



An Introduction to the Reportable Conduct Scheme for the ACT community (including parents)

The ACT Ombudsman is responsible for the Reportable Conduct Scheme (the Scheme). The following information helps the ACT community, including parents, understand important parts of the Scheme and what to expect if they make a complaint or report about reportable conduct.

About the Reportable Conduct Scheme

The Scheme aims to improve child safety by overseeing how certain organisations in the ACT prevent and respond to allegations of reportable conduct toward children and young people by employees¹, volunteers and carers.

The Scheme requires certain organisations to report allegations of reportable conduct to the ACT Ombudsman under the *Ombudsman Act 1989* (Ombudsman Act).

The Scheme does not replace reporting requirements such as mandatory reporting to ACT Policing, Child and Youth Protection Services (CYPS) or other regulatory bodies.

You can read more about how the Scheme works and the organisations it covers on our website at ombudsman.act.gov.au

What is reportable conduct?

Reportable conduct covers allegations or convictions of child abuse or misconduct toward children and young people. Organisations must report allegations of reportable conduct by an employee, volunteer or carer, including:

- sexual offences and convictions where a child is a victim or is present
- offences against the person, including physical offences and convictions, where a child is a victim or is present
- conviction, or finding of guilt, under a territory law or a state or Commonwealth law, involving reportable conduct
- offences against the Education and Care Service National Law (inappropriate discipline or offences relating to protecting children from harm)
- ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, and restrictive intervention)
- neglect
- psychological harm
- misconduct of a sexual nature.

¹ For purposes of this practice guide, all references to employees should be read as including all types of employment relationships covered under s 17D of the Ombudsman Act.

Contact us

ombudsman.act.gov.au
1300 362 072

GPO Box 442
Canberra ACT 2601

For more information see *The ACT Ombudsman Practice Guide No. 2* on our website at ombudsman.act.gov.au

What should I do if I have reportable conduct information?

If you have information about reportable conduct, you should tell the organisation where the person works as a volunteer or carer. You should be able to make a complaint using the organisation's complaint process.

You may need to report significant harm or abuse to other agencies, for example ACT Policing or CYPS. If you think criminal conduct occurred, you should first report to the police.

What happens if my child is part of a reportable conduct incident or investigation?

A person from the organisation should tell you if your child is involved in an alleged incident of reportable conduct. They may tell you:

- the nature of the alleged incident
- how they are going to respond and investigate
- where you and your child can get support, if you need it.

The organisation will notify the ACT Ombudsman of the reportable conduct allegation and investigate.

As the investigation progresses, the organisation may want to speak to you or your child about the incident. If this is necessary, the organisation should work with you to ensure you and your child are supported throughout the process. It is not compulsory for your child to participate in the process.

At the conclusion of the investigation the organisation will record its finding, take any required action to address and provide a final report to the ACT Ombudsman. The organisation may also share information with CYPS, ACT Policing or other regulatory bodies.

Throughout the investigation process, the organisation can provide you with information about the progress and outcome of the investigation. However, this needs to be balanced with the organisation's responsibility to respect the privacy and confidentiality of others.

What you may be told about a reportable conduct allegation/investigation

Organisations can disclose 'investigation information' to a parent (a person who has parental responsibility for the child), or if the child is in out-of-home care, to their carer (section 17L of the Ombudsman Act).

Organisations need to think about the risks or dangers of giving information to others. Organisations should respect privacy and confidentiality. An organisation may not give you information, if it may:

- jeopardise another investigation for example a police or CYPS investigation, and/or
- cause harm to another person for example a child, young person, witness or employee.

What is 'investigation information'?

The definition of 'investigation information' (section 17D of the Ombudsman Act) includes:

- information obtained because of an investigation into a reportable conduct allegation or reportable conviction conducted by the organisation
- information about the progress, conduct or findings of the investigation
- action taken because of the findings.

What happens if an allegation of reportable conduct is raised against me?

An allegation of reportable conduct may be raised against you if you are an 'employee' of an organisation, this includes if you:

- work or volunteer at an organisation covered by the Scheme
- are a foster carer
- are kinship carer.

If a reportable conduct allegation is raised, the organisation where you work, volunteer or are a registered carer of is required to report the allegation to this Office. The organisation may investigate the reportable conduct allegation against you.

If an allegation is made against you, the organisation will advise you of the exact nature of the allegation and provide you with an opportunity to respond.

Once the investigation is finished, the organisation will analyse the information it gathered and make a finding about whether the alleged conduct 'is more likely than not' to have occurred, if it rises to reportable conduct and any action it may intend to take.

The organisation should tell you of its proposed finding and action and provide you with an opportunity to respond. The organisation should consider any response you provide before finalising its finding and actions. It will then tell you the final outcomes.

You can find out more about how organisations respond to allegations of reportable conduct on our website: act.ombudsman.gov.au.

You can also make a complaint (see *How do I make a complaint about how reportable conduct is being managed* below)

What is the ACT Ombudsman's role?

The ACT Ombudsman is independent and impartial. The ACT Ombudsman has many responsibilities, including overseeing the Scheme. The ACT Ombudsman will:

- oversee reportable conduct investigations
- review final investigation reports and consider if the reportable allegation was properly investigated and proper action was taken by the organisation
- share information with police and key organisations to better protect children and young people from abuse
- in some circumstances, investigate an allegation or conviction of reportable conduct
- monitor organisations' policies and practices to make sure they prevent and properly deal with reportable conduct
- take complaints about how an organisation is responding, or not responding, to an allegation or conviction of reportable conduct.

For more information about the ACT Ombudsman's role, see *The ACT Ombudsman Practice Guide No. 1 and No. 9* on our website at ombudsman.act.gov.au

How do I make a complaint about how reportable conduct is being managed?

You should raise your concerns with the organisation. They should have policies and procedures for responding to reportable conduct allegations and handling any related complaints.

If your complaint is not resolved, you can complain to us. We may investigate complaints about how an organisation is responding or not responding to an allegation or conviction of reportable conduct. You can make a complaint by telephone on **02 5119 5520** or email: act@ombudsman.gov.au

You can find more information about making a complaint on our website at ombudsman.act.gov.au

More information is available at ombudsman.act.gov.au

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the ACT Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to legislation.act.gov.au