

# An Introduction to the Reportable Conduct Scheme for Employees

The ACT has a Reportable Conduct Scheme to oversee how organisations prevent and respond to allegations of child abuse and misconduct. This introduction for employees provides a broad description of the elements of the scheme.

The Reportable Conduct Scheme (the scheme) addresses organisation-related child protection.

Certain organisations who work with children are covered by the scheme and will need to report to the ACT Ombudsman. Broadly, 'reportable conduct' covers allegations or convictions of child abuse or misconduct toward children.

The scheme does not interfere with reporting obligations to ACT Policing or Child and Youth Protection Services (CYPS) or any other relevant professional bodies. If organisations suspect criminal conduct has occurred, they should report to police in the first instance.

## What is reportable conduct?

Organisations must report allegations or convictions concerning child-related misconduct by an employee including:

- ill-treatment of a child (including emotional abuse, and hostile use of force)
- neglect
- psychological harm
- misconduct of a sexual nature
- sexual or physical offences and convictions where a child is a victim or is present
- inappropriate discipline or offences relating to protecting children from harm in accordance with the provisions of the Education and Care Service National Law (ACT) Act 2011.

For more information about reportable conduct, see *The ACT Ombudsman Practice Guide No. 2: Identifying Reportable Conduct* on our website: [ombudsman.act.gov.au](http://ombudsman.act.gov.au)

## Who is an organisation?

Organisations covered by the scheme are referred to as 'designated entities' and include:

- all ACT directorates
- health service providers
- out of home care, kinship and foster care
- residential care organisations

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- government and non-government schools
- a religious body
- child care services
- education and care service providers, such as after school care.

Some organisations providing services to children that are **not covered** under the scheme include:

- sporting clubs
- organisations which provide instruction in a particular activity (e.g. ballet, piano, swimming)
- Scouts and Girl Guides
- Universities.

The scheme also does **not cover** personal arrangements made for the education and care of children (e.g. babysitting arrangements or private tuition).

## Who is an employee?

All employees under contract of employment with a designated entity are included in scope of the scheme. This includes employees that do not work directly with children. Volunteers, contractors or employees of an organisation providing services on behalf of a designated entity, are also considered to be employees, but only if they are engaged to provide services to children.<sup>1</sup>

For a religious body, an employee includes:

- a minister of religion
- a religious leader or an officer of the religious body
- a person under a contract of employment
- a person engaged by the religious body to provide services, such as a volunteer or contractor (regardless of whether or not they provide services to children).

Conduct occurring in either a professional or personal capacity is reportable for anyone defined as an employee under the scheme. For example, conduct by an employee, while volunteering in a personal capacity, can be considered by an organisation who falls under the reportable conduct scheme.

## What does an organisation need to do?

Organisations in the scheme:

- need to notify the Ombudsman about any reportable conduct allegations or convictions involving an employee. Contact as soon as possible is encouraged to allow for consultation, but an organisation must report no later than 30 days after becoming aware of the conduct
- are expected to investigate any allegations of reportable conduct and must provide a final report to the Ombudsman
- report to other entities as required (for example, ACT Policing, CYPs, Access Canberra, Teacher Quality Institute, Children's Education and Care Assurance, Human Rights Commission etc.)
- adjust their policies and procedures to reflect their new responsibilities under the scheme and educate employees about these.

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<sup>1</sup> Note that the requirement to provide services to children does not apply in the case of religious bodies.

## What does an employee need to do?

Employees working for an organisation in the scheme may wish to:

- seek guidance from their organisation about policies and workplace procedures relevant to the scheme
- clarify with their organisation how to appropriately respond to reportable conduct allegations which come to their attention and which relate to an employee
- visit the ACT Ombudsman website for more information relating to the scheme.

## What is the ACT Ombudsman's role?

The Ombudsman will:

- monitor organisations' investigations and procedures and provide guidance and support
- share information with police and key organisations to better protect children from abuse
- take complaints about the handling of reportable conduct
- provide guidance and support to entities on best practice, including conducting investigations that are procedurally fair
- consider investigating an allegation or conviction in limited circumstances
- monitor organisations' policies and practices for the prevention of child abuse and related misconduct.

## Contact

We may be contacted using the details below.

**Telephone:** 02 6276 3770

**Email:** [act@ombudsman.gov.au](mailto:act@ombudsman.gov.au)

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More information is available at [ombudsman.act.gov.au](http://ombudsman.act.gov.au).

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