National Institute of Construction Skills

Reportable conduct

Responding and investigating a report

Purpose

NICS is committed to being a Child Safe Organisation and maintaining safe, inclusive, supporting and respectful learning environments where children and young people are protected from harm.

This policy outlines how the MPA CEO (or their delegate) responds and investigates Reportable Conduct.

Scope

This policy applies to:

- The Board of Directors
- Chief Executive Officer (CEO)
- Executive Management
- Compliance & Academic Governance
- Trainers, assessors, administration staff, contractors

All corporate, academic, funding, safety, data and financial operations of NICS

Definitions

- **Child:** Any individual under 18 years of age.
- **Child harm or abuse:** Refers to any action, behaviour, or treatment that causes or is likely to cause physical or emotional harm to a child or young person. This includes physical and emotional harm including bullying, and cyberbullying, sexual abuse, accidental injury, neglect, and exposure to family violence.
- **Cultural Safety:** Practices that respect and uphold the cultural identity of children, particularly First Nations children.
- **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. It may be a once off or series of events.

Types of reportable conduct

Child sexual offence	Sexual acts with a child under 16; grooming; indecent treatment; showing pornography; sending sexual messages.
Sexual misconduct-committed in relation to, or in the presence of a child	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. It may be one-off or a pattern of behaviour.
Ill-treatment of a child	Excessive or degrading demands; pattern of hostile or degrading comments of behaviour; using inappropriate forms of behaviour management, verbally abusing a child.
Physical violence	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

Behaviour that causes significant emotional or psychological harm	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. 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.
Significant neglect	See table 1

Reporting requirements of MPA CEO (or their delegate):

What	When	How	Includes
Criminal or suspected criminal conduct	At the earliest opportunity	Contact Queensland Police Service	As much information as possible (see initial report details for guidance). Advise QPS of any proposed internal investigations – in some circumstances they may direct to pause of not commence an investigation and NICS must comply with this.
Notification (initial report)	Within 3 business days	Via email, in person, post or online: https://www.qfcc.qld.gov.au/forms Template available: https://www.qfcc.qld.gov.au/sites/default/files/form-reportable-conduct-initial-report.pdf	• 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.
Investigators contact details	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

Interim report	Within 30 business days	Via email, in person, post or online: https://www.qfcc.qld.gov.au/forms Template available: https://www.qfcc.qld.gov.au/sites/default/files/form-reportable-conduct-interim-report.pdf	• 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	As soon as practical	Via email, in person, post or online: https://www.qfcc.qld.gov.au/forms Template available: https://www.qfcc.qld.gov.au/sites/default/files/form-reportable-conduct-final-report.pdf	• 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	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.

Reportable conduct scheme procedure:

As soon as the MPA CEO 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.

Reasonable belief

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:

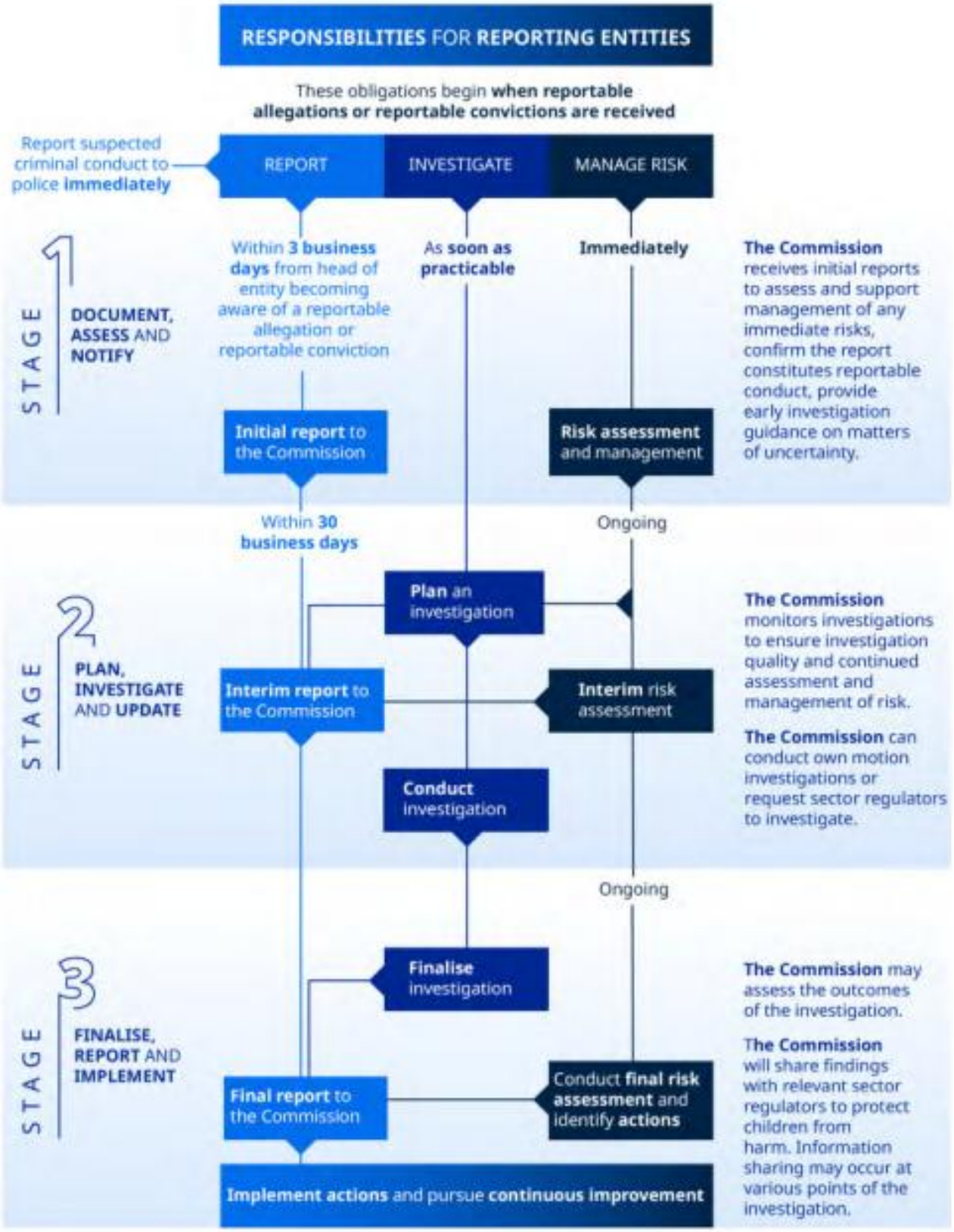
- Certainty or proof
- A final conclusion or finding about what happened
- The same as a substantiated finding.

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.

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



Stage 1 – Document Assess and Notify:

Step 1: Receiving the allegation

The MPA CEO consider the following questions:

- What risks need to be managed immediately?
- Is the allegation documented?
- Have all the required details been obtained?
- Is there a reasonable belief that a worker has committed reportable conduct?
- Are 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?

Records of any investigation will be kept on the workers / previous workers HR file , which is kept secure and confidential, accessible only to relevant staff.

When an allegation or report is received, the MPA CEO will assess whether the matter is a reportable allegation, taking into consideration:

- 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? – if so, notify Queensland Police Service as soon as possible and follow their direction on if any internal investigations should be paused.

The MPA CEO will also 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.

Step 2: Immediate risk assessment and actions

The MPA CEO will identify, assess and manage risks as soon as a reportable allegation or conviction is received and throughout the entire investigation process.

Initial risk assessment

The primary consideration must be the protection of children and young people from harm and prioritisation of their wellbeing and best interests. The MPA CEO will 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 following things will be considered as part of the 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.

The MPA CEO will consider whether coordination is required with the Queensland Police Service, including consultation to ensure any internal investigations don't compromise an external investigation.

Risk management

Risk management involves identifying risks, assessing their likelihood and potential harm and taking proportionate action to reduce or eliminate those risks. The primary purpose is to keep children safe while maintaining fairness to the worker and protecting the integrity of the investigation.

Immediate risk management actions may include:

- Increased supervision
- Modified duties or relocation
- Removal of access ammonite (the LMS), and or NICS SharePoint
- 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.

Protecting children and families

NICS will prioritise children and young people's safety and wellbeing through:

- Supporting families and carers
- Minimising further exposure to risk
- Appropriately informing parents or carers throughout an investigation process
- By communicating in ways that recognise the impact of trauma, avoid causing further harm, and promote safety, respect and trust
- Ensuring communication, assessment, and risk management is accessible and culturally safe
- Consideration of risks arising from family and domestic violence

Communication with families and carers will be documented (where appropriate).

Protecting the worker

Risk management will must also consider the worker subject to the allegation. NICS will:

- Provide access to an appropriate level and type of support for the worker, such as counselling or a support person
- Consider 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 NICS's policies and procedures
- Consider if the worker remains in the workplace, what duties they will undertake and who will monitor and asses any associated risks.
- Maintain the worker's privacy in accordance with relevant privacy laws and organisational policies.

The risk management actions taken in response to the immediate risk assessment will be reported to the Commission through the initial report.

Step 3: Notify the Commission (three business days)

The MPA CEO 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).

Initial reports will be:

- Timely
- Clear, factual and concise
- Child-centred
- Supported by documentation
- Identify any parallel processes
- Contextual where relevant

To provide initial reports that meet these requirements, the MPA CEO will ensure:

- Accurate, known information is provided: systems
- Internal reporting pathways are clear to all workers
- Immediate safety is managed and documented
- Any known conflicts of interest are declared
- Information is shared as per legislative requirements with relevant reporting entities
- Information is kept confidential
- Records are complete and well organised

The MPA CEO will complete the initial report using the Commissions template report to ensure all of the required information is captured https://www.qfcc.qld.gov.au/sites/default/files/form-reportable-conduct-initial-report.pdf

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.

The State of Queensland (Queensland Family and Child Commission) *Guidelines for implementing a Reportable Conduct Scheme in Queensland. Pg. 35*

Stage 2 – Plan, Investigate and update

Appointing an investigator

The MPA CEO will ensure an investigation is commenced as soon as practicable and provide information to the Commission about the investigation.

NICS will engage the services of a suitably skilled and qualified investigator to ensure all legislative requirements are adhered too, to avoid any conflict of interest, and ensure the interest and needs of children, their care takers, and the worker are considered.
When sourcing an investigator NICS will ensure they have relevant experience and training, up-to-date training relevant to investigations, and provide evidence of current and appropriate qualifications or credentials and demonstrate cultural safety and inclusion with regards to how the investigation will be carried out.

NICS will work with the investigator to identify how will risks to children, other workers, and the integrity of the investigation be identified and managed throughout the process. Also to ensure any concurrent investigations are not compromised.
The MPA CEO remains responsible for ensuring that investigations are conducted appropriately, regardless of whether they are undertaken internally or outsourced to an external investigator.

Investigations following best practice will:

- 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 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 were 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.

Notification of investigator

Upon NICS notifying the Commission about a reportable allegation must, they will 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

Making an investigation plan

MPA CEO or delegate, together with the investigator will formulate a suitable development plan. Where MPA CEO is the subject of the allegation a suitable delegate will work with the investigator.

Conducting an investigation

MPA CEO will support the investigator in conducting their assessment. They will also ensure:

- Children are protected at all stages of the process via interim safety plans and monitoring.
- Records are maintained
- Confidentiality is maintained
- Procedural fairness is observed
- A letter of allegation to the worker is accurately prepared and provided to them
- Ongoing risk assessments occur and are reported to the Commission through the initial, interim, and final reports

Stage 3 – Finalise, report, implement

MPA CEO will support the investigator in finalising their assessment. They will also ensure:

- A finding is made and reported to the Commission
- A final risk assessment is undertaken
- The final report is submitted to the Commission
- That NICS acts promptly on identified actions
- All communication to the matter is carefully managed
- Notify the worker of final findings and any employment or disciplinary outcomes, and support and review processes (where appropriate)
- Continue to offer trauma-informed support to children and their families
- Support impacted staff
- Maintain comprehensive and secure records

Continuous improvement

MPA CEO will use the investigation findings to improve systems and safeguarding culture. This will include:

- 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

Table 1 - 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

References

This document was copied and adapted from: The State of Queensland (Queensland Family and Child Commission) *Guidelines for implementing a Reportable Conduct Scheme in Queensland*.

Roles and Responsibilities

Role	Responsibilities
Board of Directors	Strategic risk oversight, approval of risk framework
CEO	
Executive Management	
Compliance Officer	
WHS Officer	
Data & Reporting Officer	
All Staff	Identify harm / risk of harm and report immediately

National Institute of Construction Skills

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All Qualifications on scope of Registration

Authorship and Approval

Name	Position	Role	Action Date
Dayna Price	Accredited Mental Health Social Worker	Author	27/10/2026
Lauree Skene	RTO Compliance Coordinator	Reviewer	27/10/2026

Version History

Version No.	Action Date / Person	Summary of Revisions
One (1)	27/10/2026 L. Skene D. Price	• Development of document inline with National Child Safety Principles. • Discussions on document layout to make document easy to read and transparent with clear information for staff, parents, and youths to understand.

Distribution List

Position	Name	Notes / Area
President	Chris Munday	Document will be circulated to all relevant NICS, MPA and WetTrade staff. As well as being published on the NICS website for unrestricted access to all.
General Manager (GM)	Todd Aitken	
RTO Compliance Coordinator	Lauree Skene-Gordon	
Head Trainer	Ruby Harrison	
Administration Support	Paige Reynolds	
Finance / HR Manager	Christina Osbourne	