplinary practice despite knowing it causes significant pain or distress, for example, refusing to let a child out to play upon a scheduled break.

3.5 Significant neglect of a child

Significant neglect of a child is included within the meaning of reportable conduct under section 26(1) of the Act.

What does this mean?

Neglect of a child is defined in the Act under section 26(5) to mean a deliberate or reckless failure to meet the basic needs of the child. Significant neglect means there is a serious deliberate or reckless failure to provide for a child's basic needs. Basic needs could include failure to protect a child from risk of harm, or not providing adequate food, clothing, shelter, supervision or medical care.

Neglect may be considered significant where it stems from a single serious failure to meet a child's basic needs or from an ongoing pattern of failures. This can occur in a cumulative way, where a series of smaller concerns or repeated lapses combine to cause substantial risk or harm. This recognises that even if each incident on its own might not appear severe, their combined impact can seriously affect a child's safety or wellbeing.

Significant neglect means the neglect is more than trivial or insignificant and arises from reckless or intentional behaviour. The behaviour doesn't need to have a lasting, permanent effect to be considered significant neglect. It means more than a minor lapse, but a serious failure in care.

The threshold is met when neglect is chronic or repeated, or creates a real risk of serious harm, even if harm has not yet occurred.

Significant neglect of a child or young person does not include neglect that is a direct result of the child's family or carer experiencing poverty or financial hardship.

Types of neglect

Supervisory neglect the absence of appropriate supervision that poses a risk to the safety and wellbeing of a child or young person, with regards to factors relating to the child.	• Leaving a child or young person alone or without supervision for extended periods dependent on lawful age. • Failure to supervise a child in an unsafe environment resulting in a risk of injury, or actual injury. • Exposing a child or young person to unsafe environments or hazards (such as leaving a fence open that leads to a busy road). • Not recognising the seriousness of an illness or injury and/or failing to obtain or follow medical treatment leading to their condition worsening. • Witnessing a child or young person being harmed (by either another child or worker) and failing to respond. • Failure to adequately supervise children in circumstances where foreseeable child-on-child harm occurs or is likely to occur (such as known conflict between children). • Not responding to signs of clear distress, escalation or dysregulation that require staff support.
Physical neglect Failure to meet a child's physical needs including the provision of adequate and appropriate food, clothing, shelter or physical hygiene needs.	• Deliberately does not provide adequate food, exposes a child to food they know they are allergic to or food that is not of appropriate nutritional value such that the child is hungry, malnourished or fails to thrive. • Clothing that is in a poor state of repair or inappropriate, such as shoes with holes, clothes soaked in urine that remain unwashed or clothing that is inappropriate to the season. • A child or young person being extremely dirty or suffering from a skin condition due to poor hygiene. • Not being provided with a toothbrush and toothpaste resulting in dental decay.
Educational neglect Failure to ensure that a child's formal educational needs are being met.	• Condoning or encouraging non-attendance. • Preventing a child from accessing required learning supports, including withholding required technology or equipment. • Deliberately withholding learning opportunities so that the child or young person becomes disengaged from learning and/or it impacts their academic performance.
Emotional neglect Failure to provide adequate nurturing, encouragement and support to a child.	• Belittling, mocking or calling a child names repeatedly. • Shaming, humiliating or demeaning a child or young person. • Isolating, rejecting or abandoning a child or young person. • Refusing to attend to a child's emotional needs such as continually ignoring them when they are upset and refusing to comfort them when distressed. • Allowing or encouraging a child to take part in criminal, sexually inappropriate or other harmful behaviour. • Racism, including denying a child's Aboriginal or Torres Strait Islander identity or failing to support them to stay connected to their culture. • Discriminatory behaviour, for example related to disability, that excludes or fails to support a child or young person.

3.6 Physical violence committed to, or in the presence of, a child

Section 26(5) of the Act defines ***physical violence*** as:

- the intentional or reckless application of physical force to a person without lawful justification or excuse
- an act that intentionally or recklessly causes a person to anticipate immediate and unlawful violence to the person.

This does not include the application of trivial, negligible or insignificant physical force to a person.

What does this mean?

Physical harm or force that causes or risks injury.

Physical intimidation where a child or young person fears they will be harmed.

While the Act specifies that this type of reportable conduct does not include trivial, negligible or insignificant physical force, it is important that this is considered in the overall context and circumstances of the situation.

'***Lawful justification or excuse***', in this context may include circumstances where physical force was reasonably applied to protect a person from harming themselves or others or causing significant damage to property. This may include self-defence. For the use of force to be lawfully justified or excused, the physical force applied must be appropriate and no more than necessary in the circumstances (and must be demonstrated as such), consistent with individual reporting entity's policies and procedures.

A reckless application of physical force means the worker may not have intended to use physical force but was reckless about the impact their actions could have on a child. Reckless behaviour involves a conscious disregard of a known or obvious risk to a child, where a reasonable person would have taken steps to prevent harm.

What this might look like

A worker:

- hitting, striking, punching, pushing, dragging, kicking, spitting on a child
- using an object to hit or strike
- using restraint or excessive force that is inappropriate to the situation
- kicks a chair over at a student and threatens to hit them with it
- intentionally or recklessly drops an infant from the nappy change table
- punches a wall next to a child so they are afraid they will be hurt
- uses any form of restraint to restrain a child
- throws objects and behaves aggressively in a way that exposes children to physical intimidation or violence
- forces a child or young person to witness physical punishment or violent behaviour towards others as a means of control or discipline
- pushes a child or young person to the ground to prevent them from running away, where there is no immediate risk that justifies this force.

3.7 Behaviour that causes significant emotional or psychological harm

Behaviour that ***causes significant emotional or psychological harm*** to a child is included within the meaning of reportable conduct under section 26(1) of the Act.

What does this mean?

Emotional or psychological harm to a child is defined at section 26(5) of the Act to mean detriment to the emotional or psychological wellbeing or development of a child.

Behaviour that causes significant emotional or psychological harm to a child means conduct that has serious and/or ongoing detrimental effects to a child's emotional or psychological wellbeing and/or development. Not every upset or short-term distress will qualify as reportable conduct.

A reportable allegation of behaviour that causes significant emotional or psychological harm is an allegation that a worker has engaged in conduct that may involve:

- intentional or reckless conduct that is unreasonable (including a pattern of conduct)
- a causal link to significant emotional or psychological harm to a child.

For the conduct to be considered reportable conduct there needs to be a clear connection or causal link between the conduct and directly observable harm done to the child or young person. A worker's conduct must be alleged to be the sole cause or a significant contributor to the alleged significant emotional or psychological harm to the child.

This could include bullying or teasing a child repeatedly, forcing a child or young person to do something by scaring them, ignoring or rejecting a child, telling a child they are worthless or useless. It could include experiences by the child of racism, discrimination or racial vilification or harassment.

Emotional or psychological harm can sometimes be difficult to identify. However, changes or regression in a child or young person's normal behaviour or mood may be an indicator they are experiencing this type of harm. Children and young people themselves may not always be able to identify, articulate or report that they are experiencing emotional or psychological harm, and observable impacts may only emerge cumulatively over time.

A reporting entity may decide to engage a professional to give their opinion to the reporting entity as to whether a child has experienced significant emotional or psychological harm for the purposes of the Reportable Conduct Scheme. It is not expected that a professional assessment is obtained in every case to establish a finding that behaviour has caused significant emotional or psychological harm. It may not be necessary or appropriate to engage a health professional, including in instances where assessment may re-traumatise or cause further harm to a child or where it is evident from a child's behaviour that they have experienced significant harm.

Emotional and psychological harm often co-exists with other types of harm and can be a one-off act or a series or pattern of behaviour. For example, a child who experiences a child sexual offence is also likely to experience serious emotional or psychological harm. For this to be reportable conduct there needs to be a clear connection between the worker's behaviour (the alleged reportable conduct) and any observable emotional or psychological harm to the child or young person.

What this might look like

It is not enough that the behaviour merely occurs, or that it contributes in a minor way to existing vulnerability. The key question is whether the behaviour directly causes, or significantly worsens, the harm experienced by the child or young person.

The threshold for significant emotional or psychological harm may be met where a worker's conduct results in a child or young person:

- becomes withdrawn, anxious, fearful or distressed over time
- experiences a noticeable decline in emotional wellbeing, behaviour or functioning

- engages in self-harming behaviours
- shows trauma responses such as hypervigilance, avoidance or emotional shutdown
- loses a sense of safety, identity or self-worth.

Examples may include where a worker:

- persistently bullies, taunts or ridicules a child or young person, resulting in the child becoming withdrawn, distressed or engaging in self-harm
- intentionally intimidates or threatens a child to force compliance, creating ongoing fear or anxiety
- repeatedly rejects, ignores or emotionally withholds support, leading to significant emotional distress or deterioration in the child's wellbeing
- subjects a child or young person to racist or discriminatory behaviour, such as mocking or denying a child's Aboriginal or Torres Strait Islander identity, diminishing the importance of their cultural identity, or systematically excluding them because of their background, resulting in harm to the child's sense of identity, belonging or emotional safety
- encourages others to target or isolate a child or young person, where this leads to sustained emotional harm
- exposes a child or young person to repeated traumatic experiences through their conduct, resulting in psychological harm or trauma responses.

The conduct may occur through a single serious incident or through a pattern of behaviour over time. Harm does not need to be permanent, but it must be serious, and the worker's conduct must be a clear and significant factor in causing that harm.

4. Who can an allegation be made about?

The Reportable Conduct Scheme applies to all workers of a reporting entity. The term 'worker' is broadly defined to capture individuals who perform work of any kind for the reporting entity, and includes:

- an employee
- a volunteer
- an approved carer and member of an approved carer's household under the *Child Protection Act 1999*, schedule 3
- a contractor, subcontractor or consultant
- an individual supplied by a provider of labour hire services
- an executive officer or another person concerned with the reporting entity's management
- a trainee or person undertaking work experience for the reporting entity
- a minister of religion, religious leader or officer of a religious body
- an individual operating as a sole trader
- an honorary officer of the department administering the *Child Protection Act 1999*
- a former worker (see detail below).

This is not an exhaustive list and there may be other individuals who may be regarded as a 'worker' noting the diversity of reporting entities required to comply with the Reportable Conduct Scheme.

A worker includes someone who is under 18-years-of-age, if they are performing work for a reporting entity.

4.1 What do these roles mean?

Role	Meaning
Volunteer	An individual who performs work of any kind without payment or reward for the reporting entity and under its direction or supervision. Includes ongoing and one-off volunteers.
Contractor	An individual or organisation engaged under a contract for service to perform specific work for the reporting entity. A contractor is a worker under the RCS when delivering work for the reporting entity.
Sub-contractor	An individual or organisation engaged by a contractor to help deliver the contracted services for the reporting entity. A subcontractor becomes a worker under the RCS when they personally perform work for the reporting entity.
Individual supplied by a provider of labour hire service	An individual employed by a labour hire service, contracted to undertake work within a reporting entity, for example, a child-care service.
Consultant	A person engaged for their specialist advice or expertise. Consultants are workers under the RCS when their consultancy requires them to perform work or activities for the reporting entity.
Sole trader	An individual that carries on a business is considered a sole trader for the purposes of the RCS even if they do not employ anyone or engage volunteers.
A trainee or person undertaking work experience	A person, including those younger than 18, who performs work or duties for a reporting entity as part of a training, education or placement arrangement, whether paid or unpaid

The Act is intended to apply broadly to any person who performs work of any kind for a reporting entity. This means that the Reportable Conduct Scheme applies to all workers of a reporting entity, even when they work in parts of the reporting entity that do not deliver services to children, or care for or exercise authority over children and young people.

The Reportable Conduct Scheme applies regardless of whether the work is paid or unpaid, full-time, part-time, casual, or short-term, and whether it occurs on-site, off-site, or outside normal hours.

4.2 Former workers

Under the Act (s32), reportable allegations and convictions relating to a former worker of a reporting entity are also reportable conduct to which relevant obligations apply.

Even if the alleged conduct or conviction to which the notification relates occurred long before the notification is raised with the head of a reporting entity, if it occurred during the time the worker was performing work for the reporting entity it must be considered and reported under the Reportable Conduct Scheme if it meets the definition of a reportable allegation.

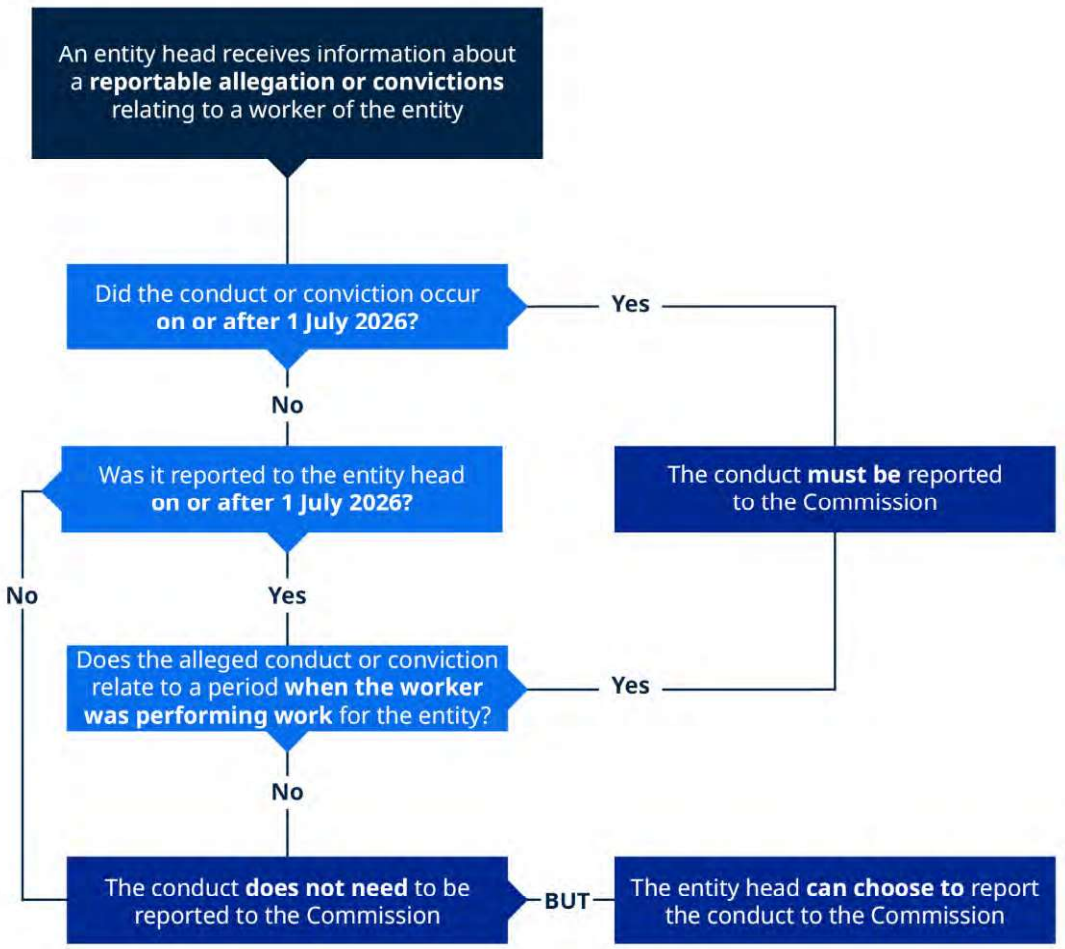
In this way, the Act ensures that heads of reporting entities have an ongoing obligation to notify the Commission of reportable allegations that occurred while a worker was performing work for the entity, even if the worker is no longer a worker of the reporting entity and they left or were dismissed prior to the head of the entity becoming aware of the reportable allegation or reportable conviction.

4.3 Historical conduct of workers

Generally, conduct which occurred before the commencement of the Reportable Conduct Scheme (1 July 2026) will not be within the scope of the Reportable Conduct Scheme, unless certain circumstances apply. This is referred to as 'historical conduct'.

If a new reportable allegation or conviction is reported to the head of the reporting entity after commencement of the Reportable Conduct Scheme relating to conduct or behaviour that happened before that date, and the worker is still performing work for the reporting entity when the notification is made, it is still a reportable allegation and ***must be reported*** to the Commission.

The Act (s112(2)) also provides for the head of a reporting entity to voluntarily decide to comply with the obligations under the Reportable Conduct Scheme in relation to historical conduct. Allegations that were previously raised, responded to, or resolved before the commencement of the Reportable Conduct Scheme should not be reported simply because the Scheme has commenced. However, if a concern about historical conduct is raised, newly reported, or brought to the attention of the head of the reporting entity after commencement of the RCS and the person subject to the allegation is still a worker, even if the conduct occurred long ago, the matter must be reported and managed under the Reportable Conduct Scheme.



5. Which reporting entities need to implement the Reportable Conduct Scheme?

The Reportable Conduct Scheme applies to organisations termed 'reporting entities'. These are required to comply given they have a high degree of responsibility for children and young people across multiple sectors.

The head of a reporting entity is responsible for ensuring their organisation complies with the Reportable Conduct Scheme.

5.1 What is a reporting entity?

A reporting entity is an organisation that cares for, supervises or exercises authority over children, as part of its primary function or otherwise, ***and*** is an entity of the type specifically listed in Schedule 2 of the Act or prescribed by regulation.

Schedule 2 of the Act specifically identifies entities of the following types as reporting entities, including organisations or services that provides care, education, programs, support or activities to children and young people, such as:

Accommodation or residential services	• Supported accommodation. • Camps and excursions. • Residential facility for a boarding school. • Student hostel.
Religious bodies	• A religious body that provides activities, facilities, programs or services in which adults interact with children.
Early childhood education and care services	• Approved providers under the Education and Care Services National Law (Queensland). • Queensland approved providers under the *Education and Care Services Act 2013.*
Child protection services	• Departmental care service or licensed care service. • Provider of services relating to child protection or support services for parents and families, not limited to statutory child protection and support services. • An appropriate Aboriginal or Torres Strait Islander entity with a prescribed delegate under the Child Protection Act 1999, chapter 4, part 2A.
Services for children with disability	• Disability services providers. • Registered NDIS providers.
Education services	• State and non-state schools. • TAFE. • Registered Training Organisations. • Universities. • Not-for-profit organisations that are holders of a student exchange approval.

Health services	• Hospital and health services. • Queensland Ambulance Service. • Private health facilities. • Providers of mental health services, including inpatient services/treatment. • Providers of alcohol or other drug related treatment, including inpatient services/treatment.
Justice or detention services	• Detention centres. • Providers of programs and services mentioned in the *Youth Justice Act 1992*.
Government entities	• Public sector entities. • QPS. • Local governments.

Review Schedule 2 to determine if your organisation falls within the types of reporting entities that are listed. If in doubt, contact the Commission.

5.2 Who is the head of a reporting entity?

The Act creates obligations for the head of a reporting entity in relation to reportable conduct.

The head of a reporting entity is defined at section 7 of the Act in a way that broadly captures people who are responsible for the leadership of a reporting entity and have the highest authority over service delivery. In simple terms, the head of a reporting entity is the organisation's predominant leader. Determining who this is depends on the reporting entity's structure, legal obligations and governance arrangements.

The head of a reporting entity may include:

- the Chief Executive Officer (CEO) or equivalent position; if there is no CEO, then the principal officer of the entity
- the Chief Executive of a public sector entity
- the Director-General for Queensland Government departments
- Commissioner of the QPS
- the principal leader of a religious group or place of worship.

If a reporting entity does not have a CEO, principal officer, or equivalent, the head of the reporting entity will be a person or holder of a position within the reporting entity approved by the Commission.

Regulation may also prescribe a person or holder of a position to be a head of a reporting entity.

While the head of a reporting entity is responsible for complying with requirements under the Act, including having systems in place and meeting reporting obligations, the legislation does not expect heads of reporting entities to meet these responsibilities alone. The Act enables the head of a reporting entity to delegate functions under the Reportable Conduct Scheme to an appropriately qualified person (s107(2)), while retaining overall responsibility for compliance.

5.3 Responsibilities of the head of a reporting entity

The head of a reporting entity is the person who is responsible for the entity's compliance with the Reportable Conduct Scheme.

The head of the reporting entity is required to have a system in place:

- to prevent reportable conduct by workers in the workplace, enacted through the Child Safe Standards (the Standards)
- that enables anyone to report concerns of reportable conduct to the head of the reporting entity and to the Commission
- to investigate reportable allegations and reportable convictions.

If a reporting entity receives a report about reportable conduct, the head of the reporting entity or a delegate must (unless you have a reasonable excuse):

- notify the Commission of the report within three business days of the head of the entity or delegate becoming aware of the allegation or conviction
- as soon as practicable after becoming aware of the report about a reportable allegation or reportable conviction, ensure an investigation is conducted and notify the Commission that the investigation is being conducted
- provide the Commission with an interim report within 30 business days of becoming aware of the allegation or conviction
- provide the Commission with a final report that includes the investigation findings as soon as practicable.

The reporting entity may also have existing requirements to report to sector regulators, QPS or another body. These obligations exist in addition to, and separately from, your obligation to report to the Commission in compliance with the Act. The Reportable Conduct Scheme does not change these existing reporting requirements. Reporting entities are encouraged to consider how to streamline reporting and investigation obligations in collaboration with the Commission.

6. Systems that need to be in place

The Reportable Conduct Scheme requires the head of a reporting entity to have the following systems in place. All of the systems described below should be underpinned by cultures of continuous improvement, where lessons are learned from investigations to inform system improvements.

System	Practical steps to meet this requirement
System for preventing reportable conduct (s30(1)(a)) The head of a reporting entity must have systems in place to prevent reportable conduct by workers.	• Implement the Standards to create environments that prioritise children's safety and wellbeing. • Have clear policies and procedures, such as a child safety and wellbeing policy and a code of conduct, that set out expected behaviours and responsibilities for all workers. • Consider existing legislative or regulatory requirements that support prevention as part of the reporting entity's systems. • These measures help reporting entities proactively reduce risks and create a safe environment for children and young people, rather than responding only after concerns arise.

System	Practical steps to meet this requirement
System for enabling notifications of reportable allegations or reportable convictions (s30(1)(b)) The head of a reporting entity must have systems that allow any person, including workers, to notify the head of the entity about a reportable allegation or reportable conviction.	• Have clear, accessible and well-communicated reporting processes and pathways for raising concerns or complaints. • Employees are informed of their reporting obligations. • Have clear processes for dealing with any failure to report as part of misconduct processes. • Ensure complaint processes are child-focused, transparent and accessible, and empower children, young people, families, carers, and workers to raise concerns safely and confidently. • Ensure all staff know how they can report concerns, without needing instruction from others. Provide multiple and accessible reporting channels, such as phone lines, messaging systems, online portals, or after-hours contacts, removing barriers for all staff. Consideration should be given to any difference in needs for remote or off-site staff.
System for notifying the Commission about the head of the reporting entity (s30(1)(c)) The head of a reporting entity must have systems that allow any person, including workers, to notify the Commission of a reportable allegation or reportable conviction involving the head of the entity.	• Have clear policies and procedures that explain how notifications about the head of the reporting entity can be made to ensure issues involving the head of the reporting entity are reported directly to the Commission. • Provide guidance on available reporting channels, such as the Commission's online notification forms. • Ensure people know how to and are comfortable to raise concerns safely and confidently, with transparent and accessible measures in place. • Systems for notifying the Commission about the head of the reporting entity is further described under 'Allegations involving the head of the reporting entity or their delegate'.
System for investigating and responding to reportable allegations or reportable convictions (s30(1)(d)) The head of a reporting entity must have systems to investigate and respond to reportable allegations or reportable convictions involving workers.	• Have a documented process for responding once a notification is received. • Use an appropriate risk management approach to protect children, young people and others during the investigation. • Ensure that processes consider and address the impacts of investigations on children and young people, keeping their safety and wellbeing central. • These systems help reporting entities respond consistently, transparently and safely, while meeting their obligations under the Act.

A system for any of these requirements may include, for example, a policy, practice or procedure. Under the Act, the Commission has the power to require information about any system that the head of a reporting entity is required to keep. If asked by the Commission for information about any of these systems, the head of a reporting entity must provide it, under section 31 of the Act. The Commission may consult with the relevant sector regulator about the information provided. The Commission may also make recommendations for action to be taken by the head of the reporting entity in relation to the system and to provide any information relating to the recommendations. This is to build the capability of reporting entities to have robust systems in place.

6.1 Allegations involving the head of the reporting entity or their delegate

Sometimes a reportable allegation or reportable conviction may involve the head of the reporting entity or a person to whom the head has delegated functions. In these situations, reporting entities must ensure there is a clear alternative reporting pathway so that concerns can be raised safely and without undue influence from organisational hierarchies.

Practical steps to implement alternative reporting routes include:

- ***Direct reporting to the Commission:*** any person may notify the Commission directly if the allegation involves the head of the reporting entity. This ensures compliance with the Act and removes barriers created by organisational hierarchies.
- ***Delegated reporting officer:*** where appropriate, the reporting entity may designate a senior officer or an independent officer with appropriate qualifications who is not subject to the authority of the person under allegation to receive and manage the report internally before it is escalated to the Commission.
- ***Clear communication:*** policies and procedures should clearly outline alternative reporting options, so that children, families, carers, and workers know who to contact if the head of the reporting entity is the subject of an allegation.
- ***Safe and confidential processes:*** reporting entities must ensure that these alternative pathways maintain confidentiality, protect whistleblowers, and support the safety and wellbeing of children and young people throughout the process.

By establishing these alternative routes, reporting entities remove barriers to reporting, uphold the integrity of the Reportable Conduct Scheme, and ensure that all allegations, including those involving senior leaders, are appropriately actioned and reported.

7. Reporting requirements

The head of a reporting entity is required, under the Act, to provide the following information to the Commission.

What	When	Includes
Notification (initial report) (s34 and 35)	Within 3 business days	• Details of the reportable allegation or reportable conviction. • The name of the worker, including any former name or alias. • Date of birth of the worker (if known). • Name of the head of the reporting entity. • Whether the QPS or a sector regulator has been notified. • Reporting entity contact details. • Any action, including risk management action taken if the worker currently performs work for the entity. • Any other information prescribed by regulation.
Investigator contact details (s36)	As soon as practicable*	• Notification to the Commission that an investigation is being conducted (it is the responsibility of the head of a reporting entity to ensure an investigation is conducted as soon as practicable). • Contact details for a person the Commission may contact in relation to the investigation.

What	When	Includes
Interim report (s34 and 35)	Within 30 business days	• The facts and circumstances of the reportable allegation or the reportable conviction (to the extent available). • Update on action taken, including risk management action. • A copy of the worker's written submissions, if the worker has made them.
Final report with investigation findings (s37)	As soon as practicable	• Information about the facts and circumstances of the reportable allegation or reportable conviction. • Findings after completing the investigation. • Reasons for the findings. • Copies of documents relied on in making the findings. • Whether the matter has been referred to another entity and associated details. • Action taken including risk management action if the worker currently performs work for the reporting entity. • Action taken or proposed to be taken to improve the reporting entity's ability to identify, report and investigate.
Additional information (s38)	As requested	• The Commission may ask for further information after receiving the final report in relation to the findings or the reporting entity's response to the findings.

*For the purposes of sharing investigator contact details with the Commission, 'as soon as practicable' means providing the information without unnecessary delay once an investigator has been appointed. The head of a reporting entity may need a short period of time to appoint an investigator (either internally or externally). The head of a reporting entity is expected to prioritise timely communication so the Commission can liaise directly with the investigator as soon as possible if needed.

It is an offence to fail to notify and provide reports to the Commission about reportable conduct and investigations. Failure to report may result in the head of a reporting entity receiving a financial penalty of **100 penalty units**.

8. Responsibilities and guidance for workers of a reporting entity

8.1 Responsibilities of a worker

The Act (s33(2)) makes it mandatory for a worker of a reporting entity who becomes aware of a reportable allegation about, or a reportable conviction of, a worker of a reporting entity to report the matter as soon as possible to the head of the reporting entity or, if the notification relates to conduct of the head of the reporting entity, to the Commission.

Workers may also report reportable allegations or reportable convictions to the Commission at any time (s33(4)).

The obligation to report does not apply if the worker reasonably believes that the matter has already been reported by another person (s33(3)).

Making a report means informing the head of the reporting entity or their delegate about the allegation or conviction.

A reporting entity's internal policies and procedures should provide guidance on how reports may be made.

All workers must adhere to the systems in place to prevent and respond to reportable conduct set by their reporting entity.

8.2 Guidance for workers: notifying the Commission

Workers of a reporting entity have a responsibility to report reportable allegations and reportable convictions to the head of the reporting entity.

Workers do not need to determine whether behaviour meets the reportable allegation threshold before making a notification. Even if the conduct seems minor, isolated, or uncertain, it may be significant when considered alongside other reports or if further investigation reveals serious harm. If a worker is unsure, they should still notify the head of the reporting entity as it may be considered a reportable allegation when considered in combination with other behaviour.

Workers also have the ability to notify the Commission directly. This ensures that all allegations are captured and considered, particularly in situations where:

- the head of the reporting entity is the subject of the allegation
- the worker has concerns about delays or barriers in the reporting entity
- cumulative or contextual risks to children and young people may not be immediately visible.

Notifications should include as much relevant information as possible, including what was observed, who was involved, and when the behaviour occurred. The Commission will assess whether the matter meets the threshold and provide guidance on any required action.

By reporting even when unsure, workers help to ensure that all concerns are captured, patterns of harmful behaviour are identified, and children's safety is prioritised.

9. Reportable Conduct Scheme procedure

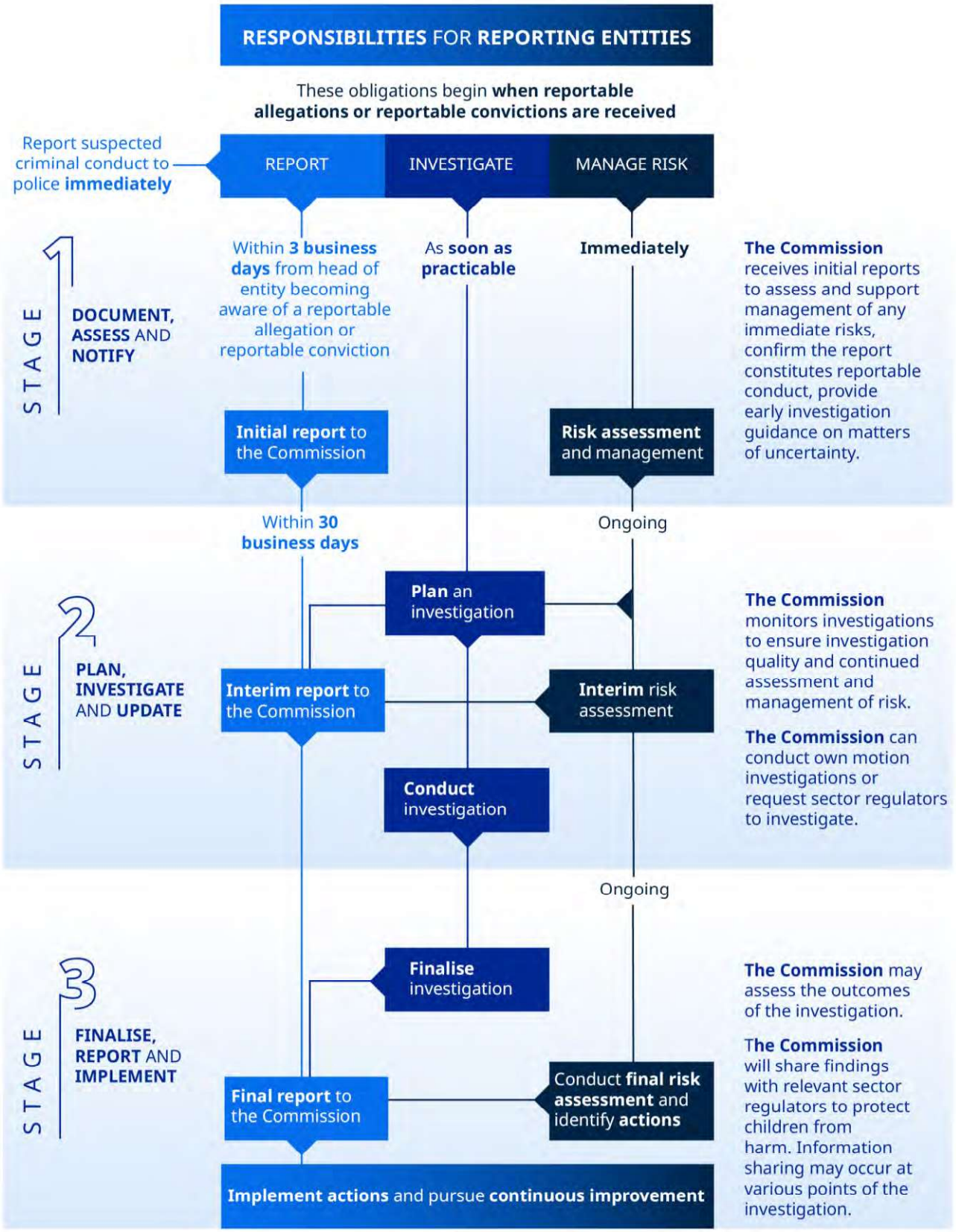
A worker who becomes aware of a reportable allegation or reportable conviction about another worker must notify, as soon as practicable, to the head of the reporting entity, or to the Commission if the matter relates to the head.

As soon as the head of a reporting entity or their delegate becomes aware of a reportable allegation or reportable conviction, they must act promptly, systematically and in accordance with reporting requirements under the Act. This includes making an initial notification to the Commission, assessing and managing risk and planning for the investigation that will follow.

This section outlines:

1. the steps that must be followed to meet legislative requirements
2. reporting requirements to the Commission
3. how to undertake immediate and ongoing risk management
4. an overview of the end-to-end process once an allegation is received.

This guidance reflects the Commission's expectations and draws on best-practice approaches used in other jurisdictions across Australia.



9.1 Stage 1: Document, assess and notify

When a report an allegation about reportable conduct or reportable conviction is first received, the head of the reporting entity (or their delegate/s) should consider the following questions:

- What risks need to be managed immediately?
- Have you documented the allegation? Have you obtained all the details required?
- Do you have a reasonable belief that a worker has committed reportable conduct?
- Have you determined whether there are multiple reportable allegations within the complaint?
- Are there any previous notifications about the person that may not have met the threshold of a reportable allegation or reportable conviction but when considered with a new report, may meet the threshold for reporting?

Step 1: Receiving the allegation

When the head of the reporting entity is advised of behaviour that may constitute reportable conduct, they need to document the relevant information. Heads of reporting entities must establish recordkeeping systems to manage the handling of allegations against workers.

Records relating to allegations or reports of behaviour should be kept in a secure file and be readily located. Documentation and recordkeeping should be informed by the reporting entity's policies and practices concerning information storage and access. Records should be kept even if the investigation finds that the behaviour did not meet the threshold of reportable allegation or reportable conviction.

When an allegation or report is received, the head of the reporting entity will need to assess whether the matter is a reportable allegation. When assessing, the head of the reporting entity should consider:

- Does the conduct fall into one of the six categories of reportable conduct?
- Was the conduct more than trivial, reasonable action or decision, or a minor mistake?
- Could the behaviour reasonably cause harm if repeated or left unchecked?
- Would a reasonable person consider it necessary to investigate?
- Is there a pattern of behaviour or cumulative conduct that, while individual incidents may not have previously met the threshold, collectively meets the threshold for reportable conduct?
- Is the conduct criminal in nature, or is there suspected criminal conduct?

The head of the reporting entity will also need to determine how many alleged incidents are contained within the matter. For example, the alleged matter may include multiple incidents of behaviour that need to be considered and dealt with holistically.

This approach will assist the investigator to consider and make a finding for each of the allegations, including understanding patterns and cumulative impacts.

Notify QPS

Criminal conduct, or suspected criminal conduct, must be reported to the QPS at the earliest opportunity.

> The head of a reporting entity **must ensure** that alleged crimes and criminal behavior are reported to QPS at the **earliest opportunity**. The Reportable Conduct Scheme does not limit or reduce the need to report crimes to law enforcement agencies.

Reporting entities are not required to complete a full investigation before notifying the QPS of a suspected crime. The focus should be on promptly sharing information to ensure the safety of children and allow law enforcement to take appropriate action. Reporting entities may report conduct that may constitute a criminal offence through existing crime reporting processes. In some circumstances, QPS may advise a reporting entity to pause or not commence an investigation - a reporting entity must comply with QPS direction.

Step 2: Immediate risk assessment and action

Risk management is a core obligation under the Act and requires the head of the reporting entity to identify, assess and manage risks as soon as a reportable allegation or conviction is received and throughout the entire investigation process.

Initial risk assessment (immediate)

After receiving a notification of a reportable allegation or reportable conviction, the primary consideration must be the protection of children and young people from harm and prioritisation of their wellbeing and best interests. The head of the reporting entity must immediately assess all available information to identify risks relating to:

- the child or children involved
- other children or young people
- the worker
- families or carers
- adult witnesses
- other statutory or regulatory investigations (such as by the sector regulators or QPS)
- cultural safety and accessibility
- digital and information-based risks (e.g., database access).

The risk management actions taken in response to the immediate risk assessment are required under the Act (s35(g)) to be notified to the Commission through the initial report. At the risk assessment stage, the head of the reporting entity should consider whether coordination is required with the QPS. Where appropriate, the reporting entity should consult with the QPS or relevant body to ensure that continuing an internal investigation into the reportable allegation will not compromise an external investigation.

What is risk management?

Risk management involves identifying risks, assessing their likelihood and potential harm and taking proportionate action to reduce or eliminate those risks.

A reporting entity's risk management approach should be consistent with the Standards and documented in policies and procedures.

Risk management is separate from:

- statutory child protection work undertaken by the Department of Families, Seniors, Disability Services and Child Safety
- criminal investigations conducted by the QPS
- findings about whether the conduct occurred
- statutory work undertaken by sector regulators
- working with children checks undertaken by Blue Card Services.

The primary purpose is to keep children safe while maintaining fairness to the worker and protecting the integrity of the investigation.

Things to consider when conducting this initial risk assessment:

- the nature and seriousness of the allegation
- worker's access to children, whether that is physical, online or relational
- whether there is a pattern of behaviour with any previous concerns or grooming indicators
- environmental factors, such as supervision levels, environment or staffing model
- the child or children's vulnerability, including disability, age, cultural considerations or trauma history
- any advice from QPS, particularly regarding evidence preservation
- human rights considerations.

Immediate risk management actions may include:

- increased supervision
- modified duties or relocation
- removal of access to digital systems, personal information, CCTV or case notes
- restricting contact with staff, witnesses or families
- suspension (where proportionate to risk)
- securing evidence (records, CCTV, devices)
- notifying relevant sector regulators or QPS
- reporting concerns to the Department of Families, Seniors, Disability Services and Child Safety if there is a reasonable suspicion a child has been harmed or is at risk of harm without a parent able and willing to protect them.

These actions must be included in the initial report to the Commission.

Protecting children and families

Risk management must prioritise children and young people's safety and wellbeing. Reporting entities must consider:

- support for families and carers

- minimising further exposure to risk
- appropriately informing parents or carers throughout an investigation process, including the actions taken to support the child's immediate safety and wellbeing, unless doing so would place the child or another person at greater risk or compromise an investigation
- trauma-informed communication by communicating in ways that recognise the impact of trauma, avoid causing further harm, and promote safety, respect and trust
- accessibility and cultural safety
- risks arising from family and domestic violence
- whether QPS involvement is required (suspected criminal conduct must be reported promptly).

Protecting the worker

Risk management must also consider:

- access to an appropriate level and type of support for the worker, such as counselling or a support person
- whether the worker should remain in their current position, be relocated or suspended (informed by the seriousness of the allegation and the nature of the work conducted) in accordance with the organisation's policies and procedures
- if the worker remains in the workplace, what duties they will undertake and who will monitor and asses any associated risks.

The worker's privacy must be protected in accordance with relevant privacy laws and organisational policies. This means only people who need to know should be given information about the matter. Those people must be told the information is confidential and must not be shared outside the process.

Step 3: Notify the Commission (three business days)

Under the Act (s34), the head of the reporting entity must provide an initial report to the Commission within three business days of becoming aware of a reportable allegation or conviction (unless the Commission agrees to an extension of time).

The purpose of the initial report is to give the Commission early visibility of the matter, understand risk and determine an appropriate level of oversight. This section sets out in detail what the Act requires and the key elements of best practice in preparing a high-quality notification report.

Initial reports should be:

- ***Timely:*** provided within the statutory timeframes, even if certain types of information are unknown or incomplete.
- ***Clear, factual and concise***: use accessible language avoiding speculation, assumptions or conclusion.
- ***Child-centred:*** showing how the child's safety and wellbeing have been prioritised.
- ***Supported by documentation:*** incident reports, timelines, risk assessments, emails or decision logs, as appropriate.
- ***Identifying any parallel processes:*** such as QPS involvement, notifications to the Department of Families, Seniors, Disability Services and Child Safety (where there is a reasonable suspicion a child or young person may be in need of protection), sector regulator notifications, or internal employment processes.
- ***Contextual where relevant***: including information specific to the circumstance or organisation, such as supervision arrangements, environmental factors, staffing arrangements or relevant policies or processes.

To provide initial reports that meet these requirements, the head of the reporting entity or authorised delegate must ensure that:

- ***Accurate, known information is provided:*** systems should enable rapid access to essential child, worker and incident information, including sufficient information to clearly identify the worker.
- ***Internal reporting pathways are clear:*** workers must know how to report concerns immediately so the head of the entity can meet statutory timeframes.
- ***Immediate safety is managed and documented:*** reporting entities must record:
  - interim safety plans
  - separation measures
  - communication with families (where appropriate)
  - decisions and actions to notify QPS, the Department of Families, Seniors, Disability Services and Child Safety or other sector regulators where relevant.
- ***Any known conflicts of interest are declared:*** this supports the Commission to understand whether the reporting entity can appropriately investigate the allegation.
- ***Information is shared:*** as per legislative requirements with relevant reporting entities to prioritise the safety and wellbeing of children and young people above all else .
- ***Information is kept confidential:*** only personnel with a direct role in risk assessment or investigation should be involved.
- ***Records are complete and well organised:*** this includes incident reports, emails, timelines, risk assessments, or preliminary enquiries undertaken before notification.

Reporting entities retain responsibility for ensuring the notification is submitted within statutory timeframes, even where a matter is also referred to QPS or another regulator.

What the initial report must include

Section 35 of the Act details the minimum requirements of a notification to the Commission.

Child Safe Organisations Act 2024

Section 35 – Requirements for initial report and interim report

1. An initial report must include the following information—
    a. details of the reportable allegation or reportable conviction;
    b. the name, including any former name or alias, of the worker the subject of the reportable allegation or reportable conviction;
    c. the date of birth of the worker, if known;
    d. the name of the head of the reporting entity;
    e. whether the sector regulator for the reporting entity or the police service has been contacted about the reportable allegation or reportable conviction;
    f. the reporting entity's contact details, including its name, address and telephone number;
    g. if the worker currently performs work for the reporting entity—any action, including risk management action, taken in response to the reportable allegation or reportable conviction, including, for example—
        i. immediate steps taken to prevent the worker from having contact with children; and
        ii. any disciplinary action taken or proposed to be taken against the worker;
        iii. any other matter prescribed by regulation.

The types of information that may be provided by the head of a reporting entity in an initial report, include:

- Details of the allegation
    - a factual description of the allegation or conviction, including dates, times, locations and circumstances
    - the type or types of reportable conduct the allegation or conviction might fall under
    - whether the behaviour occurred within or outside the reporting entity
    - when the notifier became aware of the allegation or conviction.
- Information about the worker subject to the allegation or conviction
    - the name and date of birth (if known) of the worker – include any names they are known by
    - their role, duties and level of contact with children
    - whether they currently perform work for the reporting entity and other organisations they are involved with (if known)
    - Blue Card or exemption notice number (if known and relevant).
- Information about the reporting entity
    - the contact details for the reporting entity
    - the name of the head of the reporting entity and any authorised delegate
    - the type of organisation, to assist in determining if the organisation is within scope of the Reportable Conduct Scheme.

- Immediate risk management actions
  - steps taken to safeguard children and others (e.g., supervision changes, restricted duties, suspended access) if the worker currently performs work for the reporting entity while an investigation is underway
  - any disciplinary or administrative action taken or proposed.
- Other notifications made
  - any reports or notifications made to QPS or other sector regulators or reporting entities.

Other reporting requirements

There may be a range of other reporting requirements that apply to reporting entities, beyond that of the Reportable Conduct Scheme. These may include reports to QPS, and/or other sector regulators.

The head of a reporting entity will need to determine if other reports should be made, including both mandatory and non-mandatory reporting in addition to notifying the Commission of a reportable allegation or conviction.

Notifications relating to workers of multiple reporting entities

This obligation for a head of a reporting entity to notify the Commission arises as soon as the head of the reporting entity becomes aware of a reportable allegation, regardless of whether the conduct may also fall within the responsibility of another reporting entity or regulatory body.

Where an allegation may involve a worker who is also engaged by another reporting entity, each entity must independently assess whether it has a reporting obligation under the Act. The possibility that another reporting entity may also report the matter does not remove the obligation on a head of a reporting entity to notify the Commission.

The Commission expects heads of reporting entities to take a precautionary approach where there is uncertainty. In practice, this means that if a reporting entity becomes aware of a reportable allegation involving its worker, the safer course is to notify the Commission, even where another reporting entity may also be involved. Duplicate notifications do not undermine the operation of the Reportable Conduct Scheme and may assist the Commission in identifying patterns of behaviour, shared risks or systemic issues across organisations.

Role of sector regulators

Sector regulators may have their own statutory reporting requirements that intersect with Reportable Conduct Scheme obligations. Their role in relation to notification reports may include:

- ***Providing guidance or standards***: Regulators may provide advice on:
  - risk assessment outcomes appropriate to the specific sector or organisational context
  - behaviour that meets the threshold of a reportable allegation with consideration to professional behaviour standards
  - mandatory notification obligations.
- ***Receiving parallel notifications***: There may be parallel reporting requirements from separate oversight bodies to ensure adequate and accurate monitoring of all notifications across sectors and workers. For example, NDIS Quality and Safeguards Commission, Queensland College of Teachers or Office of the Health Ombudsman may require separate notifications about the same matter.
- ***Requesting additional information***: Sector regulators may request supplementary records to fulfil their own statutory and sector-specific functions for individual workers and organisation-wide action and follow up.

- ***Coordinating with the Commission***: Where multiple bodies have oversight roles, regulators may share information to ensure consistency and avoid duplication. Regulatory processes are in place to ensure consistency across reporting requirements and that monitoring is enabled from a holistic perspective to prevent workers under investigation engaging outside their scope or mandated reporting conditions. Sector regulators should also inform the Commission if they become aware of reportable allegations that has not been reported and prompt the reporting entity to comply with the Act.
- ***Identifying systemic concerns***: Notifications may inform sector-wide reviews, compliance actions or practice improvement initiatives. While regulators may play a role in alerting the Commission to a matter that may be reportable conduct, they do not replace the reporting entity's obligation to notify the Commission under the Act.

Role of the QPS

QPS involvement ***does not*** remove the requirement for notification, risk management and investigation under the Act. If the allegation may constitute a criminal offence, reporting entities must notify the QPS immediately (s46(2)).

Police have responsibility for:

- ***Determining whether the alleged conduct constitutes a criminal offence***: This may include sexual offences, physical assault, grooming or exploitation.
- ***Directing reporting entities to preserve evidence***: Reporting entities must avoid actions that could compromise a criminal investigation, such as:
  - interviewing key witnesses prematurely
  - conducting internal questioning that contaminates evidence.
- ***Advising whether internal investigation processes can proceed***: In some circumstances, reporting entities may need to pause aspects of their investigation until police provide clearance.
- ***Working with the Commission to coordinate processes***: Police may share information with the Commission, helping to determine oversight needs or potential systemic risks.
- ***Maintaining child safety as a priority***: Police may assist reporting entities where urgent intervention is needed to protect children and young people. Even when police are involved, the reporting entity must still:
  - make the statutory notification to the Commission
  - provide all information
  - continue risk management
  - comply with any Commission oversight or directions.

Role of Blue Card Services

Blue Card Services is responsible for screening persons working with or seeking to work with children and young people in regulated child-related activities. Child-related activities include a broad range of activities, such as sporting organisations, gym and play facilities, early education and care services, schools, community organisations, and many more. Blue Card Services' role includes:

- receiving relevant information about a person's eligibility to work with children, including police information, disciplinary information, domestic violence information, child protection information and any other relevant information
- assessing whether a person with assessable information poses a risk to the safety of children.

The Reportable Conduct Scheme will work together with Blue Card Services to respond to risk and work to keep children across Queensland safe.

9.2 Stage 2: Plan, investigate and update

Concurrent with notifying the Commission of a reportable allegation or reportable conviction, the head of the reporting entity must ensure an investigation is commenced as soon as practicable and provide information to the Commission about the investigation. This section sets out what the Act requires with respect to investigations, and what a best-practice approach to planning and conducting an investigation should look like.

The head of the reporting entity should consider:

- ***Investigator capability***: does the reporting entity have a person with the appropriate skills, experience and independence to conduct the investigation? If this isn't feasible, consider an external investigator.
- ***Relevant experience and training***: does the proposed investigator have experience working with children, understands child development and trauma-informed practice, have up-to-date training relevant to investigations, and has provided evidence of current and appropriate qualifications or credentials.
- ***Cultural safety and inclusion***: how will the investigation be conducted in a way that is culturally safe, inclusive and respectful such as for Aboriginal and Torres Strait Islander children, children with diverse needs and/or children from culturally and linguistically diverse backgrounds?
- ***Concurrent investigations***: are there overlapping or parallel investigations by QPS, a sector regulator or another body, and how will the Reportable Conduct Scheme investigation align with or interact those processes without compromising them?
- ***Risk management***: how will risks to children other workers and the integrity of the investigation be identified and managed throughout the process?

The head of the reporting entity remains responsible for ensuring that investigations are conducted appropriately, regardless of whether they are undertaken internally or outsourced to an external investigator.

Investigations by sector regulators

The Commission may request a sector regulator to investigate a reportable allegation or reportable conviction where that regulator has the relevant functions and powers in relation to the reporting entity. A sector regulator may agree to, or decline, the request.

Sector regulators bring specialist knowledge and regulatory expertise and can play an important role in investigations. Any investigation must be conducted in a way that is consistent with the Act, including prioritising the safety, wellbeing and best interests of children and young people, and ensuring reportable conduct is appropriately identified and addressed.

Investigations are expected to be conducted in a timely manner, with appropriate risk management in place while the investigation is underway. Procedural fairness requirements apply, including providing individuals under investigation with a fair process.

Once an investigation is completed, the sector regulator must give written notice to the Commission and the head of the reporting entity as soon as practicable. This notice must include:

- the findings, including whether reportable conduct is substantiated
- the reasons for those findings
- any recommendations the sector regulator considers appropriate, including actions or risk mitigation measures.

An investigation requested by the Commission is separate from, and in addition to, any investigation or regulatory action a sector regulator may undertake under its own legislation or statutory powers. The requirements under the Act do not replace any other requirements sector regulators have regarding notifications to Blue Card Services.

Best practice investigations

A high-quality investigation should:

- be ***child-centred and trauma-aware***, minimising harm and distress to children involved
- ensure ***cultural safety*** and ***inclusive practice*** particularly for Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse (CALD) backgrounds
- be ***well-planned***, with a written investigation plan outlining scope, tasks, responsibilities, interview sequencing and risk controls
- use ***recordkeeping*** in real-time, including an evidence log and interview notes
- be ***impartial***, free from conflicts of interest—external investigator may be required where maintaining internal independence is not possible
- ensure ***procedural fairness***, giving the worker an opportunity to respond to the allegations and material relied upon (except where prohibited by police)
- maintain strict ***confidentiality***, sharing information only with those who have a lawful and operational need to know
- consider ***specialist support*** for child interviews, cultural considerations, accessibility and communication needs.

Step 4: Plan an investigation

When planning an investigation, the head of a reporting entity should consider how the matter will be investigated in a way that is fair, timely and prioritises the safety of children and young people.

In some circumstances, it may be appropriate for a head of a reporting entity to conduct an investigation jointly with another reporting entity or relevant body.

Determine the investigator

The head of a reporting entity which has notified the Commission about a reportable allegation must, at the same time or as soon as practicable after, advise the Commission that an investigation is being conducted and provide contact details for a person the Commission may contact about the investigation (s36). This means that the first step of planning an investigation must be to determine who will be responsible for conducting the investigation.

Examples of who the selected investigator could be are:

- the head of the reporting entity
- a worker of the reporting entity
- a person outside the reporting entity.

It is best practice to separate the investigation of a reportable allegation or conviction from the ultimate decision-making. The Commission acknowledges that different types of reporting entities may require different approaches to determining the investigator.

- Large reporting entities often have their own investigation unit or investigator to respond to reportable allegations and convictions. In such cases, the head of the reporting entity, or their delegated decision-maker, will make the finding, informed by recommendations from the investigator.
- In medium-sized reporting entities with no dedicated investigation unit, the head of the reporting entity could outsource the investigation or conduct the investigation internally. This may mean assigning the investigation to another suitable worker rather than the head of the reporting entity. The investigator's evidence-based recommendations can inform the decision-maker's findings.
- In small reporting entities it is often not feasible to separate the investigator and decision-maker and they may be the same person.

If the investigator is not independent, they may have a conflict of interest and not be able to make unbiased findings about the reportable conduct. Even if they have no real conflict of interest, a relationship of any kind between the investigator and the worker or another involved person may create a ***perceived conflict of interest***.

If it is not feasible for a reporting entity to separate the investigator from the decision-maker, the reporting entity should document how actual and perceived conflicts of interest have been identified and managed and take steps to promote independence and impartiality in the investigation process. This may include:

- appointing an external adviser or panel to oversee the integrity of the process
- engaging an external investigator for discrete parts of the investigation
- involving a cross-organisational reviewer.

The Commission will more readily accept that an investigation has been conducted properly if real and perceived conflicts of interest have been **identified and managed appropriately**.

What does the investigator do?

The role of the investigator is to:

- gather all the relevant evidence in relation to a reportable allegation or conviction
- assess the evidence to establish the facts
- make findings based on the facts.

The head of the reporting entity is responsible for preparing an investigation report that details the evidence, the established facts, the findings, and what actions will or are proposed to be taken. The head of the reporting entity may delegate this responsibility to the investigator or another delegate.

Using an external investigator

A reporting entity may choose to use a person outside the reporting entity to investigate a reportable allegation as a matter of course, or under particular circumstances. Some circumstances which may make the use of an external investigator appropriate include:

- there is no person within the reporting entity who does not have a real or perceived conflict of interest, or at least one which can be appropriately managed
- the reporting entity lacks the resources to conduct an investigation within a reasonable timeframe
- there is no one who has the appropriate skills and/or qualifications within the reporting entity.

If a reporting entity chooses to engage an external investigator, the reporting entity should have regard to the investigator's skills, experience and qualifications. The reporting entity should also consider whether the engagement of an investigator falls within the screening requirements under the *Working with Children (Risk Management and Screening) Act 2000*. For example, if the investigator is going into an early education and care service they will be required to hold a working with children clearance (Blue Card).

The Commission **does not** have a role in approving, accrediting, recommending or assigning external investigators.

Make an investigation plan

The head of the reporting entity or delegate, together with a suitably qualified investigator, may formulate an investigation plan before an investigation commences. If the head of the reporting entity is the subject of the reportable allegation, then another worker or delegate within the reporting entity should undertake this responsibility.

The investigation plan should:

- define the allegation(s) of reportable conduct or detail the type and circumstances (if known) of the reportable conviction
- determine the scope of the investigation
- identify relevant witnesses, documents and other sources of evidence
- identify the questions that need to be answered, the evidence needed to answer the questions, and the best way to obtain this evidence
- set timeframes for the investigation
- record interim risk management measures and review points
- establish a communication plan and documentation approach, including when affected parties (including children and parents) may be informed (there is no legislated timeframe for when this must occur)
- identify any special needs for involved parties and how these will be addressed
- identify the ways in which information will be recorded and stored
- document the details and management of any real or perceived conflicts of interest.

Protecting the integrity of the investigation

The various risks that threaten the integrity of an investigation should be monitored and mitigated. The head of the reporting entity must ensure ***procedural fairness*** (sometimes referred to as 'natural justice'). This means the worker who is the subject of the reportable allegation or conviction is to be treated fairly when decisions are made about them. In the context of a Reportable Conduct Scheme investigation, it means that the worker who is the subject of an allegation or conviction is treated in a way that is impartial, transparent, respectful, and based on reliable information, upholding the integrity of the investigative process.

The two core elements of procedural fairness are:

1. ***Freedom from bias***: investigations and decision-making must be conducted by a person who is, and is objectively perceived to be, impartial, with any actual, potential or perceived conflicts of interest identified and managed. This means:
   - the investigator or decision-maker must not have a personal interest in the matter
   - they must not have a close relationship or conflict with any person involved
   - they must not have already expressed a view about the worker's behaviour
   - they must approach the matter with an open mind.
2. ***Right to a fair hearing***: the worker must be informed of the substance of the allegation and any material that will be used in decision-making and be given a genuine opportunity to respond before any finding is made. This includes:
   - being told the substance of the allegation
   - being given access to relevant information where it can be shared, as required or permitted at law, without jeopardising the investigation, police inquiries, or the safety of children and young people—some information may need to be withheld or redacted to protect evidence, ongoing investigations, or the identity of the notifier
   - being given reasonable time and a clear way to respond to the information they can access

  - being able to provide their side of the story, correct misunderstandings, or present additional information within the limits of what can safely be disclosed
  - being informed if the reporting entity proposes to make any adverse findings, and being allowed to comment before a final decision is made.

Other practical components to protect the integrity of any investigation include:

- A reporting entity may contact the QPS for advice regarding the interference with an investigation or court proceeding. It is likely the lead investigator of the criminal complaint will be best placed to provide such information.
- Decisions should be based on relevant, reliable and probative information, gathered through a process that is transparent and procedurally sound.
- Investigations should be conducted promptly and objectively, without undue delay, in a manner that supports both the safety of children and the integrity of the decision-making process.
- Confidentiality must be managed in response to a reportable allegation or conviction and throughout an investigation, including by ensuring:
  - only parties who need to know about the reportable allegation or conviction are informed about it
  - all parties should be advised of the need for maintaining confidentiality during the investigation
  - the reporting entity should have systems in place to deal with any breaches of confidentiality.
- The identity of the person who made the report may be legally protected under the *Public Interest Disclosure Act 2010*, the *Child Protection Act 1999*, (s.186A) of the *Youth Justice Act 1992*. Reporting entities must not disclose identifying information about the notifier unless required or permitted at law.
- Ensure that the investigator does not have a conflict of interest, either actual, potential or perceived, that could give rise to a perception of bias or actual bias throughout an investigation. Ensure any other conflicts of interest are identified, recorded and managed appropriately.
- Reporting entities must consider the risk of destruction, alteration or suppression of evidence, including digital records, emails, CCTV footage, case notes or personal devices. Appropriate safeguards such as securing relevant records, restricting system access and directing staff not to tamper with materials should be implemented immediately. Interfering with or destroying evidence may constitute a criminal offence.
- Ensure cultural safety and a supportive, respectful work environment, particularly considering the cultural needs of Aboriginal and Torres Strait Islander workers and workers from culturally and linguistically diverse (CALD) backgrounds.

Step 5: Conduct an investigation

An investigation into a reportable allegation or conviction must be thorough, child-centred, procedurally fair and aligned with the requirements of the Act. This section explains the essential elements that every investigation must include, and the contributions of reporting entities, regulators, QPS and the Commission to this process.

Role of reporting entities in an investigation

Reporting entities are responsible for:

- ***initiating and conducting*** a timely, fair and child-centred investigation (unless the Commission determines an investigation by the reporting entity is not appropriate, or the QPS directs that an investigation be paused or not commenced)
- ***protecting children*** throughout the process via interim safety plans and ongoing monitoring
- providing procedural fairness to the worker
- ***engaging external investigators*** where the reporting entity lacks capacity, expertise or independence to investigate

- ***maintaining accurate records*** of the investigation, including evidence utilised, decisions made and any ***outcomes***
- ***submitting all required reports*** to the Commission within statutory timeframes
- ***implementing outcomes and improvements*** identified through the investigation

In the majority of cases, primary responsibility for the investigation remains with the reporting entity, supported by oversight from the Commission.

Gather evidence

During an investigation, reasonable steps should be taken to collect relevant and reliable evidence. Where evidence is difficult to obtain, for example, due to the passage of time or unavailable witnesses, efforts to locate the evidence should be documented in interim and final reports.

Evidence may include:

- ***physical evidence***: documents, photos, records or items such as phones or computers
- ***site inspections***: photographs, diagrams or descriptions of relevant locations
- ***expert advice***: medical, psychological or technical expertise
- ***direct evidence***: information from the child or young person, parents or carers, witnesses or the person subject to the allegation.

Order of interviews

When planning interviews, it is generally best practice to interview the source of the allegation first and the worker subject to the allegation last. This ensures the investigation gathers context and supporting information before the person under investigation is given the opportunity to respond. All relevant witnesses should be identified and interviewed where possible. Both the child and the person subject to the allegation or conviction should be interviewed unless there is a clear reason not to, which must be documented in the report.

Interviews should be planned in advance and occur, where appropriate, in a location suitable and safe for the interviewee to protect privacy. If interviews cannot be recorded or consent is refused, detailed notes must be taken, including who was interviewed, when, where and by whom.

Interviewing children

The approach to interviewing a child must be planned carefully and with the child's safety and wellbeing as the primary consideration.

In most circumstances, particularly where a child or young person discloses a sexual offence, sexual misconduct, or serious harm, any interview with the child or young person should be conducted only by a person who is appropriately trained and experienced in interviewing children. This may include a professional with specialist training in child development, trauma-informed practice and child-centred interviewing techniques. When determining who should interview a child, reporting entities should consider:

- the interviewer's qualifications, training and experience, including currency of training
- their experience working with children and understanding of trauma and power dynamics
- the nature and seriousness of the alleged conduct
- whether an external specialist or support professional is required.

Before interviewing a child, consideration should also be given to:

- whether the child has already been interviewed in relation to the matter, and if so, whether details of that interview (such as notes, recordings or summaries) can be obtained from the person or agency that conducted it, so the investigator can rely on existing information and avoid unnecessary repeat interviewing
- the child's age, maturity and developmental stage

- cultural safety and inclusion, including language, cultural, religious or community support needs
- any disability or additional support needs (for example, if a child is non-verbal but is able to communicate using other means, consider what supports will be required in order to ensure a safe and supportive environment for this to occur).
- whether a parent, guardian or support person should be present (where they are not the subject of the allegation)
- the child's views about how the interview should be conducted, including who they feel safe with and what supports they need.

Children should be given a safe and supported opportunity to share their experiences, with steps taken to minimise the risk of re-traumatisation. Wherever possible, investigators should rely on information from existing interviews and limit further contact with the child, unless additional engagement is clearly necessary and in the best interests of the child. Where emotional or psychological harm is alleged, the interview should seek to gather information about both the conduct and its impact on the child, using age-appropriate and trauma-informed approaches.

Ensure clear record keeping processes

Reporting entities must keep clear and accurate records of all Reportable Conduct Scheme matters in line with any legal, contractual and professional obligations.

During an investigation, all actions, decisions and evidence collected should be documented and stored securely. Policies should outline who can access these records, in what circumstances, and who is responsible for keeping them safe.

Records may need to be shared with the Commission and other regulatory or law enforcement agencies.

Ensure confidentiality

Information about a Reportable Conduct Scheme investigation must be kept confidential unless there is a clear reason to share it. It is important that everyone involved is reminded not to discuss the matter except with those who need to know.

The safety and wellbeing of children and young people is paramount – information should be shared if it is necessary to protect children or prevent harm. Information should not be shared if it could put a child or others at risk or prejudice the investigation.

Keeping the identities of the notifier, the child and other participants confidential helps prevent distress or harm and protects the integrity of the investigation. Confidentiality also reduces the risk of witnesses influencing one another. Witnesses should be directed not to discuss the case, and reporting entities should follow confidentiality and privacy policies.

Examples of when information may need to be shared:

- ***With witnesses***: witnesses may be given relevant details of the allegation to enable them to provide a statement. Only the information necessary to support the investigation should be shared.
- ***With the investigator***: investigators need access to relevant documents, records, and statements to carry out a thorough investigation.
- ***With external advisors or regulators***: information may be shared with oversight bodies, such as the Commission or with other regulatory agencies where necessary for compliance or child protection.
- ***For child safety purposes***: if sharing information will help protect a child or young person, or manage immediate risks, the organisation may disclose relevant details consistent with legal and policy obligations.

Before sharing any information, a reporting entity may wish to seek advice about legal, privacy and mandatory reporting obligations.

Obligations to the subject of the investigation

The Act requires procedural fairness for workers subject to reportable allegations or convictions in an investigation. This means:

- Before finalising an investigation, the reporting entity must provide the worker with written notice of any proposed findings that are negative or adverse and enable the worker to provide written submissions about the proposed findings within a reasonably stated period (s36(3)).This is usually provided as a formal letter (letter of allegation outlined below) that gives enough detail for the worker to understand the allegations and respond within a reasonable timeframe.
- Careful consideration should be given to when the worker is informed. While the person subject to the allegation has a right to know the details and respond, it may be appropriate to wait until key evidence has been gathered, such as witness statements, documents and any physical evidence, before informing them of the allegation or investigation. It is also important to consider any concurrent investigations by other agencies such as police and sector regulators so as not to impede other investigations.
- Any written submissions provided by a worker in response to proposed findings must be considered in preparing the final report (s36(4)). Copies of these submissions must be provided to the Commission (s37(2)(d)).
- While the safety and wellbeing of children and young people is the most important consideration in an investigation, the reporting entity should consider the wellbeing of the subject of allegation and other witnesses as far as appropriate in the circumstances.

Letter of allegation

A letter of allegation is a document written by an appropriate person, such as the investigator (with the head of the reporting entity's approval) that clearly tells the worker subject to the allegation about the details of the reportable allegations made against them.

Reporting entities should provide a letter of allegation to the worker subject to a reportable allegation so that there is a record of the information that has been provided to them. This also ensures that the worker is clear about what has been alleged against them and is a step in providing procedural fairness to the worker.

When a letter of allegation is provided it should clearly set out each allegation and contain enough information for the worker to be able to understand exactly what the allegations are, and any proposed findings, so they can respond to them.

The letter of allegation should also advise the worker subject to the allegation that a substantiated finding of reportable conduct is reported by the Commission to Blue Card Services which may trigger a re-assessment of the worker's eligibility to hold a Working with Children Check (Blue Card).

Communicating progress of an investigation with children and families

The Act (s50) enables information to be shared with a child or young person, or the parent or guardian of the child, who is the subject of conduct that forms the basis of an investigation. This may include sharing the progress of an investigation, the findings and reasons for the findings and any action taken in response to the findings.

It is important that when information is shared with children, young people or parents, that consideration is given to any support that should be made available both at the time of the information being shared as well as on an ongoing basis as the investigation continues. It is important to consider if information disclosed would put the safety or wellbeing of the child or any other person (for example the worker or informant) at risk or prejudice a proceeding or investigation.

Prioritise cultural safety and inclusion

During an investigation, steps should be taken to ensure all involved feel safe, respected and supported to share their experiences. This helps gather the best possible evidence in an appropriate manner.

Children and witnesses involved who identify as Aboriginal, Aboriginal and Torres Strait Islander, Torres Strait Islander, or from culturally or linguistically diverse backgrounds, should feel culturally safe and supported throughout the process. A culturally safe environment respects identity, culture and community. This can be supported by:

- showing respect and flexibility toward different cultural perspectives. This includes allowing for additional time, using culturally appropriate language and/or allowing an appropriate support person to be present
- being aware of personal bias and avoiding stereotypes
- building trust and rapport with witnesses and children involved
- where appropriate, consider where witnesses may benefit from a familiar support person to attend interviews with them.

Reporting entities, in compliance with the Child Safe Standards, should account for how cultural safety is embedded in investigation practices.

Managing concurrent investigations

Several investigative processes may occur at the same time. Effective coordination is essential to protect children, maintain procedural fairness for workers, avoid compromising external investigations and ensure compliance with legal obligations.

When there are concurrent investigations, reporting entities should assess at the outset how the investigation will interact with other agencies and incorporate this into their investigation plan. This assessment should consider the fact that ***police investigations take precedence***. Internal actions may be paused, adjusted or coordinated to avoid compromising criminal proceedings. In instances where there are concurrent investigations, ensure:

- planning and coordination:
  - clarify roles, responsibilities, and evidence requirements with all involved agencies early
  - document the approach to be used to manage concurrent investigations
  - ensure all decisions about timing, communications, and evidence collection are informed by this plan.
- safety of children is protected:
  - children's safety remains paramount in all decisions, including whether interviews or other investigative steps can proceed
  - work with the Department of Families, Seniors, Disability Services and Child Safety or other child-focused bodies to ensure support and protection where required.
- procedural fairness:
  - ensure the worker under investigation is treated fairly, while taking care not to disclose information or conduct interviews in a way that could prejudice QPS or regulator investigations.
- documentation and lawful information sharing:
  - keep clear records of decisions
  - share information lawfully, consistent with the Act's information-sharing provisions and confidentiality obligations
  - regularly review risks to children, the worker, witnesses, and organisational integrity
- coordination with specific bodies:
  - ***QPS*****:** follow any requests to pause or adjust internal actions, avoid interviews or evidence collection that could compromise criminal proceedings, and document all consultation
  - ***regulators or professional oversight bodies*****:** Communicate early, coordinate investigations where appropriate and avoid duplication

- ***child safety***: work collaboratively with the Department of Families, Seniors, Disability Services and Child Safety to support the child where required and maintain a child-centred approach.

By establishing a clear and coordinated approach when planning an investigation, reporting entities can ensure that their investigation is conducted safely, fairly, and without interfering with other investigations.

Overlap with other investigations

A Reportable Conduct Scheme investigation under the Act may occur alongside other internal processes, such as employment or disciplinary inquiries.

Reporting entities must:

- ensure consistency between internal employment or code of conduct findings and Reportable Conduct Scheme findings, while recognising the different thresholds and definitions that may apply
- manage information sharing dutifully as some material gathered for a Reportable Conduct Scheme investigation may also be relevant to employment action, but privacy and procedural fairness obligations may differ
- understand that sector regulators may also require notification or conduct their own investigation
- understand that Blue Card Services may also be undertaking a concurrent review of the person's Working with Children Check
- preserve the integrity of criminal investigations by avoiding contamination of evidence or inappropriate questioning
- keep clear records explaining decisions to pause, separate or coordinate different investigative streams.

If you cannot investigate

The Act (s36(2)) requires that if the head of the reporting entity is not reasonably able to investigate a reportable allegation or reportable conviction (for example due to conflicts of interest or legal constraints), the head of the reporting entity must:

- notify the Commission of the allegation or conviction as soon as practicable
- provide written reasons why they cannot reasonably investigate.

If the worker subject to the reportable allegation ceases employment with the reporting entity after an allegation is reported, (such as by quitting and moving to another workplace) the reporting entity is still required to undertake an investigation – this is not a reason in itself to not investigate.

Role of sector regulators

Sector regulators play a critical role in supporting the Reportable Conduct Scheme and ensuring that risks to children are identified and addressed across reporting entities. Their role may include:

- ***Investigating professional or sector-specific standards***: regulators may conduct inquiries into the conduct of a worker or a reporting entity or assess whether a reporting entity is meeting its sector-specific obligations, including compliance with professional standards, licensing, or accreditation requirements. Investigations may cover conduct that overlaps with the Reportable Conduct Scheme but occurs under the sector regulator's own legislation and powers.
- ***Requesting documents or information***: sector regulators may request relevant records or evidence from the reporting entity where they have the legal authority to do so, to support their investigations or compliance checks.
- ***Requiring actions to protect children or uphold standards***: sector regulators may direct a reporting entity to implement measures to manage risk, address identified issues, or comply with sector-specific requirements, including actions that go beyond individual accountability to organisational practices and governance.

- ***Assessing reporting entities' responses***: sector regulators may review how a reporting entity has responded to allegations or convictions under the Reportable Conduct Scheme , to ensure internal processes meet sector-specific obligations and are consistent with child safeguarding requirements.
- ***Cooperating with the Commission***: sector regulators work with the Commission to ensure that information is shared lawfully, that investigations are appropriately conducted, and that child safeguarding risks are effectively managed across reporting entities and sectors.
- ***Managing overlapping responsibilities***: where regulatory responsibilities intersect with the Reportable Conduct Scheme or with other regulatory bodies, multi-agency cooperation is essential. Reporting entities should expect that sector regulators may adjust or align processes to avoid duplication or interference, while still fulfilling their own statutory duties.

Role of the QPS

The QPS is responsible for investigating possible criminal offences. Their role includes:

- determining whether the alleged conduct may constitute a criminal offence
- directing what the reporting entity may or may not do to avoid prejudicing evidence
- interviewing child complainants, witnesses and the alleged worker
- making decisions about charges and the criminal process.

Reporting entities must, in accordance with the requirements of the Act (s46):

- notify QPS immediately when criminal conduct is suspected
- follow all QPS directions
- preserve evidence and avoid interviewing a child or adult in a way that risks prejudicing a QPS investigation.

Step 6: Risk assess and provide update (interim report)

Interim risk assessment (ongoing)

The Act requires ongoing risk assessment throughout a Reportable Conduct Scheme matter, aligned with the reporting requirements. Assessment must be documented, justified and reported to the Commission through the initial, interim and final reports.

The risk management action taken by the head of a reporting entity should be proportionate to the assessed level of risk, prioritising the safety, wellbeing and best interests of children and young people. The aim is to take the most appropriate level of intervention required to manage the identified risks. The head of the reporting entity should select the appropriate level of intervention required to manage identified risks, document the reasons and review as new information becomes available.

As new information emerges, risk levels may increase or decrease. Interim assessments should be conducted:

- when new evidence becomes available
- on the advice of QPS or the Commission
- when a decision is made to pause the investigation due to QPS involvement
- when there are changes in staffing, access or organisational circumstances.

Where a reporting entity is requested under the Act (s43 or s46) to end, suspend or not commence an investigation by the Commission or by the QPS, this should trigger a review of the risk assessment and risk management actions that should occur. The head of the reporting entity must take all reasonable steps to mitigate any risks to the safety, wellbeing and best interests of children and other parties listed above that may arise due to complying with a request from the Commission or QPS. A suspension of an investigation does not alter the obligation to assess and manage risk on an ongoing basis.

Under the Act (s35(2)), the head of a reporting entity must include an update on any action, including risk management action, taken in response to the reportable allegation or conviction in an interim report to the Commission. Interim reports (due within 30 business days unless extended) must detail:

- updated risk assessment
- revised risk management actions
- reasons for any changes
- how the safety of children continues to be prioritised.

What the interim report must include

If an investigation is not finished and the entity cannot provide a final report, the head of the reporting entity must give the Commission an interim report within 30 business days, unless the Commission agrees to a longer timeframe. Interim reports show that the reporting entity is actively managing the matter, identifying and controlling risks to children and young people, and progressing the investigation.

Section 35 of the Act sets out the minimum requirements for an interim report.

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Section 35 – Requirements for initial report and interim report

2. An interim report by the head of a reporting entity must include the following information—
    a. the facts and circumstances of the reportable allegation or the reportable conviction, to the extent it is available to the head of the reporting entity;
    b. an update on any action, including risk management action, taken in response to the reportable allegation or reportable conviction; and
    c. if the worker has made written submissions to the head of the reporting entity in relation to the reportable allegation or reportable conviction—a copy of the worker's written submissions.

The types of information that may be provided by the head of a reporting entity in an interim report, include:

- ***Details of the allegation***: A factual description of the allegation with any further detail that has been provided or determined since the initial report.
- ***Information about actions taken***: An update on any action, including risk management action, that has been taken.
- ***Evidence from the worker***: If the worker has made written submissions in relation to the matter a copy of these submissions must be provided.

The Commission will accept interim reports in any format provided they **contain the information** required under the Act. This means reporting entities can use reporting templates that may be required for other reporting arrangements.

9.3 Stage 3: Finalise, report and implement

When finalising an investigation, the head of a reporting entity should ask themselves:

- Does an analysis of the evidence that has been collected support the proposed findings?
- What is the appropriate risk management response to the findings?
- Is there ongoing support needed for the children, young people, families or workers affected?
- What can and should be done to improve the reporting entity's systems and ability to prevent and identify these behaviours? Can improvements be made to the way in which investigations are conducted in the future?
- Can the outcomes of the investigation strengthen the reporting entity's implementation of the Child Safe Standards?

Step 7: Finalise investigation and conduct risk assessment

When a reporting entity finishes an investigation into a reportable allegation or reportable conviction, several steps must be completed to finalise the matter and meet obligations under the Act. This includes preparing the final report, implementing outcomes and engaging with the Commission's oversight processes. This section explains how findings should be made and the requirements for conducting a final risk assessment.

Assess the evidence in a fair and reasonable way

When reviewing evidence, the decision-maker in the investigation must consider how strong and reliable each piece of evidence is. The more reliable and consistent the evidence, the more weight it carries. Decisions must be made on weight of evidence and not on rumours, suspicions or thoughts.

When deciding how much weight to give evidence, consider:

- How reliable and consistent it is – does other evidence support or contradict it?
- How credible it is when considered in context with all information obtained. This includes considering:
  - the source (for example, is it objective like CCTV, or based on opinion or hearsay)
  - has the person who is the subject of the allegation been given a fair opportunity to respond to the evidence?

Making a finding

Investigations must produce clear, well-reasoned findings for each allegation which are supported by evidence. An investigation should apply the 'balance of probabilities' as the standard of proof. This means that an investigator must consider whether it is more likely than not that reportable conduct has occurred. This is a lower standard than is needed in criminal cases, where an allegation must be proved beyond reasonable doubt.

Rules of evidence don't apply when considering 'proof'. The balance of probabilities means that it must be more likely than not that the allegations are correct. The more serious the allegation, the better the quality of evidence that may be required for the allegation to be proven.

For the purposes of the Reportable Conduct Scheme, there are four different findings that can be made:

Finding	Meaning
Substantiated	There is sufficient evidence to find, on the balance of probabilities, the reportable conduct occurred (it is more likely than not).
Unsubstantiated	The evidence suggests it is more likely than not that the alleged conduct did not occur.

Finding	Meaning
No outcome	In exceptional circumstances, it may not be possible to determine whether the reportable conduct was substantiated or unsubstantiated. Exceptional circumstances may include if the allegation is historical, and despite the investigator's reasonable efforts, there is not enough evidence available or able to be collected to properly assess the allegation.
Conduct outside the scheme	This finding should be used when the decision maker has investigated the conduct and, although the conduct occurred, the conduct does not meet the definition of reportable conduct under the Act.

What if an allegation turns out to be unsubstantiated or there is no outcome found?

Even if the finding for a reportable allegation is 'unsubstantiated' or 'no outcome', it must still be reported to the Commission through the final report. The final report must include the reasons for the finding and details of the evidence considered (as outlined in the requirements of the final report below). This ensures transparency and accountability, even if the allegation isn't proven. Following this:

1. The Commission records the outcome
   - The Commission records the unsubstantiated or no outcome finding, so the allegation and outcome are documented. Relevant information may be shared with other reporting entities if appropriate to ensuring the safety of children and young people. Even where the finding is unsubstantiated or there is no outcome, the Commission may review:
     - whether the investigation was thorough
     - whether the reporting entity followed procedures
     - whether risk management action taken was appropriate.
2. Action taken by the reporting entity
   - The Commission may provide advice or feedback to the reporting entity, particularly if any gaps are identified during the process that present risks to the safety and wellbeing of children and young people.
   - It is important to not ignore a matter just because it is found to have no outcome or unsubstantiated. Capability training could be implemented within the reporting entity.

Final risk assessment

Regardless of the investigation's findings, a final risk assessment ***must*** be undertaken. This assessment will inform any actions taken or that are proposed to be taken by the head of the reporting entity. It should consider:

- the child or children and relevant family members, including any counselling, ongoing support needed or future contact with the worker
- the worker, including any support, training or disciplinary action required
- organisational culture and expectations, including in relation to improved education and awareness regarding child safety and wellbeing
- systems and processes, including any work practices or gaps that contributed to the reportable allegation or reportable conviction, including missed opportunities for earlier detection
- policies and procedures, including consideration of any refinement needed.

The Act (s37(2)(f)) requires that the final report to the Commission must include any action, including risk management action, taken in response to the reportable allegation or conviction if the worker currently performs work for the reporting entity. This must be provided as soon as practicable after the investigation is completed, and include any immediate steps taken to prevent the worker from having contact with children or young people and any disciplinary action taken or proposed to be taken against the worker.

In the interest of reducing risks of harm at the organisational level, the Commission may direct the head of the reporting entity to conduct a self-assessment against the Standards at the conclusion of the investigation.

For investigations into reportable convictions, it may be necessary to request information from the Director of Public Prosecutions (DPP) to understand the nature of the offence. This information assists the investigator to determine whether the conviction involved reportable conduct and to assess any ongoing risk to children.

A reporting entity is **not required to re-investigate the criminal conduct** that led to the conviction.

Step 8: Report to the Commission (final report)

Prepare the final report

Reporting entities must provide the final investigation report to the Commission as soon as practicable after the investigation is completed (s37). This allows the Commission to carry out independent oversight and ensure the matter has been handled appropriately.

The final report should clearly explain how the investigation was conducted and show that fair findings were made based on the evidence. It should be written so any reader can understand what was done, what evidence was considered and how conclusions were reached.

Section 37 of the Act contains the minimum requirements for a final report.

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Section 37 - Report by head of reporting entity

3. The report must include—
    a. information about the facts and circumstances of the reportable allegation or reportable conviction; and
    b. the findings the head of the reporting entity has made about the reportable allegation or reportable conviction after completing the investigation, including whether or not the worker has engaged in reportable conduct; and
    c. the reasons for the findings; and
    d. copies of documents relied on by the head of the reporting entity in making the findings*; and
    e. if the matter involves any other entities—information about whether the matter has been referred to another entity, including details of the other entity; and
    f. if the worker currently performs work for the entity—any action, including risk management action, taken in response to the reportable allegation or reportable conviction, including, for example—
        i. any immediate steps taken to prevent the worker from having contact with children; and
        ii. any disciplinary action taken or proposed to be taken against the worker; and
    g. any action taken, or proposed to be taken, to improve the reporting entity's ability to identify reportable conduct and to report and investigate reportable allegations and reportable convictions; and
    h. if no action mentioned in paragraph (f) or (g) is to be taken—the reasons why no action is to be taken.

*Examples of documents include statements taken during the investigation, documents mentioned in the report, and submissions made by the worker.

Each ***reportable allegation or reportable conviction*** should be clearly identified and described. In accordance with the Act (s37), the report must include:

- information relating to each allegation or conviction, including definitions applied and the scope investigated
- findings for each allegation, with written reasoning
- a clear analysis of the evidence, showing how the balance of probabilities was applied
- copies of any documents that were relied upon in making the finding, such as witness statements or submissions
- if any other entities have been involved or had the matter referred to them during the investigation
- a summary of the risk management actions undertaken, including immediate steps taken to prevent the worker from having contact with children and young people, and any disciplinary action taken
- any actions taken or proposed in relation to child safeguarding measures or environmental or practice changes that will improve the reporting entity's ability to identify and investigate matters.

The Commission's review and oversight

After the reporting entity submits the final report, the Commission will:

- ***review the report*** to determine whether the investigation was thorough and met legislative requirements for procedural fairness
- ***evaluate whether findings are supported by evidence*** and whether risks have been identified and managed
- ***request further information*** if needed in relation to the findings or the reporting entity's response to the findings
- ***direct additional enquiries***, or conduct its own investigation, if the reporting entity's investigation is inadequate or raises concern
- ***monitor follow-up actions*** and ensure required improvements or safeguards are implemented
- ***identify systemic issues*** and use insights to strengthen sector guidance and statewide capability
- ***inform Blue Card Services*** of findings.

The Commission will accept final reports in any format provided they contain the information required under the Act. This means reporting entities can use reporting templates that may be required for other reporting arrangements.

Step 9: Implement actions and pursue continuous improvement

Implementing outcomes and actions

Once findings have been made and a final report produced, reporting entities should act promptly on identified actions. Actions may include:

- ***child safeguarding and wellbeing actions***, including ongoing support for children, young people, families and affected staff
- ***employment or engagement outcomes***, including disciplinary action, changes to duties, supervision requirements, training or termination
- ***system or practice improvements***, such as updates to policies, changes to the environment, supervision or recruitment processes, or cultural safety practices

- ***notifications to sector regulators***, professional registration bodies or Blue Card Services, where required.

These actions ensure that risks are addressed and lessons from the investigation translate into safer practice across the reporting entity.

Communicating outcomes

Reporting entities must manage communication carefully, balancing transparency, privacy and safety. The head of a reporting entity:

- may inform a child subject to the allegation or their parent or guardian of the progress and findings of an investigation
- must notify the worker of the final findings and any employment or disciplinary decisions
- may inform relevant staff about changes to practice, supervision or organisational procedures

Supporting children, young people, families, workers and staff

The completion of an investigation does not end the need for support. Reporting entities should:

- offer trauma-informed support to children, young people and families affected by an allegation or investigative process
- provide guidance and wellbeing support to staff impacted by the incident or investigation
- ensure the worker subject to the allegation is informed of outcomes respectfully and provided information about internal support or review processes (where appropriate).

Recordkeeping and storage

Reporting entities must maintain comprehensive, secure records of:

- the full investigation file
- the final report
- decisions and actions taken
- communications and notifications
- safety plans and risk assessment documents.

These documents and records may be required for future reviews, regulatory assessment or legal processes.

Continuous improvement

The final step is to use investigation findings to improve organisational systems and child safeguarding culture. This links to the Standards, in particular Standard 9 which emphasises the importance of continuous improvement in child safe organisations, requiring regular review of child safeguarding practices and organisational culture. Reporting entities should:

- review what contributed to the incident or potential contributing risk factors
- update policies, training, supervision and environmental design
- review cultural safety practices
- strengthen reporting pathways and staff capability
- evaluate whether changes have effectively reduced risk.

This process of review and continual improvement is a core part of creating and maintaining child safe environments.

10. Role of the Commission

The Commission is the independent oversight body responsible for administering the Reportable Conduct Scheme under the Act (s40(a)). Its role is to ensure that reportable allegations are identified, reported and responded to in a way that prioritises the safety, wellbeing and rights of children and young people.

The Commission oversees an integrated child safeguarding system through administration of the Reportable Conduct Scheme and Child Safe Standards, providing independent oversight by quality assuring investigations and sharing critical information to strengthen protections for children's safety and wellbeing. The Commission provides sector leadership, sets expectations for best practice and uses insights to strengthen child safeguarding systems across Queensland. Importantly, this system only works as a collaborative network with relevant organisations, who all have a different role to play.



10.1 Powers of the Commission

The Commission aims to prevent harm before it occurs and empower organisations to proactively do the right thing; however, the Commission will act decisively where a child's safety is compromised. The Commission prefers education and empowerment over penalty where organisations demonstrate willingness to learn.

The Commission will focus on raising awareness and building capability, because:

- most reporting entities are committed to keeping children and young people safe and want to understand their legal and ethical responsibilities
- an educative approach leads to better outcomes compared with punitive approaches alone
- a proportionate and risk-based approach enables strong compliance action only in instances where it is needed
- sharing learnings and insights improves sector-wide processes and practices.

We expect reporting entities across sectors to demonstrate a genuine commitment to the safety of children, build collaborative relationships with us and proactively share accurate and timely information with us.

The Act provides the Commission with a range of powers to ensure the effective operation of the Scheme. This includes powers to:

- require reporting entities to notify and produce documents and records relevant to Reportable Conduct Scheme matters
- request a sector regulator to investigate a reportable allegation or reportable conviction for a worker of a reporting entity
- monitor an investigation conducted by a reporting entity, such as requesting information or observing interviews conducted
- compel the provision of information needed to assess compliance with the scheme.

These powers exist to protect children and young people, and to ensure leaders and reporting entities meet their statutory responsibilities.

10.2 Receiving reports

The Commission receives all statutory notifications from reporting entities about Reportable Conduct Scheme matters.

How the Commission uses notifications

Notifications allow the Commission to:

- assess immediate risks
- identify high-risk matters early
- triage matters requiring rapid oversight
- consider whether the reporting entity is an appropriate body to conduct the investigation
- track trends and systemic issues across sectors
- share information with prescribed entities.

Notifications also help the Commission identify reporting entities that may require capacity building support or regulatory intervention.

10.3 Monitoring investigations

Monitoring is one of the Commission's core oversight functions (s41). The Commission oversees the quality, fairness and child safeguarding focus of all reporting entities' investigations.

What monitoring involves

The Commission may:

- review investigation plans and proposed methodologies
- request updates or information
- review risk management decisions
- check that interviews, evidence collection and procedural fairness steps are appropriate
- ensure investigations progress within reasonable timeframes.

Monitoring does not replace the reporting entity's responsibility to conduct the investigation. It ensures the investigation meets required standards.

When enhanced monitoring may occur

The Commission may increase its oversight where:

- allegations involve serious harm or significant safety risks
- a reporting entity has limited investigation capacity
- a reporting entity has a history of non-compliance
- the matter affects multiple children or services
- there are concerns about conflicts of interest, integrity or impartiality

Enhanced monitoring may include more frequent information requests, meetings with senior leaders of reporting entities, or requiring reporting entities to adjust their investigation approach.

10.4 Assessing investigation reports

The Commission is focused on providing oversight of investigation quality, not just outcomes. We will assess a reporting entity's final report to ensure:

- the investigation process was thorough, impartial and properly documented
- procedural fairness requirements were met
- findings and conclusions are supported by evidence
- the investigation was thorough and evidence-based
- child safety and cultural safety were prioritised
- risks were identified and managed appropriately
- the reporting entity has taken or proposed reasonable actions to prevent recurrence.

Outcomes of assessment

The Commission may:

- request further information to clarify gaps
- commence its own investigation
- provide advice and recommended actions to improve child safeguarding or organisational capability, including in relation to conducting investigations

The Commission may also identify sector-wide issues and use them to update tailored guidance and capability building strategies. This assessment function supports consistent and high-quality investigations across the system. The Commission will use insights from investigations to inform prevention strategies across sectors.

10.5 Conducting investigations

While reporting entities are usually responsible for investigations, the Commission may conduct its own investigation when appropriate, such as when it is in the public interest (s43).

When the Commission may investigate

The Commission may investigate where:

- the reporting entity is unable to or is unsuitable to investigate
- there is an actual or perceived conflict of interest that cannot be managed
- the matter involves the head of the reporting entity
- the reporting entity does not have the capability or expertise to conduct a complex investigation
- the reporting entity's investigation is inadequate or fails to protect children and young people
- systemic issues within the reporting entity require independent examination.

What a Commission-led investigation involves

A Commission investigation may include:

- interviewing witnesses
- obtaining and reviewing records and documents
- engaging specialist expertise (for example, cultural advisors or child interview experts)
- making findings and recommendations
- directing remedial action
- notifying or working with police or other regulators as required.

A Commission-led investigation may run concurrently with police or professional-body investigations, coordinated in a way that does not prejudice any process.

10.6 Facilitating information access and exchange

The Commission plays a central role in ensuring information is shared lawfully and effectively to protect children.

Working with other agencies

The Commission may share information with, or request information from prescribed Reportable Conduct Scheme entities, including:

- QPS
- the Department of Families, Seniors, Disability Services and Child Safety
- Blue Card Services
- reporting entities
- other regulatory or oversight agencies
- interstate Reportable Conduct Scheme regulators, where applicable.

This ensures a coordinated response that prioritises safety, avoids duplication and supports cross-agency understanding of risk.

Supporting reporting entities to share information

The Commission also:

- provides guidance about lawful information sharing
- clarifies obligations relating to privacy, confidentiality and consent
- helps reporting entities to understand when information must be provided to other bodies
- encourages multi-agency collaboration related to complex matters.

Building statewide intelligence

Information sharing supports the Commission to:

- identify persistent risks
- detect patterns of behaviour across reporting entities or sectors
- monitor risks where a worker moves between reporting entities
- contribute to early intervention and prevention strategies.

11. Conclusion

Protecting children and young people is a shared responsibility. The Reportable Conduct Scheme provides reporting entities with a clear framework to recognise, report and respond to concerning behaviour, and in doing so strengthens trust in the systems that care for children and young people across Queensland.

This guide is designed to support reporting entities to understand their obligations and to embed child safeguarding practices into everyday operations. By acting early, responding transparently and working collaboratively with oversight bodies, reporting entities can play a critical role in preventing harm and identifying risks before they escalate.

The Commission recognises that implementing new safeguarding requirements takes time, effort and leadership. The Commission is committed to supporting reporting entities through guidance, education and proportionate oversight, while also holding systems accountable where children's safety is compromised.

When concerns are raised, recorded and addressed properly, children and young people are better protected, parents and carers have greater confidence, and reporting entities are better equipped to create safe environments. Through the effective implementation of the Reportable Conduct Scheme, Queensland takes an important step towards ensuring that every child is safe—wherever they are.

12. Appendix 1 - Glossary

Term	Definition
Reporting entity	An entity that cares for, supervises or exercises authority over children and is mentioned in Schedule 2 of the Act or prescribed by regulation. A reporting entity is required to comply with the RCS.
Head of reporting entity	The head of a reporting entity may be a specific role designated for the reporting entity, or prescribed at law. The person with the highest authority for the reporting entity's service delivery and responsible for compliance with the Reportable Conduct Scheme. This is usually the CEO, principal officer or equivalent, or a person approved by the Commission if no such role exists. This person must ensure the required systems and reporting obligations are met.
Delegate	An appropriately qualified person formally authorised by the head of the reporting entity to carry out specified functions under the Reportable Conduct Scheme on their behalf. Delegation does not remove the head of reporting entity's overall responsibility for ensuring obligations under the Act are met.
Sector regulator	A department or other entity other than the Commission that is responsible for regulating a reporting entity and is prescribed by regulation as a sector regulator for the reporting entity.
Oversight body	An authority with responsibility for monitoring, reviewing or overseeing systems. This may include how reporting entities respond to allegations, manage risks or meet legislative obligations. Oversight bodies may not investigate individual incidents directly but may review processes, require information or take action where systemic issues are identified.
Investigator	The person responsible for planning, coordinating and conducting the Reportable Conduct Scheme investigation as directed by the head of a reporting entity. This includes managing evidence gathering, interviews, risk management and reporting, and ensuring the investigation is conducted in a child-centred, fair and lawful manner. The investigator may be internal or external to the organisation.
Allegation	An allegation or other information that leads a person to form a reasonable belief that a worker of a reporting entity has engaged in conduct that may be reportable conduct (known as reportable allegation in the Act).
Worker	A person who performs work of any kind for a reporting entity. This includes employees, volunteers, contractors, subcontractors, consultants, labour-hire workers, trainees, work experience students (including children younger than 18) and religious leaders.
Restrictive practice	A restrictive practice is any action or intervention that limits a child's freedom of movement, ability to make choices, or control over their own body or behaviour. Restrictive practices may be physical, mechanical, chemical or environmental, and should only be used to prevent immediate harm, in line with the law and any

Term	Definition
	required authorisations. They must never be used as punishment, discipline, or for worker convenience.
Significant (in context)	More than trivial, negligible or insignificant. Usually describes conduct or harm that is serious, has ongoing effects, or poses a real risk of harm when repeated or left unchecked. For example, 'significant emotional harm' is more than a momentary upset.
Trivial	Minor, insignificant or non-enduring conduct or impact that would not reasonably be expected to cause harm or warrant investigation under the Scheme. 'Trivial' behaviour is unlikely to meet the threshold for reportable conduct on its own. *Trivial does not mean unimportant* — it may contribute to patterns of concern when considered with other information.
Reportable Conviction	A conviction for an offence committed by a worker against a law of a State or the Commonwealth that may involve reportable conduct. This includes a finding of guilt (and the acceptance of a plea of guilty), as well as a spent conviction.
Reportable Conduct	Conduct involving a child that falls within the Scheme's categories: child sexual offences, sexual misconduct committed in relation to or in the presence of a child, ill-treatment, significant neglect of a child, physical violence committed in relation to or in the presence of a child, or behaviour that causes significant emotional or psychological harm to a child.
Concurrent or overlapping investigations	Situations where the same matter may be the subject of multiple inquiries (e.g. police or sector regulator investigation). These require careful coordination so that investigative work is not compromised, with police investigations taking priority.
Procedural fairness	The requirement that a worker subject to an allegation is informed of the substance of the allegation and given a fair opportunity to respond.
Reasonable belief	A belief that a reasonable person would form based on available information, facts or observations, even if all details are not known and evidence has not yet been tested. A reasonable belief is more than a suspicion or concern but does not require proof or certainty.
Fair-minded	Acting in an unbiased and impartial way, considering all available information and circumstances objectively. A fair-minded person would form a belief or make a decision without prejudice, favouritism, or preconceived assumptions. This concept underpins the idea of a reasonable belief.
Notifier	A person who raises a concern or allegation about reportable conduct to the head of the reporting entity, the Commission, police or another appropriate body. The identity of notifiers may be protected under other relevant legislation (such as the *Child Protection Act 1999* or the *Youth Justice Act 1992*).